

# ***Forensic Forgery Experts***

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## **Questioned Document Examiner Letter**

**Subject: Andrew B. Kelly**

**Date: March 26, 2024**

I have examined one (1) document with the known signature of Andrew B. Kelly. For the purpose of this examination, I have labeled this exhibit '**K1: Signature of Andrew B. Kelly on Page 9, ARTICLE XIII - Statutory Agent and ARTICLE XIV - Amendment dated December 27<sup>th</sup>, 1977.**

Today I have compared the signature of Andrew B. Kelly on the 'K' document to the Andrew B. Kelly signature on the questioned document, identified herein as '**Q1**', to determine if the author of the Andrew B. Kelly signature on the 'K' document is an identical signature of Andrew B. Kelly on the questioned document:

**'Q1': Signature of Andrew B. Kelly, President on Page 24, ARTICLE VIII / MORTGAGES, Section 8.01 and Section 8.02 dated December 27<sup>th</sup>, 1977.**

An examination of handwriting includes establishing patterns of writing habits to help identify the author. Handwriting is formed by repeated habits of writing by the author, which are created by neuro-pathways established in the brain. These neuro-pathways control muscular and nerve movement for writing, whether the writing done is by the hand, foot or mouth.

In support of my opinion, I have included an excerpt from *Handwriting Identification, Facts and Fundamentals* by Roy A. Huber and A.M. Headrick (CRC Press LLC, 1999, pp 50-51) wherein the leading forefathers of document examination in the USA agree that one significant difference in the fundamental structure of a writing compared to another is enough to preclude common authorship:

[Ordway] Hilton stated: "It is basic axiom of identification in document problems that a limited number of basic differences, even in the face of numerous strong similarities, are controlling and accurately establish nonidentity."

[Wilson R.] Harrison made similar comments: "...the fundamental rule of which admits of no exception when handwritings are being compared...is simple – whatever features

two specimens of handwriting may have in common, they cannot be considered to be of uncommon authorship if they display but a single consistent dissimilarity in any feature which is fundamental to the structure of the handwriting, and whose presence is not capable of reasonable explanation.”

[James V.P.] Conway expressed the same theme when he wrote: “A series of fundamental agreements in identifying individualities is requisite to the conclusion that two writings were authored by the same person, whereas a single fundamental difference in an identifying individuality between two writings precludes the conclusion that they were executed by the same person.”

And finally,

[Albert S.] Osborn and others have generally agreed that despite numerous similarities in two sets of writings, a conclusion of identity cannot be made if there is one or more differences in fundamental features of the writings.

### METHODOLOGY

A Meticulous examination of the questioned signature to the known signature was conducted using a side-by-side comparison with the unaided eye, handheld magnifying loupes, microscope, photocopy enlargements, grids, a light table, and metric measuring devices. The scientific methodology used in this examination consists of the ‘ACE’ methodology, which means ‘Analyze, Compare, and Evaluate’. The FBI, U.S. Treasury Department, and the US Postal Services reportedly use this reliable methodology in their questioned document laboratories. ASTM recommends this methodology as the standard in this field. This methodology was also accepted and affirmed by the District of Columbia Court of Appeals in Case No. 08-CF-1361, *Pettus V. United States*. In addition, this examiner adds the Peer Review Methodology, which requests a second independent examination by a qualified handwriting expert.

The techniques promulgated by the scientific community in the forensic document examination field generate reliable results and are generally accepted.

**Based upon thorough analysis of these items, and from an application of accepted forensic document examination tools, principles and techniques, it is my professional expert opinion that the questioned signature of Andrew B. Kelly on ‘Q1’ is identical to the ‘K1’ signature of Andrew B. Kelly. The signature of Andrew B. Kelly on the ‘Q1’ document is an exact duplicate of the Andrew B. Kelly signature on the ‘K1’ document. Therefore, the documents have been altered and/or manipulated and are Fraudulent and Fake.**

I am willing to testify in a deposition or court of law regarding the above-mentioned examination and expert opinion, provided that I am contacted prior to setting a date for such testimony to avoid scheduling conflicts and to allow adequate time for preparation.

Respectfully submitted,

Patricia J. Hale  
Patricia J. Hale

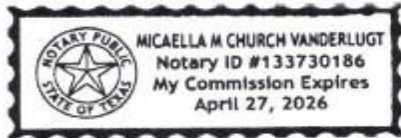
The above Letter of Opinion was sworn and subscribed before me by Patricia J. Hale this 24  
day of March, 2024.

State of Texas

§  
§  
§  
§

County of Grayson

Micaella M Church Vanderlugt  
Notary Public – State of Texas



## LEGAL DATA

### UNITED STATES v. JANET L. THORNTON

*Case No. 02-M-9150-01, decided January 24, 2003*

This issue is governed by Fed.R.Evid. 702, which states as follows:

If scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education, may testify thereto in the form of an opinion or otherwise, if (1) the testimony is based upon sufficient facts or data, (2) the testimony is the product of reliable principles and methods, and (3) the witness has applied the principles and methods reliably to the facts of the case. [This rule was amended in 2000 in response to *Daubert v. Merrell Dow Pharmaceuticals, Inc.* (1993) and *Kumho Tire Co. Ltd. v. Carmichael* (1999).]

