

CHARLES M. CONNOR
LATENT FINGERPRINT EXAMINER
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APRIL 10, 2007

CUYAHOGA COUNT PUBLIC DEFENDERS OFFICE
ATTN: MS. TERRIE WEBB, ATTORNEY
1200 ONTARIO STREET
CLEVELAND, OHIO 44113

MS. WEBB,

RE: HARRY BRISCO
CR-06-487410-A

I HAVE PREPARED A STATEMENT REGARDING THE EXAMINATION OF THE EVIDENCE OFFERED BY THE PROSECUTOR'S OFFICE ON WEDNESDAY APRIL 4, 2007 AND HAVE ENCLOSED A COPY FOR YOUR USE IN DEALING WITH THE DEFENDANT

X WHILE MAKING MY EXAMINATION OF THE EVIDENCE, I UNDERSTAND WHY THEY DID NOT WISH TO OFFER COPIES OF IT FOR EXAMINATION. THE LATENT PRINT LIFTS WERE MADE USING GRAY OR LIGHT COLOR DUSTING MATERIALS AND WERE NOT OF THE BEST OF QUALITY. NO MENTION WAS MADE AS TO WHERE THEY WERE TAKEN FROM, EXCEPT THE ONE FROM A VEHICLE WINDOW LATCH. I REALIZE THAT MOST LATENT PRINT LIFTS ARE NOT A PERFECT LIFT OF THE PRINT THAT DEVELOPED AND ARE VERY HARD TO IDENTIFY MOST OF THE TIME. THESE LIFTS WERE MOUNTED ON A CLEAR SURFACE, RATHER THAN A BLACK SURFACE AS RECOMMENDED.

X I ASKED THE YOUNG LADY WITH THE EVIDENCE IF THE DEPARTMENT HAD USE OF THE "AFIS" SYSTEM AND SHE SAID YES. THERE WAS NOTHING OFFERED FOR EXAMINATION THAT INDICATED THAT IT HAD BEEN IDENTIFIED BY THE SYSTEM OR EVEN SUBMITTED TO IT.

MY PAST EXPERIENCE WITH MOST OF THE DEPARTMENTS HAVE SHOWN THEY HAVE A PRINT OUT OF THE LATENT PRINT AND IF A MATCH WAS MADE, A COPY OF THE PRINT WHICH WAS USED TO IDENTIFY THE LATENT PRINT IN QUESTION. ALSO, THE CINCINNATI POLICE WILL PREPARE A PRINT OF THE LATENT LIFT SUBMITTED TO THE AFIS SYSTEM AND THE PRINT WHICH WAS USED TO IDENTIFY THE PRINT SUBMITTED. THEY HAVE STATED THAT THEY USUALLY PREPARED A COPY FOR COURT USE WITH LINES AND NUMBERS ON BOTH DENOTING THE POINTS OF IDENTIFICATION AND USUALLY OFFER A COPY WHEN REQUESTED FOR THE DEFENDANTS ATTORNEY. THEY ALSO REQUIRE THAT ANOTHER LATENT PRINT EXAMINER VERIFY ALL IDENTIFICATION OF LATENT PRINTS BEFORE A REPORT IS PREPARED AND RELEASED TO THE PROSECUTOR.

I FEEL THAT I AM STICKING MY NECK OUT ALERTING YOU TO THIS INFORMATION. A RECENT RULING BY A FEDERAL JUDGE IN THE EASTERN PART OF THE COUNTRY HAS REFUSED THE PROSECUTION TO SUBMIT FINGERPRINT EVIDENCE SINCE THERE WAS NO SCIENTIFIC STUDIES SHOWING THE PROBABILITY OF IDENTICAL PRINTS COMING FROM TWO DIFFERENT FINGERS. I AM APPREHENSIVE THAT THIS RULING COURT MULTIPLY THRU OUT THE COUNTRY AND CAUSE A MULTITUDE OF COURT RULINGS THAT WOULD BE ALMOST IMPOSSIBLE TO ENFORCE, LET ALONG APPLY TO PRESENT AND PAST CASES. AS A LATENT FINGERPRINT EXAMINER, I FEEL THAT THE CHANCE OF TWO PRINTS BEING IDENTICAL AND MADE FROM TWO DIFFERENT FINGERS ARE NOT POSSIBLE, THEY MAY HAVE THE SAME PATTERN OF RIDGES, SAME FLOW LINES, AND EVEN SOME POINTS OF INTEREST ARE LOCATED IN SAME AREA, CLOSE EXAMINATION WILL REVEAL THAT THERE ARE POINTS OF INTEREST THAT ARE NOT IDENTICAL IN BOTH PRINTS AND ARE TO BE CONSIDERED IN THE FINAL ANALYSIS OF IDENTIFICATION.

