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POLICE SCIENCE

HANDWRITING IDENTIFICATION VS. EYE WITNESS IDENTIFICATION

ORDWAY HILTON

Ordway Hilton is an Examiner of Questioned Documents in New York City and Police Science Editor of this Journal. In 1938 he was appointed to the Chicago Police Scientific Crime Detection Laboratory as Staff Document Examiner; subsequently served for over two years as a Handwriting Identification Specialist with the U. S. Naval Intelligence Service during World War II; entered into private practice in 1946 in New York City as an associate of Elbridge W. Stein; and has maintained this practice since Mr. Stein's retirement in 1951. Mr. Hilton is a member of the American Society of Questioned Document Examiners and since 1952 has been Chairman of the Questioned Document Section of the American Academy of Forensic Sciences.—MANAGING DIRECTOR.

Christopher Emanuel Ballestrero was identified by four eye witnesses as a hold-up man. These witnesses accused him of armed robbery of an insurance office. Their identification was based not upon a single robbery, but upon two crimes committed by the same man at an interval of approximately six months. But Ballestrero was not the man. He was absolutely innocent. Yet he had to undergo arrest and pretrial confinement before his name was finally cleared by the confession of the actual robber.

This story has been presented in detail in two national publications, *Life* and the *Reader's Digest*.¹ These write-ups tell of his arrest, his ordeal, the start of trial, the mistrial, and his further anxious waiting before the second trial could start. They tell how six days after the judge had declared a mistrial the actual criminal was apprehended and confessed. What these accounts do not reveal is the fact that an examination of Ballestrero's handlettering and comparison with the handlettered note used in the second robbery established conclusively that the four witnesses were in error when they accused him of committing the second robbery. It is this aspect of the story that concerns us now.

THE ROBBERIES AND ARREST

Before discussing the handlettering and how it proved Ballestrero innocent, let us review briefly the story of these two crimes. On July 9, 1952, a New York City office of the Prudential Insurance Company of America was held-up by a bandit with a gun and \$200 in cash obtained. Five months later on December 18, 1952, the same man entered the same office and laid on the counter a small slip of paper which contained the following message. (Illustrated in Figure 1). "This is a gun I have pointed at you be quiet and you will not be hurt give me the money from the cash draw" He was given \$71 in cash on this occasion.

¹ The original article appeared in *Life*, June 29, 1953, and was condensed as "A Case of Identity" in the *Reader's Digest*, October, 1953.

THIS IS A GUN I HAVE
POINTING AT YOU
BE QUIET AND YOU WILL
NOT BE HURT
GIVE ME THE MONEY
FROM THE CASH DRAW

Figure 1

A Robbery Note

This reproduction was assembled from sectional, field photographs of the document made at the District Attorney's Office.

On January 13, 1953, Ballestrero visited this same office to negotiate a loan on his insurance policies. The following evening police officers came to his home and took him into custody. After bringing him to the police station, they questioned him in detail about the two robberies and about his need for money. They asked him to letter six writing samples, using the exact words from the robbery note. (See Figure 2). Nervous and upset, Ballestrero prepared these lettering specimens. Later in the evening two of the four employees from the insurance office visited the police station and from a lineup picked Ballestrero as the hold-up man.

With this identification Ballestrero was arraigned for assault and armed robbery

THIS IS A GUN I HAVE
POINTED AT YOU BE QUIET
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Figure 2

One Of Six Request Specimens Written by Ballestrero

A reproduction assembled from sectional, field photographs of one of the six request specimens lettered by Ballestrero. These specimens made up an excellent set of standards which revealed a free, natural, consistent lettering absolutely devoid of any suggestion of disguise.

and held on \$5000 bail. After being held in custody for twenty-four hours his family was able to raise bail.

Former State Senator Frank D. O'Connor was retained as defense counsel. One of his first steps to verify his client's claim of innocence was to retain the services of a handwriting identification expert. Mr. O'Connor also developed the other aspects of the case very effectively so that he could establish by disinterested witnesses that Ballestrero could not have been at the crime scene at the time of either robbery.

THE HANDLETTERING EXAMINATION

Arrangements were made for the examination of the six request specimens which Ballestrero had prepared for the police. In addition other specimens of his lettering were submitted for study. These consisted for the most part of State and Federal Income Tax Returns that had been prepared prior to the date of either crime. These latter standards were very important because they were an excellent means of verifying the representativeness of the six request specimens which were in the hands of the prosecutor.

In lettering the robbery note the hold-up man had misspelled the last word "drawer," writing it as "draw." (Figure 1). For some unknown reason Ballestrero left off the "er" of this same word in one of the six samples he prepared. The word was correctly spelled in the other five. Because of this and the fact that both he and the robber had lettered entirely with capitals except for the "y" which was a lower case form, the police and the prosecutor were convinced that Ballestrero had written the note. While there was a general similarity in the lettering, there were a series of small differences, repeated time and again, which proved conclusively that Ballestrero did not write the robbery note.

