

Reliability of fingerprint evidence questioned

PHILADELPHIA (AP) — Ninety-one years after fingerprint evidence was first presented in an American courtroom, its reputation as an infallible forensic tool is under attack in a court challenge that could change how criminal cases are tried.

On Monday, federal prosecutors will try to persuade U.S. District Judge Louis H. Pollak to reverse his recent decision barring experts from testifying about whether a fingerprint taken from a crime scene matches a defendant. If the judge does not change his mind, the decision could change the way forensic evidence is gathered and presented in court.

While prosecutors and some forensic experts say Pollak's ruling could have grave consequences, critics of fingerprint analysis say it's about time the process was reviewed.

"There are a lot of emperors out there testifying who have no clothes," said David L. Faigman of University of California's Hastings College of Law.

The ruling, believed to be the first of its kind, involves a death penalty case in which three men are charged with operating a multimillion-dollar drug ring and are linked to four killings.

Lawyers for Carlos Lleraplaza, Wilfredo Acosta and Victor Rodriguez asked the judge to bar fingerprint evi-

dence. Under Pollak's ruling, experts can testify about and show illustrations of similarities or dissimilarities between "latent" fingerprints from a crime scene and "rolled" fingerprints on file, but they cannot testify that crime scene prints match a defendant's fingerprints.

Citing a 1993 U.S. Supreme Court decision requiring judges to take a more active role in

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deciding what scientific evidence to admit, Pollak said that, unlike DNA evidence, fingerprint evidence has not been scientifically tested, its error rate has not been calculated, and there are no standards for what constitutes a match.

Prosecutors declined to comment on the case, citing the upcoming hearing, but said in court documents that Pollak's opinion, if left to stand, "would have grave consequences."

"It would deprive the government of vital evidence in this

case, in which latent fingerprints directly link defendants to heinous murders," court documents stated. "If carried to its logical conclusion, the court's reasoning would virtually eliminate any expert opinion on the myriad subjects on which subjective expert opinion has always been welcomed in the federal courts."

Since the first conviction in the United States on fingerprint evidence in 1911, the fingerprint classification system used in much of the world has changed little.

A person's fingerprint is classified by its arches, loops and whorls, then compared to latent fingerprints by design type and by locating certain fixed points and counting the ridges between the points.

"The courts have recognized the validity and merit for fingerprint identification for 100 years," said Joseph P. Polski, chief operations officer of the International Association for Identification, an industry group. "If fingerprint identification was prohibited from being admitted in court, it would have far reaching effects in identifying bad guys."

Although DNA evidence has become a highly prized evidentiary tool, fingerprints can help track down criminals in ways DNA can't — in part because hundreds of millions of fingerprints are on file, Polski said.

Texas man kills 3 children, self

THROCKMORTON, Texas (AP) — The estranged wife of a man who fatally shot their three children and then committed suicide in a car outside her home said he had threatened to kill the family before.

"I told him I wanted a divorce and that's when he pulled the gun," Beth Smallwood, 33, said Sunday of her husband, James D. Smallwood Jr. In an interview with The Associated Press, she said her husband was supposed to return their children — Corie, 10, Casey, 4, and Chase, 3 — to her home Sunday evening.

Instead, police said, he shot the three children they sat in his car Saturday night, then drove to his estranged wife's house, which she shared with her parents, and shot himself.

Beth Smallwood said she and her mother were in the front porch when James Smallwood drove the gravel driveway in his mother's Cadillac.

She called 911 when he began honking the horn, apparently trying to get her to walk out to the driveway, said Clay Gober, Beth Smallwood's brother. James Smallwood shot himself a short time later.

Beth Smallwood said she had filed for divorce November but it had not been finalized.

After months of hearings following their separation, a judge granted her husband unsuper-

vised visitation rights in January, a decision she was critical of Sunday.

"I begged him for his help because I was worried about the kids," she said.

A telephone message left at Judge Rae Leifeste's home was not returned Sunday afternoon.

In Throckmorton, a town of 1,000 about 120 miles west of Dallas, residents said they were shocked to hear of the killings.

Ron Sadler, a dispatcher with the Throckmorton County sheriff's department who took the 911 call, said the killings were the first for Throckmorton in the seven years he had worked for the sheriff's office.

At the First United Methodist Church that Beth Smallwood's family attends, congregants recalled seeing her two daughters perform in a Christmas show, dressed in long white robes with white angel wings.

"The thing I remember is her clutching those three precious children," church member Elizabeth London said.

Scott Hogue, principal of the Throckmorton schools, described Corey, who was a fourth-grader, as "a sweet little girl" who always had a smile on her face. The other daughter would have been in kindergarten next fall, he said.

NEWS IN BRIEF

Figurines dealer disappears while police investigate fraud

WHITE LAKE TOWNSHIP, Mich. (AP) — A ceramic figurines dealer has disappeared amid a police and FBI investigation of whether he defrauded at least 100 eBay auction buyers.

The customers say their purchases from a December online auction were never delivered by the seller, Stewart Richardson, 60, who disappeared Jan. 17, police said.

The Lladro's, Hummel and Wee Forest Folk ceramic figurines the customers bought were worth tens of thousands of dollars total. No charges have been filed.

Richardson left his White Lake business — Retired Figurines Exchange — after reportedly withdrawing more than \$200,000, police said. His wife filed a missing persons report.

Ebay spokesman Kevin Pursglove said Richardson had built a good reputation at the auction service.

One killed and 10 injured at Hellraiser Ball in New York



PLAINVIEW, N.Y. (AP) — Rival motorcycle gangs armed with daggers, baseball bats and a machine gun clashed at an indoor motorcycle and tattoo expo called the Hellraiser Ball, authorities said. One man was killed and at least 10 people were injured.

About 60 people were in custody Saturday night and the number could grow, said Nassau County Chief of Detectives Herbert Faust.

Faust said four people were shot, one fatally, and others injured when the fight erupted around 4:15 p.m. at the Vanderbilt, a concert and catering hall in Plainview, N.Y.

Faust said the fight broke out between members of the Hells Angels motorcycle club, whose Long Island chapter sponsored the event, and a rival gang, the Pagans.

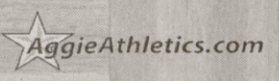
As many as 100 Pagans showed up at the event, which drew about 1,000 people.

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