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March 8, 2004

William Casey
Deputy Superintendent
Information Technology Division
Boston Police Department
1 Schroeder Plaza
Boston, Massachusetts 02120

Reference: Request for Latent Print Consultation Services

Superintendent Casey,

On January 23, 2004 you contacted our office to inquire as to the ability and availability of "Ron Smith & Associates, Inc." to assist the Boston Police Department in a thorough and complete technical and administrative assessment of the Latent Print Unit. This request resulted, in part, from the discovery of an erroneous identification of a latent fingerprint in 1997 on a case involving a Boston Police officer who received non-fatal gun shot wounds during a physical confrontation while on duty.

Our conversation continued on January 26, 2004, and at that time you requested that I travel to Boston to further discuss how we might assist your department in fully assessing the current status of the Latent Print Unit. This would involve the identification of the strengths as well as any technical and/or administrative procedural weaknesses and the preliminary development of a proposal to address any weaknesses identified.

Subsequent to that request, I arrived at the headquarters of Boston Police Department on Monday morning, February 9, 2004. The majority of that day was spent meeting with the agency administrative command staff as well as the line supervisory staff of the Latent Print Unit. These meetings were required to develop a mutually agreed upon action plan for the initial assessment of the Latent Print Unit.

This trip was not designed to evaluate the actual case involving the erroneous identification, hereafter referred to as the "Gallagher" case. The determination that an error in the original identification had indeed occurred had already been made by the Boston Police Department and confirmed by L.A.I. Certified Latent Print Examiners from at least two outside governmental agencies. My primary responsibility was to examine the operation of the Latent Print Unit to determine, if possible, how an error of this magnitude could have been made, verified internally by a second examiner in the unit and testified to in a court of law.

To answer these questions would require access to employee training records, case files, procedure manuals and all other pertinent documentation regarding past and present operating guidelines of the Latent Print Unit. I must say at this point that you, other members of the command staff and the line supervisors of the Latent Print Unit were exceptionally open with information and very helpful in this phase of the process and your cooperation was very much appreciated.

Near the close of the first day, February 9th, your staff offered me access to the actual "Gallagher" Latent Print Unit case file along with the items of evidence which had been returned from the District Attorney's Office as part of the initial post-conviction case review. I conducted an initial examination of photographs of the latent fingerprint in question, along with the identification charts which Officer Dennis LeBlanc used to illustrate the identification as part of his sworn testimony in the trial which occurred in 1998.

I first determined that the "identification" illustrated in the charted enlargements was indeed erroneous. (Of this fact, there is absolutely no doubt.) My examination of the charts also caused me great concern due to the manner in which the latent fingerprint from the glass mug was illustrated in the enlargements. The clear glass mug had been processed with cyanoacrylate ester fuming, which is a perfectly acceptable and recommended method for processing glass items. This process results in the development of friction ridge detail of the latent fingerprint in a white color on the surface. Since the friction ridge detail of a known inked fingerprint, such as that found on the defendant's fingerprint card, is reproduced in a black color, it is common practice to reverse the color of the white latent fingerprint photographically, prior to the enlargements being made. This is done so that the friction ridge details of the latent fingerprint will be the same color in the enlargements as the friction ridge details of the known inked fingerprint and the jury members can see the correlation of matching characteristics when they are pointed out by the expert witness. This in no way alters the uniqueness of the friction ridge information, but simply makes it much easier to see and comprehend and is a very common practice in the latent fingerprint community. Upon

inquiry of the current and past supervisory staff of the Latent Print Unit, the photographic reversal of color, prior to making enlargements, is commonly practiced in the Boston Police Department as well. To not reverse the color of the latent fingerprint prior to making the enlargements seems to defeat the primary purpose of preparing charts for the jury to see and this was indeed worthy of further review. Along with this observation, I noticed that on the back of the "identification" charts there were a set of hand written step by step instructions on how to explain the ten matching "points of identification" between the latent fingerprint developed on the glass mug and the left thumb print of "Stephan Cowans". This may not be unusual for this officer to do but would be considered unusual in the general latent fingerprint community because normally when identification charts are explained to a jury the witness is looking at the front of the charts and simply directs the attention of the jury to the points of identification and counts across the intervening ridges between each subsequent point. This does not require written "scripted" instructions because the witness is looking directly at the enlargements as they testify. Upon inquiry of the current and past supervisory staff of the Latent Print Unit, this also seemed odd to them and they couldn't recall another case of Officer LeBlanc's where they observed this practice. The overall uniqueness of this practice can only be determined after other identification charts from other cases are requested from the Superior Court or the District Attorney's Office and compared with the "Stephan Cowans" latent fingerprint identification chart.