One of the basic premises of handwriting identification is that two specimens of handwriting or handlettering must have been prepared by different writers if they contain a series of repeated differences. If these differences occur in the inconspicuous details of the writing, they assume even greater value. Differences of this nature are fundamental. They cannot be the results of deliberate disguise, for disguise is generally confined to the prominent features of the writing. When Ballestrero's lettering was compared with the robbery note, there was a general similarity, but the repeated, small differences proved his innocence.

After a study of the six request specimens and a comparison of them with Ballestrero's other lettering, it was apparent that the request lettering was truly representative. Figures 3 and 4 show a comparison of his request and earlier lettering with the same letter from the robbery note. The illustrated divergencies are consistently repeated. They are not the only dissimilarities by any means, but they are among the more significant. A detailed analysis and comparison of the outstanding differences between the two sets of writing follows.

THE BASIS OF NON-IDENTITY

G

Ballestrero forms a "G" by two separate strokes (Figure 3). He takes the pen from the paper at the end of the "C" portion and then writes separately an inverted "L"

Figure 3

A Section of the Comparison Charts Prepared For Trial

In each three column comparison the left hand column is Ballestrero's lettering taken from the request specimens written after his arrest; the right hand column, from his lettering which appeared on tax forms prepared a year or so before his arrest. The letters and words shown in the columns headed "Robbery Note" are *all* of the examples found in the note.

to form the horizontal bar and downstroke. In contrast, the three "G's" in the robbery note are written continuously. After the "C" portion is formed, the pen moves back with a sharp angle or slight retracing in a simple horizontal stroke. There is no interruption or pen lift. There is no final downstroke. These fundamental and basic differences, standing alone, are sufficient to give rise to a serious doubt that Ballestrero wrote the robbery note.

BE

The simple word "BE" occurs twice in the robbery note (Figure 3). Upon study and comparison with Ballestrero's lettering the "B" reveals further significant dissimilarities in its details. Ballestrero's "B's" consist of a simple downstroke, and then the entire right portion of the letter is formed with a second writing movement. In

Figure 4

A Section of the Comparison Charts Prepared For Trial

(See figure 3 for explanation as to the source of material).

every instance the center stroke of the letter is a small loop or retracing which extends far enough to the left to touch or almost touch the initial downstroke. The "B's" of the robbery note are also written in two distinct sections, but there is no central loop or retracing. The omission of this retrace or loop is a significant difference. Thus, the "B" in combination with other repeated divergencies establishes that Ballestrero did not write the robbery note.

The relative or proportional size of characters plays an important role in identifying handprinting. Consequently, the fact that the initial "B" in Ballestrero's writing is consistently somewhat larger than the following "E", "A", or "L", while in the robbery note the "B" and the "E" are of the same size, is further evidence of the two writers rather than one.

R

There are likewise differences in the details of the "R's" (Figure 4). Ballestrero forms his with two separate strokes, the downstroke on the left and then the balance of the letter in one continuous operation. Occasionally, however, he joins the oval part with the vertical line by using a long curving upstroke. The writer of the robbery note uses three distinct strokes instead of two—the downstroke, the upper enclosure of the letter, and the final diagonal leg starting well to the right of the downstroke. The addition of these fundamental dissimilarities between the two letterings fortifies the conclusion that the robbery note is not in Ballestrero's writing.

YOU

Figure 4 also shows several examples of "YOU" by Ballestrero compared with the two in the robbery note. Both sets of "Y's" are of the same general form, but they differ in a basic detail—in the ratio between the depth of the left trough to the length of the downstroke. In Ballestrero's lettering the total length of the downstroke is about twice the depth of the trough; in the robbery note it is at least three times as long as the trough is deep. Thus, what first appears to be an important general similarity between the robbery note and Ballestrero's writing actually becomes, upon detailed examination, a highly significant difference.

The combination of all these differences and many others establishes conclusively that Ballestrero did not letter the robbery note, and this was the opinion the writer rendered before the trial of the case. Since there was not the slightest suggestion that more than one person was involved in the crime, this document examination evidence should have served as an important warning signal that the eye witnesses were mistaken in their identification. An innocent man may have been spared the ordeal of a criminal trial.

CONCLUSION

In any crime in which handwriting is an element, scientific identification of the writing is the most accurate means of identification. Eye witnesses to a crime are from time to time mistaken. The Ballestrero case is not the first instance where handwriting has shown them to be in error. In one case 13 individuals identified a man as having given receipts for money, but after he was imprisoned, the frauds continued. Handwriting identification ultimately established his innocence. A prosecutor or defense attorney should always explore the question of who prepared the handwriting. The eye witnesses may be correct, but scientific examination of the writing is certainly a more accurate method for establishing the facts.