

Extract Inquiry Evidence: Martin Leadbetter

The extract from the Inquiry testimony shown below refers to the chart to be found at this link.

<http://www.thefingerprintinginquiryscotland.org.uk/inquiry/files/FI2310.02.pdf>

Open the chart and follow the testimony with reference to the chart as required.

Extract of Testimony

'14 Q. Sorry, Mr Leadbetter, again if you could just bear with
15 me a second. First of all, if we could do the usual and
16 bring up two copies, please, of the same TS0005.028 and
17 on the left if we enlarge Y7 and on the right enlarge
18 the mark of Ms McKie.

19 On the one on the right, if you just double-click
20 again and if we could just make sure the margin will
21 allow us to capture -- sorry, point number 1 on the left
22 hand margin ... just so that we can capture the numbers.
23 Thank you.

24 What this enables us to do is to enlarge and mark
25 separately various areas.

1 What would help me, Mr Leadbetter, is when you are
2 referring to various areas if you can simply use your
3 numbers to orientate us. So if you are in the area of,
4 for example, point number 1 on the left image, if you
5 simply tell us you are in the area of point number 1 on
6 the left and then we will be able to follow this in the
7 transcript later. Sorry about this.

8 A. That's fine, no problem.

9 You will see here that I have decided to mark 14
10 matching features or features in agreement. I have
11 produced another chart where I have shown in detail the
12 two areas where there are, I believe, in each case eight
13 features in agreement and a further chart which I would
14 like to talk about more in-depth where I've produced 22
15 matching Third Level Detail features and I will explain
16 a bit more about Third Level Detail before we get to
17 that chart.

18 Looking at this chart, as I say, I've matched 14
19 features and on the right-hand side I have produced a
20 chart which describes the feature and the number of
21 intervening ridges between that and the next feature.
22 If we start at number 1, we are looking at a

23 bifurcation.

24 Q. What you are doing is starting at number 1 on -- you

25 yourself are pointing to number 1 on the left-hand,

1 that's number 1 in Y7?

2 A. Which is indeed the Rosetta characteristic.

3 Q. All I am doing is being pedantic. Are you going to

4 proceed round the numbers in Y7 first?

5 A. If you think it would help.

6 Q. Do it in the order you wish. It is simply when we are

7 recording in the transcript it would help me to know

8 which one you are referring to.

9 A. I am conscious of time as well. If there's no need for

10 me to actually go through each single feature --

11 Q. I am not trying to stop you. It is simply that when you

12 said you were referring to point number 1, I had to look

13 across to see which point number 1 you were looking at,

14 ie Y7. All I was meaning was for the transcript, if you

15 can just be mechanical, any time you are referring to

16 something if you could say number 1 on the left image or

17 number 1 on the right, et cetera.

18 A. Thank you. I'll try to remember.

19 Looking at point number 1, which is the Rosetta

20 characteristic feature which I have marked as a

21 bifurcation on Y7, the left-hand image, that corresponds

22 with the Rosetta feature marked as a bifurcation on the

23 right-hand image, which is the Shirley McKie print.

24 Following on from the left of feature 1 on Y7, we go

25 to the left and miss one ridge and on the next ridge

1 above is a bifurcation. Similarly, on the McKie print

2 we can find the same thing: miss one ridge and then we

3 have a bifurcation.

4 Q. Again, Mr Leadbetter, are you pointing to the feature

5 that you have numbered 9?

6 A. No, number 2. I'm going round in a logical sequence.

7 I'll go chronologically.

8 Q. Sorry, I interrupted you.

9 A. No, that's fine.

10 Back to Y7. From the bifurcation marked number 2 we

11 miss three ridges then, 1, 2, 3, and we find a small

12 bifurcation which is in the area of compression. It's a

13 small ridge and that's a bifurcation. Likewise, if you

14 count three on this side, 1, 2, 3, we find the same

15 bifurcation on the print of Shirley McKie?

16 Q. Again, that is point number 3?

17 A. Point number 3.

18 To arrive at point number 4 we simply follow along

19 that short ridge with no ridges intervening on Y7 and we

20 come to point 4 which is a ridge ending. Likewise, on
21 the Shirley McKie mark we follow along that short ridge
22 and come to a ridge ending, with no intervening ridges.
23 From point 4, we have a small gap in the ridge
24 structure and then we are confronted with a ridge ending
25 coming to the right, which is point 5 on Y7, similarly
1 found in the same position on the Shirley McKie mark.
2 From point 5 on Y7 we travel along the ridge and
3 then just drop on to the next ridge shortly below and we
4 find a ridge ending which I have marked 6. Similarly,
5 found on the Shirley McKie mark in this position here
6 (indicated).
7 From point 6 on Y7 we then have to count three
8 ridges intervening, 1, 2, 3, and then we arrive at
9 point 7, which is a bifurcation. Similarly, on the
10 McKie mark, 1, 2, 3 ridges: bifurcation.
11 From point 7 to point 8, there are no intervening
12 ridges and then from point 8 we count three ridges, 1,
13 2, 3, and we arrive at point 9 which is the dot famously
14 associated with the Rosetta characteristic. Likewise,
15 seen here (indicated) on the McKie print.
16 From point 9 we count two clear ridges, 1, 2.
17 Point 9, 1, 2, and we come to point 10 which is a ridge
18 ending going down.
19 From point 10 we have no intervening ridges and we
20 find point 11 at the end of the same ridge. It gets a
21 bit less clear there I have to say but I can see it
22 clearly.
23 From point 11 on Y7 we miss one ridge and come to a
24 ridge ending at point -- sorry, where was I going from
25 11? I've lost track. Yes, from point 11, which is a
1 ridge ending down, we miss one ridge and we come to
2 point 12 which is also a ridge ending.
3 From point 12 to point 13 we have 3 intervening
4 ridges, 1, 2, 3 and then we have a lake which is,
5 basically, two small bifurcations which is marked with a
6 double marker.
7 Finally, we miss one ridge and come to point 14
8 which is a ridge ending. I have put some guidance notes
9 down below. I don't know if it would be of help if I
10 read those out.
11 Q. Yes, please.
12 A. "Guidance notes to the analysis. This is an extremely
13 complex Scenes of Crime mark requiring careful and
14 painstaking analysis. In my opinion, the mark is
15 affected in three ways: (a) distortion caused by
16 slippage or movement when it was deposited; (b)

17 excessive pressure, causing some of the ridges to
18 compress; and (c) it is approximately 60 to 70 degrees
19 out of normal orientation. Any of these three problems
20 could lead an examiner to come to a wrong conclusion if
21 dealt with in haste. The most serious of the three
22 problems is that of bad orientation and unless the
23 examiner orientates the left thumb impression of Shirley
24 McKie to approximately 60 to 70 degrees out of
25 perpendicular it is almost impossible to effect a match
1 between the two images."

2 What I mean by "match" is not identify it in
3 characteristics but to match them so they are in the
4 same plane for comparison purposes.