In *Daubert*, the court, focusing on the admissibility of scientific expert testimony, held that the trial judge has the task of ensuring that an expert's testimony both rests on a reliable foundation and is relevant to the task at hand. In *Kumho Tire*, the court held that a trial judge's gatekeeping obligation applies not only to testimony based on scientific knowledge, but also to testimony based on technical and other specialized knowledge.

Among the studies cited by Mr. Hammond is a study by Professor Sargur Srihari on the individuality of handwriting. Using handwriting of 1500 individuals, his conclusions were that, using computer software, they were able to establish with a 98% confidence that the writer can be identified. Taking the results over the entire population, they were able to validate handwriting individuality with a 96% confidence. By considering finer features, Professor Srihari opined that they should be able to validate handwriting individuality with a near 100% confidence. A study by Dr. Moshe Kam indicates that professional document examiners had only a 6.5% error rate compared to an error rate of 38.3% for nonprofessionals. Dr. Kam concluded by stating that professional document examiners possess writer identification skills absent in the general population. Another study by Professor Kam indicated that professionals concluded that forgeries were genuine 0.49% of the time whereas laypersons did so 6.47% of the time. Professionals mistakenly concluded that genuine signatories were forgeries 7.05% of the time; laypersons did so 26.1% of the time. Another study by Jodi Sita, Brian Found and others found that forensic document examiners made errors in 3.4% of their opinions, while 19.1% of the control group gave erroneous opinions.

The above studies provide solid evidence that handwriting individuality can be validated with a very high degree of confidence, and that professional forensic document examiners have developed an expertise and training that allow them to correctly identify a person's handwriting with a much lower error rate than laypersons. On the other hand, the affidavit, of Dr. Saks raises legitimate questions concerning the validity of these studies and the accuracy of handwriting identification in general.

However, in *Daubert*, the U.S. Supreme Court made it clear that "it would be unreasonable to conclude that the subject of scientific testimony must be known to a certainty; arguably, there are no certainties in science. . . . Science . . . represents a process for proposing and refining theoretical explanations about the world that are subject to further testing and refinement." It is sufficient if the proposed testimony can be supported by appropriate validation, i.e., good grounds, based on what is known.

TOWNHOMES ASSOCIATION, INC.

BY

  
Andrew B. Kelly

Q1A OVERLAYED WITH K1A MATCHED

ATTEST:

  
J. David Harden, Jr.

Q1B OVERLAYED WITH K1B

In no event shall an amendment of these By-laws  
be inconsistent or in opposition to any provision in the Declaration.

ARTICLE VIII

MORTGAGES

Section 8.01. Notice to Association. A homeowner who mortgages  
his dwelling unit shall notify the Association through the management  
agent, if any, or the President or the Board of Directors in the event  
there is no management agent, giving the name and address of his mortgagee;  
and the Association shall maintain such information in a book entitled  
"Mortgagees of Dwelling Units."

Section 8.02. Notice of Unpaid Assessments. The Association shall  
at the request of a mortgagee of a dwelling unit, report any unpaid assess-  
ments due from a homeowner.

IN WITNESS WHEREOF, the Association, a non-profit Arizona Corporation,  
has hereunto caused its corporate name to be signed, its corporate seal  
affixed, and the same to be attested by the signature of its duly autho-  
rized officer this 27<sup>th</sup> day of December, 1977.

Q1A 12/27/1977

TOWNHOMES ASSOCIATION, INC.  
BY Andrew B. Kelly  
President

ATTEST:

David Henderson  
Secretary

Q1B 12/27/1977

Q1  
12/27/1977

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QDE  
EXHIBIT



ARTICLE XIII

STATUTORY AGENT

Andrew B. Kelly, of 307 North Ridge Drive, Tucson, Arizona, who has been a bona fide resident of the State of Arizona for at least three years, is hereby appointed the lawful agent of this corporation, for and on behalf of this corporation, to accept and acknowledge service and upon whom may be served all necessary process or processes of action, suit or proceeding that may be brought against this corporation in any of the courts of the State of Arizona, and for all purposes required by law. The Board of Directors of this corporation may revoke this appointment of agent at any time and shall have power to fill any vacancy in such position.

ARTICLE XIV

AMENDMENT

At any annual or special meeting of the members of the corporation, these Articles of Incorporation may be amended in any of the foregoing particulars by the affirmative vote of the then members of not less than three-fourths (3/4ths) of the total number of dwelling units covered by the Declaration, upon notice given, as required by law.

IN WITNESS WHEREOF, we have hereunto set our hands this  
27<sup>th</sup> day of December, 1977.

K1A 12/27/1977

→ Andrew B. Kelly  
Andrew B. Kelly

K1B 12/27/1977

→ J. David Harden, Jr.  
J. David Harden, Jr.

K1  
12/27/1977

-9-  
QDE  
EXHIBIT