

Fingerprints: MYTH OR FACT?

A Fictional Story - All names Fictional

Court Clerk: The State - vs - Steven Miller.

Judge: Prosecutor, Defense attorney, what are we doing here?

Prosecutor: Good morning your honor. On behalf of the state we have all of our witnesses and we're ready for trial.

Judge: Defense attorney? What's your position on this?

Defense Attorney: Your honor I am asking for a two week continuance so I can look over the evidence against my client.

Judge: Prosecutor?

Prosecutor: Judge, this is an open and shut case. The defendant, Mr. Miller, fingerprints are all over the murder weapon. Now the defense wants to delay this trial and inconvenience this court and the many witnesses that we have. As I said before, we're ready to go to trial your honor.

Defense Attorney: Your honor, this is not an open and shut case as the prosecutor is saying. There was a partial fingerprint on the murder weapon, which was a gun. So before I go to trial I would like to consult with another independent fingerprint expert your honor. To do this judge, I simply need a little more time.

Judge: I will give the defense three weeks to consult with another fingerprint expert.

Defense Attorney: Thank you your honor.
(Three weeks later)

Court Clerk: The State vs - Steven Miller, defendant.

Judge: Prosecutor, defense, what's the status on this case?

Prosecutor: We're ready for trial judge.

Defense Attorney: We're ready judge.

Judge: Please bring the jury in. Prosecutor, you may begin your opening statements.

Prosecutor: Thank you your honor. Good morning Ladies and gentlemen of the jury. That defendant, Steven Miller is guilty of murder! How do I know he's guilty of murder, because we have is fingerprints on the gun, the murder weapon. During this trial, you will hear testimony from a number of witnesses. I want you to use your common sense. No two people in the world have the same fingerprint. I have confidence that you will do the right thing so justice can be served. Thank you.

Judge: Defense Attorney, you may begin your opening statements.

Defense Attorney: Thank you your honor. Good morning ladies and gentlemen of the ~~jury~~^{jury}. I represent Mr. Miller, the defendant. The prosecutor wants you to believe already that the fingerprints on this murder weapon belong to my client. I will pre - - - -

Prosecutor: Objection Your honor! The defense can use his expert witness when the time comes.

Judge: That is correct. Jury please disregard that last comment by the defense. Also, we will take a short recess and I need to see both the defense attorney and prosecutor in my chambers. Now!

(inside the judge's chambers, away from the jury)

Judge: I have one question for the both of you. Why is this case going to trial?

Prosecutor: Judge, the state offered this defendant a plea bargain, which was refused by the defendant.

Judge: Is that correct Defense attorney?

Defense Attorney: That is correct your honor. My client said he is innocent and I believe him.

Judge: Are you crazy! His fingerprints ^{are} all over the gun. The jury will find him guilty in a matter of hours. My grandson is having a birthday party, he's turning one years old, but I have to miss his party because the two of you couldn't find a way to negotiate this case instead wasting the state's money and going to trial. Thanks. We need to make this a very quick trial.

Defense Attorney: Judge, my client is looking at spending the rest of his life in prison for this crime.

Defense Attorney: He's only 22 years old judge and I at least owe him an opportunity at a fair trial.

Judge: Well, well, well, defense attorney, you should open up your own ~~law~~ law practice and make big bucks for helping these criminals get off free.

Defense Attorney: I don't know about all that judge, but I am going to represent my client to the best of my ability. He deserves a fair trial just like anyone else. If my client was rich your honor and could afford^a paid attorney, we wouldn't be here.

Judge: Okay, let's just continue with the trial. I tell you right now, I think he's guilty as hell.

Defense Attorney: Judge can we please allow the jury to decide if he's guilty or not.

Judge: Whatever you do, let's make it quick.

(They all go back in the courtroom to start the trial)

Judge: Defense Attorney, you may continue.

Defense Attorney: Sorry about that ladies and gentleman.

As I WAS saying, I will present evidence to you that will show that those fingerprints do not belong to the defendant, Mr. Miller.

I also want to remind you that the burden is on the prosecutor to prove beyond a reasonable doubt that my client is guilty.

Thank You.

Judge: Prosecutor, you may call your first witness.

Prosecutor: Thank you your honor. The state would like to call Brian Scarletti to the stand.

