



## Case Study

### Footwear Forensic Services

## In These Shoes?

*“This case exemplifies why defence examinations are so important. Even a fairly routine check of a footwear mark examination has the potential to flag up additional information which could have a significant bearing on a case.”*

The situation didn't look good for the defendant. The prosecution had a case against them on the charge of burglary. Shoes recovered from the defendant's home matched the forensic evidence at five separate crime scenes.

With the odds stacked against them, the defence solicitors requested a forensic review of the prosecution's evidence. They couldn't have foreseen how useful this procedural review would be.

The case against the defendant was dismissed.

During a thorough defence forensic review new information can surface. This extra information can result in a different evaluation of the evidence from the original forensic report. This case details how the defence solicitors turned the tide in their favour, leading to the dismissal of the case against their client.

*“We went above and beyond during this defence examination and the case took an unexpected turn of events when we identified a situation of which the solicitor and the police were previously unaware. This ultimately showed that the evidence against the client did not have any significance within the context of this case. Case dismissed!”*

Sarah Jacob, Forensic Scientist at Forensic Access



## Problem

In 2011 a string of burglaries occurred with a similar MO. Footwear mark evidence was taken from the scene of five unsolved burglaries. When the shoes were recovered from the defendant's home in 2012, they were compared against the forensic evidence from these five premises.

In early 2014, the prosecution had presented a forensic report stating that there was moderate support for the view that the footwear marks recovered from the five burglaries were made by the shoes of the defendant. The prosecution scientist found a correspondence in pattern, pattern arrangement and general wear but no fine detail.



## Solution

Professor Angela Gallop, director of forensic science, stated that *"there should be an automatic defence review wherever forensic science is critical"*\*. Robert Lizar Solicitors contacted Forensic Access for this type of automatic review, which would better inform their position and opinion on the forensic evidence supplied by the prosecution.

Robert Lizar Solicitors requested a standard review of the forensic evidence presented by the prosecution laid against the defendant.

Our expert was asked to examine the shoes attributed to the defendant and to compare these shoes to the footwear marks recovered from the burgled premises. In so doing this the defence solicitor requested that our expert establish the strength of any association that may be made between the footwear and the marks.



## Result

During the review process, the Forensic Access scientist discovered previously overlooked statements. Two statements surfaced from a 2012 forensic examination, which predated the 2014 statement relating to the client in this instance.

The statements detailed that footwear marks from three burglaries were previously compared to another pair of shoes of the same pattern type taken from a different suspect. The comparison showed that there was a higher correspondence (including wear and damage) to this pair of shoes. This resulted in extremely strong support for the view that the footwear marks from these three burglaries were made by the shoes of the second suspect. This higher level of association implies that the footwear marks at these three burglaries were not made by the shoes of the defendant.

Our expert noted that footwear marks from the remaining two burglaries had not been compared against shoes of the second suspect. Whether these marks would have yielded a stronger association with these shoes rather than the shoes of the defendant is impossible to say. With this in mind, the evidence against the defendant relating to these two burglaries could be discounted.

This case emphasises the need for routine defence reviews of prosecution forensic findings. In instructing these reviews the process can uncover information that previously wasn't available. This requires experienced forensic scientists and rigorous quality control.

Forensic Access' services provide this. Our highly experienced experts are best in field and have many years of experience working within the criminal justice arena on some of the most challenging and high-profile cases.

\* Professor Angela Gallop CBE speaking at the All Party Parliamentary Group on Miscarriages of Justice, 4th February 2020.

### Did you know?

Footwear Mark Evidence is one of the few evidence types that can provide a conclusive link.

A shoe is compared against a footwear mark for pattern, pattern arrangement, wear and fine detail including characteristic damage.

Even if an item of footwear is linked to a crime scene mark, it may not be possible to say who was wearing the shoe at the time the mark was made.

It is still possible to compare a shoe seized months after a crime scene mark was recovered. Even if the shoe has been worn there may be enough similar detail for a strong link between the two!

The strength of the evidence may be limited by the quality of the scene mark. It may only be possible to compare pattern, pattern arrangement and general wear.

In the absence of a conclusive link where the association is limited to the above, the strength of the evidence will depend on the scientist's interpretation of how rare a shoe pattern and size is. In this instance, a defence examination is **necessary** as a second scientist may have a different view of the commonality of a particular shoe which may change the evidential strength.

## Quality and service are at the heart of everything we do

Forensic Access offers a fully managed forensic expert witness service across all forensic and medical disciplines. We provide best in field experts at Legal Aid rates and ensure your deadlines are met.

- ✓ Experienced Casework Managers understand the science and the legal aid process
- ✓ Our experts will get the most from your case
- ✓ We provide a responsive, cost effective service and will meet your deadlines

We offer free initial consultation with advice and support at all stages

At the heart of UK forensic science since 1986

Forensic Access Ltd, Aspect House, The Quadrangle, Grove Business Park, Wantage, Oxfordshire, OX12 9FA