RETIRED, SPECIAL INVESTIGATOR, BUREAU ALCOHOL, TOBACCO & FIREARMS; LIFE MEMBER OF OHIO IDENTIFICATION OFFICERS, INTERNATIONAL ASSOCIATION OF IDENTIFICATION. PAST PRESIDENT TRI-STATE PROFESSIONAL PHOTOGRAPHERS ASSOCIATION, MEMBER ASSOCIATION OF OFFICIAL ANALYTICAL CHEMIST; LIAISON FOR CHURCH SPONSORED BOY SCOUT TROOP 20 YEARS.

ENCLOSURE

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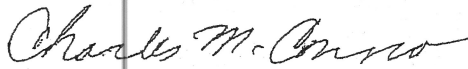
I RECALL THAT WHEN I WAS INVOLVED IN AN A.T.F. CASE IN CLEVELAND SOMETIME IN LATE 1960'S OR EARLY 1970,S THAT THE LOCAL AGENTS WERE CONCERNED THAT THE LOCAL POLICE DEPARTMENT WAS USING EITHER 5 OR 6 POINTS AND WAS TESTIFYING IN COURT WITHOUT AN EXHIBIT IN ONE OF THERE TRIALS WHILE OUR AGENCY REQUIRED AN EXHIBIT WITH USUALLY 12 POINTS OF INTEREST. I REALIZE THAT EACH DEPARTMENT HAS CERTAIN STANDARDS THAT THEY ABIDE BY AND ALSO AN EXPENSE OF PREPARING COURT EXHIBITS AS WELL AS MANPOWER TIME.

I AM CONCERNED THAT WE MAY LOOSE THE ACCEPTANCE OF OUR EXPERT OPINION TESTIMONY WITHOUT THE USE OF AN EXHIBIT TO BACK US UP. I DID NOT HAVE ANOTHER FINGERPRINT EXAMINER AVAILABLE WITH IN THE LOCAL OFFICE, SO WHEN I QUESTIONED MY OPINION, I VISITED THE POSTAL INSPECTORS ACROSS THE STREET, WITH ONLY A LATENT PRINT AND A COUPLE OF KNOWN PRINTS OF SIMILAR PATTERNS AND USUALLY CAME AWAY WITH A POSITIVE IDENTIFICATION. IT WAS THEN I THAT MADE AN EXHIBIT AND PREPARED FOR COURT.

WHILE I AM AWARE OF YOUR LACK OF AVAILABLE TIME TO READ AND STUDY ALL SUBMITTED TO YOU IN EACH CASE, I HOPE THAT YOU WILL TAKE TIME TO RETHINK THIS MATTER AND APPLY IT TO YOUR CASES AS APPLICABLE IN QUESTIONING OF FINGERPRINTS AND THEIR APPLICATIONS IN THE CASE.

I APPRECIATE THE OPPORTUNITY TO HAVE ASSISTED YOU IN THIS CASE AND HOPE THAT SHOULD THE NEED ARISE IN THE FUTURE, YOU WILL CALL AGAIN. SHOULD YOU HAVE ANY QUESTIONS ABOUT THIS LETTER OR STATEMENT, PLEASE CALL ME IMMEDIATELY.

SINCERELY,



CHARLES M. CONNOR
LATENT FINGERPRINT EXAMINER