

10-06: Forensics - Palm Prints

Case: White v. State, 35 FLW D1638b (Fla. 3d DCA 7/21/10)

Date: July 21, 2010

Subject: ****FORENSIC INTEREST**** - Crime scene investigator's testimony that a palm print recovered from inside a windowsill at a burglarized home was "inward facing" did not constitute impermissible opinion by a lay witness

FACTS: The defendant was arrested and convicted for residential burglary. At trial, the only evidence linking the defendant to the burglary was a palm print recovered from the inside windowsill of the home. The homeowner testified that she almost never opens her windows; when she left that day the window was closed; and when she returned the window was open and the house was ransacked. A qualified latent print expert testified at trial that the palm print recovered from the windowsill matched the inked standard made from the defendant's palm. Additionally, the crime scene investigator who recovered the print testified as to the location and the positioning of the print, stating that it was found on the inside of the sill and was facing inward. On appeal, the defendant argued that the crime scene investigator's testimony as to the orientation of the print constituted an impermissible opinion rendered by a lay witness who was not an expert in latent print analysis, thereby creating fundamental error.

RULING: The Third District Court of Appeal upheld the conviction, finding that the crime scene investigator's testimony did not constitute error.

DISCUSSION: The appellate court found that the crime scene investigator's trial testimony refuted the defendant's assertions. The investigator explained that she marked the direction of the print she lifted from the windowsill to establish its relationship to the window to enable her to specifically identify where it was found at trial. As such, her testimony did not constitute an impermissible opinion, but rather a statement of her actual observations at the scene. (In this case the latent print expert confirmed that the print was inward facing, but this was not determinative since the court found no error in the investigator's testimony.)

COMMENTS: This case serves as another example of how accurate and complete documentation and report writing can assist in refuting later attacks to witness testimony. Had the crime scene investigator not been able to explain that her testimony was supported by documentation of her activities at the scene, the court might have reached a different conclusion.

John E. Kemner
Regional Legal Advisor
Florida Department of Law Enforcement
Jacksonville Regional Operations Center

Officers should consult with their agency legal advisors to confirm the interpretation provided in this Update and to determine to what extent the case discussed will affect their activities.