

BIO MARK FORENSICS

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*Providing
independent
forensic experts
to the legal
profession*

Alcohol Back
Calculations
Audio Evidence
Blood Pattern
Analysis
CCTV Evidence
DNA Evidence
Drugs Evidence
Facial Mapping
Fibres & Hairs
Fingerprints
Firearms
Footwear Marks
Glass, Paint & Dyes
Handwriting
Injury Analysis
Medical Evidence
Medication & Drug
Effects
Pathology
Pharmacology
Psychiatry &
Psychology
Tool Marks
Toxicology



A Case of Identity

By Nikki Smith, BioMark Forensics

*"Mr. ***** was acquitted yesterday of both charges and is now a free man again. Thank you very much for your assistance at such short notice. The reports were incorporated into admissions that went to the jury and I am sure played a large part in securing the acquittal. I hope to work with you again in the future" – Solicitor's comment*

Why Accept It?

I will never forget the time a Solicitor said to me: *"It's fingerprint evidence, of course we always accept it!"*

He had obviously never heard of Andrew Chiory or Shirley McKie or Brandon Mayfield (the list could go on!) ... have you?

We have learnt that it is vital for any evidence served on you to be examined – do not just accept it, even though you may be under pressure to do so.

Of course it is not about fishing expeditions or wasting time and money, but neither is it about accepting one Expert's evidence for an easy life.

We examine many different types of forensic evidence and are often able to highlight important facts that have been ignored and have even found evidence to be incorrect.

Here are examples of just some of the cases our Experts have worked on. What if these people had pleaded guilty because of the supposedly irrefutable forensic evidence?

Blood Pattern Evidence

One of our Experts was instructed to examine blood pattern evidence for a murder case in which a man died following an assault in a pub.

Blood from the Deceased was found on the Defendant's clothing. The Defendant admitted having a scuffle with the Deceased earlier in the evening but denied involvement in the murder.

The Scientist for the Crown only compared the blood pattern evidence with the version of events given by the Police and found it gave strong support to that allegation.

Our Expert considered both alleged scenarios and found that the blood distribution could be explained by either version of events.

The Defendant was found **Not Guilty** of both Murder and Manslaughter.

CCTV Evidence

What better evidence could you get than being able to see the offence happening and the person responsible?

However, we are finding more frequently that the purported identifications of people from CCTV recordings are not as definitive as often alleged, and in some cases have been proven to be wrong.

In addition, it may not actually be possible to see specific actions take place in the video footage, with evidence often 'over-interpreted' by those influenced by other information.

In one case the Defendant had been charged with robbery on a bus, which had been recorded on CCTV.

The Crown served a Police Officer's statement in which he identified the Offender in the CCTV footage as being the Defendant. Our Expert examined the original footage, found it to be of good quality and conducted a 'facial mapping' comparison between the images of the Offender and photographs of the Defendant.

Our Expert found that he could exclude the Defendant from being the Offender!

His report was served on the Crown and the **Case Was Dropped.**



Example only – not from casework

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Crime Scene Examination & DNA Evidence

DNA obtained at a burglary scene from the outside of a window was found to match the Defendant.

However, the Defendant had also been burgled and the Police Crime Scene Examiner had attended the Defendant's home to conduct an examination prior to attending the other burglary scene later that same day.



The question of contamination arose and our Crime Scene Examiner reviewed the evidence.

Based on information and questions raised by our Expert, the Crown's Examiner admitted to Defence Counsel that he may have used the same fingerprint brush at both crime scenes, and, because of research our Expert was aware of regarding the contamination of fingerprint brushes with DNA, the Crown's DNA Scientist confirmed that DNA could have been transferred via the fingerprint brush from the Defendant's home to the other burglary scene.

Fingerprint Evidence

The Defendant had been charged with the armed robbery of a jewellers, in which latex gloves had been left behind at the scene by the Offenders.

A finger mark belonging to the Defendant was said by the Police to have been found on the inside of one of the gloves. The Defendant had a legitimate reason for touching the outside of latex gloves but not for wearing them.

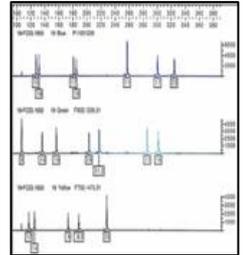
Our Expert advised Counsel that there was no proof in the evidence served by the Crown that the mark was definitely found on the inside of the glove, particularly as latex gloves are often removed in a manner which causes them to be turned inside out.

On cross examination the Police could not confirm if the mark was found on the inside or outside of the glove and the Defendant was found **Not Guilty**.

DNA Evidence

One of our Experts was instructed in an arson case in which the Defendant was accused of setting fire to a car.

A bottle was recovered by the Police from the vehicle on which DNA was found matching the Defendant (with a 'one in a billion' statistic given).



Our Expert examined the evidence and produced a report commenting on various issues, including it not being possible to determine when the DNA was deposited and that secondary transfer could not be ruled out.

Our Expert's report was served on the Crown who, as a result of the report, **Discontinued Proceedings**.

Drugs

The Police found a small brown coloured tablet in the Defendant's pocket which they sent for testing. Results showed the substance contained a specific Class A drug and he was charged with possession.

The Defendant stated he had bought the substance legitimately on-line from a company who were selling it as a herbal remedy, and he had the invoice to prove it. The listed ingredients were all common legal herbs and spices.

The Defendant's Solicitors purchased a sample of the product from the on-line company and asked us to analyse it. Our Expert found it too contained the Class A drug.

Our report was served and the CPS **Dropped the Case**.

Toxicology Evidence

Charged with driving with excess alcohol, the Defendant was adamant he had not drunk sufficient alcohol to take him over the limit.

We were instructed to investigate the evidence to ascertain if it was correct. Various information was requested by our Expert which revealed the fact the Defendant had been permitted to use his asthma inhaler just prior to using the intoximeter.

The risk this introduced to potentially giving a false reading lead to the Defendant being found **Not Guilty**.



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