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Police Science Book Reviews

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a specific search warrant directed solely to medicinals and herbs made in China and that the seizure of the letters was therefore unreasonable and they should have been excluded.

The Court of Appeals for the Ninth Circuit reversed the district court's decision that the discovery of the letters was incident to a lawful search. The appellate court held that seizure of the letters was unreasonable and that the letters should have been excluded from the trial. The court said that when seized property is not mentioned in a search warrant, the seizure is unreasonable unless the property is an instrumentality of the crime; the letters here were only indicia of the crime. Since the letters were not enumerated in the warrant, and the seizure was not made incident to an arrest, the seizure of the letters was made during a general search and the letters must be excluded. *Woo Lai Chun v. United States*, 274 F.2d 708 (1960).

Corroboration of Informer's Tip Is Probable Cause for Arrest without a Warrant—Defendant was convicted in the Criminal District Court for the unlawful possession of marijuana. On appeal, the Court of Criminal Appeals held that where a public officer received information that a certain automobile would be coming down a certain street in the "next few minutes" and that the driver thereof would have marijuana in his possession, and the officer immediately proceeded to such street

and while stopped at a traffic light the described automobile stopped behind him and as the officer was walking toward the automobile he noticed several suspicious motions by the driver, and smoke coming from the driver's mouth, and the officer thereupon opened the door and observed a burning cigarette on the floor board, the officer had reasonable grounds for believing that the occupant possessed marijuana and was committing a felony in his presence so as to authorize an arrest and search of the driver and the automobile without a warrant. Affirmed. *Sikes v. State*, 334 S.W.2d 440 (Court of Criminal Appeals of Texas, Texas, March 23, 1960).

Oral Encouragement Held Aiding And Abetting—Defendant was convicted in the Circuit Court of Powell County, Kentucky, of voluntary manslaughter as an aider and abettor. On appeal, the Court of Appeals held that one who participates in an affray or by his conduct or oral expressions encourages and assists the actual perpetration of a felony is equally guilty as one who actually commits it, though the Commonwealth is required to show the guilt of a principal in the commission of a homicide (which it did in this case) before there can be a conviction of another person as an aider and abettor. *Oldfield v. Commonwealth*, 334 S.W. 2d 346 (Court of Appeals, Kentucky, February 12, 1960).

POLICE SCIENCE BOOK REVIEWS

Edited by

Richard L. Holcomb*

EVIDENTIAL DOCUMENTS. By *James V. P. Conway*. Charles C Thomas, Publisher, Springfield, Illinois, 1959. Pp. 267. Illus.

Evidential Documents is the newest book to be published on the subject of forged and disputed documents. Its author is James V. P. Conway, examiner of questioned documents and postal inspector in charge of the San Francisco Identification Laboratory, United States Postal Service. He

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is also chairman of the document section, American Academy of Forensic Sciences.

Evidential Documents appears to have been written primarily for the practicing attorney, investigator, and law enforcement officer to acquaint them with the fundamentals of document examination and the proper methods of investigating and presenting document cases. Certain portions of this book dealing with technical applications such as deciphering erasures, obliterations, charred and water-soaked documents, and

identifying anonymous letters also recommend it for purchase by the practicing questioned document examiner.

In general arrangement, the book is divided into twelve chapters including:

- Document Consciousness
- Evidential Signatures
- The Identification of Handwriting
- Handprinting and Numerals
- Handwriting Investigations—The Procurement of Exemplars
- Typewriting
- Anonymous Letters
- Graphology
- Writing Materials
- Miscellaneous Document Problems
- The Document Examiner and Expert Document Testimony.

Chapter I, "Document Consciousness", is an auspicious beginning to this book and should be required reading for every law school student, investigator, and practicing lawyer. In it, Conway has set forth a list of 50 suggestions on how the attorney or investigator, by a simple check list, may be able to uncover suspicious evidence of fraud in the documents that pass over their desks. When alerted to such evidence, they can then consult a qualified questioned document examiner in order to verify or disprove their suspicions.

The chapters on "Handwriting", "Handprinting", and "Anonymous Letters" are most impressive in content, being exhaustive studies of the matter of identifying unknown and anonymous writings from known specimens, including securing standards of comparison.

The chapter dealing with "Graphology" might lead one to believe that Conway had espoused the cause of character interpretation from handwriting. To the contrary, however, he cautions the attorney or others seeking the services of a document expert to beware of the grapho-analyst who claims the ability to chart character and personality traits in handwriting and attempts to make an identification on such nebulous evidence.

While generally condemning this type of handwriting "analysis", Conway suggests that one must not rule out all evidences of personality in handwriting, since writing like other human acts is a manifestation of an individual's physical and mental makeup. In that connection he suggests that all writings be examined for signs of nervousness, marks of lack of mental or manual control, incoherence, unpredictability, education,

exhibitionism, timidity, carelessness, or old age. All of these may be of value when comparing anonymous writings with known specimens.

In the concluding chapter on "Expert Testimony", the author offers many excellent suggestions on the trial of a case involving questioned documents. Included in this discussion is a series of qualifying and direct examination questions which he has personally used in court appearances.

In discussing the status of questioned document testimony in the legal picture as a whole, Conway takes sharp issue with the legal definition "Opinion Evidence" applied to testimony of document experts. The term, he states, is outmoded and frequently used by those opposing the facts to suggest to the judge or jury that the document expert's testimony is "merely an opinion", when in fact this testimony is frequently of the most compelling kind. Contrasted to some other fields of expert testimony, the document examiner is able to illustrate the reasons for his opinion with photographic comparison charts and other types of demonstration. The fact that documentary evidence can be seen, tested, and demonstrated is the prime reason why document examiners seldom oppose each other in court. Conway suggests that a more descriptive term for questioned document testimony should be "expert evidence", although this reviewer would add to this description the term "scientific".

There are only a few criticisms that can be offered with respect to *Evidential Documents*; one is the lack of chapter and section headings which make it difficult to use this book for reference purposes. In certain portions of the book the author tends to use rather cumbersome sentence structure together with words that require reference to the dictionary for definition. It was also noted that there are no footnotes and a complete absence of legal citations. This is perhaps not a valid criticism since questioned document books are seldom revised extensively and any decisions would soon become outdated.

Throughout the book the author has illustrated many of his statements with excellent photographic material. The index, while not as complete as some might desire, is adequate for a book of this type which is obviously not intended to cover in detail all possible ramifications of the subject.

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