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Police Science Legal Abstracts and Notes

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theories and practical applications under discussion raised challenges which must be met in the future.

1. More Adequately Trained Lawyers.
2. Earlier Representation for Accused Persons.
3. Scientific Procedures Must Be Made Available to the Accused.
4. Scientific Evidence Must Be Properly Used in Court.
5. There Must Be More Scientific Experts with Forensic Experience.

The future challenges outlined merit most serious attention. The primary action required to meet these challenges and to solve their problems is the mutual exchange of information on the subject matter. A central clearing house, a mutual exchange and sharing of common experiences are the seeds from which will grow the rule of law in our world community. As servants of the law and of humanity, let us all resolve to undertake the tasks so desperately needed—to dignify the human being, to preserve his integrity, to replace violence with law, to use science as our servant not our master. From our humble efforts may well rise the world of tomorrow when peace, freedom, and abundance shall be the blessings of all mankind. (WEK)

Oxygen Warning!—J. D. Shirer, *Law and Order*, 8(4): 26, 62 (April, 1960). The author points out the double hazard of mistaken identity of CO₂ and oxygen cylinders, both painted green and available on the market. Interchange of CO₂ for O₂ in portable resuscitators can cause asphyxiation, and the

use of O₂ in pellet guns can cause explosive combinations with grease therein. (JDN)

Planning for Bomb Incidents—C. Robert Lovi, *Law and Order*, 8(4): 52 (April, 1960). Discusses plan at Stanford University used in bomb incidents. Stresses safety for occupants. Where time element is suggested, "Bomb to go off at —," it is recommended that search and work on bomb be discontinued 15 minutes prior to that time and until safe period following. Delineation of authority and procedure is given. (JDN)

Identification of Voice on Sound Tape—Von S. Oehlinger, *Kriminalistik* 13(4): 152-5 (April, 1959). Grammar, mannerisms of speech, phonetics, even timbre of voice as shown by wave forms may be used to show the individuality of the speaker. Tempo, tone range (high or deep), speech pathology are also useful for identification by voice. (JDN)

New Products

Identi-Kit—A system of building visual likeness of suspects from transparent overlays has been announced by the Identi-Kit Division of the Townsend Company, 1224 E. Delhi Road, Santa Ana, California. Transparent film slides, 4½ x 5½, are assembled into a composite according to the descriptions given by witnesses. Additional individual characteristics can be added as needed. Each slide is coded so that telephonic transmission is possible to other points also possessing the Identi-Kit. (JDN)

POLICE SCIENCE LEGAL ABSTRACTS AND NOTES

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Conviction of Loitering and Disorderly Conduct Based Solely on Statement That Defendant Was Argumentative When Questioned by Police Officers Denies Due Process—Petitioner was found guilty in the Police Court of Louisville, Kentucky, of loitering and disorderly conduct. He was arrested by police officers in a tavern where

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they observed him "on the dance floor, dancing by himself." Petitioner was ordered to accompany the police officers out of the tavern, and he remonstrated with them that he was merely waiting for a bus. The sole basis for the disorderly conduct count was a statement by the police officers that petitioner was very argumentative. There was no testimony that he had raised his voice, used offensive language, or resisted arrest. The only informa-

tion in the record relating to petitioner's argumentation was his statement that he had asked the officers what they were arresting him for. On *certiorari* to the Court of Appeals of Kentucky, the United States Supreme Court reversed, holding that the charges against petitioner were so totally devoid of evidentiary support as to render his conviction violative of the due process clause of the fourteenth amendment. *Thompson v. City of Louisville*, 28 U.S.L. Week 4193 (U.S. March 21, 1960).

Louisiana Holds Obscenity Statute Unconstitutional—Defendant was charged with performing an act of lewd and indecent dancing in a public place. The Criminal District Court of the Parish of Orleans quashed the information and the state appealed. The statute involved made it a crime to perform in any public place or in any public manner "any act of lewdness or indecency." The statute did not describe the type, kind or character or proscribed conduct or the purpose of the legislature in adopting it. The Supreme Court of Louisiana affirmed, holding the statute unconstitutional on the ground of indefiniteness as applied to defendant's strip-tease act. *State v. Lilly Christine, alias "Cat Girl"*, 118 So.2d 403 (La. 1960).

Common Drunkard Statute Held Unconstitutional—Petitioner was convicted of vagrancy on the ground that he was a common drunkard and that he remained in a public place while intoxicated. He filed a writ of habeas corpus, challenging the validity of the statute under which he was imprisoned and claiming a denial of his rights under the state constitution. The Supreme Court of California granted the writ and vacated the conviction. The court held that the provision of the penal code declaring that every "common drunkard" is a vagrant was unconstitutionally vague and uncertain, and that since the statutory phrase was ambiguous on its face, it violated the constitutional requirement that all laws of a general nature must have a uniform operation. *In re Newbern*, 3 Cal. Rep. 364 (Cal. 1960).

Medical Examination One-Half Hour After Alleged Drunken Driving Not Too Remote in Time—Petitioner was convicted of driving a motor vehicle while under the influence of intoxicating liquor. He was arrested by police officers while attempting to drive his car out of a ditch. Admitted into evidence was the testimony of a doctor who observed petitioner's condition approximately one-half hour after the alleged offense. The doctor testified, over objection, that in his opinion the petitioner was under the influence of intoxicating liquor. The Supreme Court of Vermont affirmed the conviction, holding that the question of remoteness of time was within the sound discretion of the trial court and that no abuse of discretion on the part of the court had been shown. *State v. Parkhurst*, 154 A.2d 466 (Vt. 1959).

Municipal Ordinance Forbidding Distribution of Handbills Which Do Not Bear Name of Author Held Unconstitutional—Petitioner was convicted in the Municipal Court of Los Angeles, California, of a violation of a city ordinance prohibiting the distribution, in any place and under any circumstances, of handbills which did not have printed on them the names and addresses of the persons who prepared, distributed or sponsored them. At the trial, petitioner admitted distributing the handbills but challenged the validity of the ordinance as an abridgement of freedom of speech and press secured against state invasion by the fourteenth amendment. On *certiorari* to the Appellate Department of the Superior Court of the County of Los Angeles, California, the Supreme Court of the United States reversed the conviction. It held that the ordinance was invalid on its face since it was not limited to handbills which were "obscene or offensive to public morals or that advocate unlawful conduct." Were the ordinance so limited, it might be valid as aimed at providing a way to identify those responsible for fraud, false advertising or libel. *Talley v. California*, 28 U.S.L. WEEK 4186, (U.S. March 7, 1960).

(For other recent case abstracts see pp. 240-42.)