Prosecutor: Mr. Scarletti, how are you today?

Witness: I'm feeling fine.

Prosecutor: That's good. Please tell the court why you are here today.

Witness: I am a ~~police~~ ^{officer}. On January 5, 1998, I arrived at 2632 ridge Avenue in North Philadelphia.

Prosecutor: What did you see when you arrived there?

Witness: Once I made it past everyone else, I went inside the apartment and saw a male who was deceased.

Prosecutor: What happened to the victim?

Witness: It appeared that the victim had been shot several times in the head and torso.

Prosecutor: Did you notice anything else?

Witness: Yes, the gun, was laying right beside him.

Prosecutor: So someone wanted to make this look like a suicide.

Witness: Yes.

Prosecutor: And what was your opinion?

Witness: I knew right away that the bullet wounds on the victim were not self inflicted wounds. This person was shot by someone else.

Prosecutor: What ~~do~~ ^{did} you do with the gun, the murder weapon?

Witness: I put it in a bag as evidence to see if he could possibly get any fingerprints off of it.

Prosecutor: Did you get any prints off of it?

Witness: Yes we did.

Prosecutor: Who did the prints belong to?

Witness: Someone named Steven Miller.

Prosecutor: Do you see that person, Steven Miller, in this courtroom today.

Witness: Yes.

Prosecutor: Can you please point to him.

Witness: He's right there sitting beside the defense attorney.

Prosecutor: Your honor, may the record please reflect that the witness has identified the defendant.

Judge: The record will reflect so.

Prosecutor: No further questions your honor.

~~Defense Att~~

Judge: Defense Attorney, your witness.

Defense Attorney: Thank you your honor. Mr. Scarletti, how long have you been a police officer?

Witness: I've been on the force for 12 years.

Defense Attorney: Have you ever seen a murder case where someone shot another person and decided to leave the murder weapon at the crime scene?

Witness: Well, that doesn't happen very often. Sometime we get lucky, sometimes we don't. This time we got lucky.

Defense Attorney: Were there any witnesses to this murder?

Witness: Yes, one witness saw the shooter.

Defense Attorney: And this same witness participated in a police line-up ~~and~~ ^{at} the county jail, is that correct?

Witness: Yes it is.

Defense Attorney: Could you please tell the court what the findings were of that line-up.

Witness: The witness failed to pick the defendant, Mr. Miller out of a line-up.

Defense Attorney: No further questions.

Judge: Prosecutor?

Prosecutor: Mr. Scarletti, is it unusual for a witness to not identify a suspect in a line-up?

Witness: No, it's not unusual at all. Sometimes a witness is scared to death by what they just saw, and a lot of times that will have an effect on correctly picking the suspect out of a line-up.

Prosecutor: No further questions.

Judge: Mr. Scarletti you may be excused.

Judge: State, call your next witness.

Prosecutor: The state would like to call Thomas Ecker.

Prosecutor: Mr. Ecker what is your job?

Witness: I am a fingerprint expert.

Prosecutor: So you specialize in comparing fingerprints and so forth.

Witness: That is correct.

Prosecutor: How long have you been a fingerprint expert?

Witness: For over twenty years.

Prosecutor: Can you please explain how you compare two fingerprints.

Witness: Sure. We use points of similarity. A person's fingerprints have whorls, loops, and so on. Once we see similar points of comparison from fingerprints left at a crime scene and the suspect's fingerprint, we then can make a sure identification. As you already know, fingerprint comparison has been around for hundreds of years. Fingerprints are like snowflakes, meaning no two are alike.

Prosecutor: So once you received the prints from the crime scene, you compared those prints to the defendant's prints.

Witness: That is correct.

Prosecutor: What did you discover?

Witness: That the print was a match.

Prosecutor: Who did the print belong to?

Witness: Someone named Steven Miller.

Prosecutor: Do you see that person in court today?

Witness: Yes, he's sitting next to the defense attorney.

Prosecutor: ~~Can~~ may the record please reflect that the witness has made an identification of the defendant through fingerprint comparison.

Judge: The record will reflect so.

Prosecutor: No further questions.

Judge: Defense Attorney. You may cross-examine.

Defense Attorney: Mr. Ecker, how many points of similarity did you come up with to positively match this fingerprint from the crime scene to my client?