Although this level of research should certainly be conducted and is highly recommended, there is one other set of identification charts which are part of the official record of the "Gallagher" case which do lend themselves to an immediate comparison of charting methods. These were also initially examined on that first afternoon, February 9th, 2004, along with the case file.

There was a second latent fingerprint developed on the glass mug. This was subsequently identified by Officer Dennis LeBlanc as the left ring fingerprint of "Bonnie Lacy", a lady whose home was broken into by the perpetrator as he fled from the scene of the shooting of Officer Gallagher. According to the information provided, the glass mug belonged to "Bonnie Lacy" and was reported to have been handled by the perpetrator during the time he held her captive in her home. An examination of the photograph of this latent fingerprint and the known fingerprints of "Bonnie Lacy" revealed that it indeed was a correct identification.

This second latent fingerprint, which was also developed with cyanoacrylate ester fuming, appeared as a latent fingerprint with white colored ridges. When this "white ridge" latent fingerprint was photographed as part of the identification chart making process, Officer LeBlanc reversed the color of the ridges prior to making the enlargements. The result of this process being that the ridges of the latent fingerprint on this charted enlargement appear black, just as the ridges of the known inked fingerprint of "Bonnie Lacy". Of course, this makes the corresponding fingerprint ridge detail between the latent fingerprint and the known inked fingerprint much easier for the jury to see and comprehend during the testimony of the expert witness. This is an example of how the process normally proceeds when making charted enlargements of latent prints developed

March 8, 2004

with cyanoacrylate ester fuming. This color reversal process was not employed in the making of the identification chart illustrating the identification of the left thumb print of "Stephan Cowans".

The preliminary review of the "Gallagher" case file required the remainder of the first day. I was provided a copy of the official transcript of the sworn testimony of Officer Dennis LeBlanc, Detective William Hussey and Officer Rosemary McLaughlin, which they provided during the trial of the defendant, "Stephan Cowans". I studied my notes that night, compared them with the transcripts from the trial and prepared for meetings with the command staff the next day to discuss my areas of concern with the latent print examinations and testimony in the case. Although this was not why I was requested to come to Boston, I felt that my preliminary observations justified the re-direction of my efforts at that time. Of course, something in the analytical process went desperately wrong in this case and there were reasons for that error in the original examination, verification and subsequent testimonies. This review of the case file, evidence and transcript, lead me to at least consider the following options regarding the latent print examinations and testimony concerning the "Gallagher" case. At this point these were only possibilities but the evidence strongly supported that these options be considered and further investigated. They were as follows:

1. The initial examiner, Officer Dennis LeBlanc, was not competent to properly examine a latent fingerprint of this level of difficulty and the reviewing examiner, Officer Rosemary McLaughlin was not competent enough to properly serve in the capacity of "verifier" on this case.
2. The initial examiner, Officer Dennis LeBlanc was not competent to properly examine a latent fingerprint of this level of difficulty and the reviewer, Officer Rosemary McLaughlin, did not take the time to evaluate the latent fingerprint "identification" adequately.
3. The initial examiner, Officer Dennis LeBlanc, allowed possible outside case information, real or imagined pressure and/or unknown influences to affect his judgment, resulting in the erroneous identification and the error was not discovered by Officer Rosemary McLaughlin because of lack of competency or lack of effort in the verification process.
4. Because of the unusual method of preparing the "Stephan Cowans" court chart of the latent fingerprint, along with selected sworn statements which were made during the testimony of Officer Dennis LeBlanc, two (2) other options must be considered:
 - A. Option #1, Option #2 or Option #3 existed and Officer Dennis LeBlanc used a very poor method of illustrating the identification of the left thumb print of "Stephan Cowans", even though he used the proper method of illustrating the identification of the elimination fingerprint of "Bonnie Lacy".

March 8, 2004

B. Officer Dennis LeBlanc made the erroneous identification because of Option #1, Option #2 or Option #3, but discovered his mistake prior to, or during, the making of the identification charts and decided to utilize this method of charting to keep his mistake from being discovered during his testimony.

5. It must be clearly understood that there may be another option which simply can't be determined from the evidence and the transcripts, but since the erroneous identification did in fact occur, then this additional option, by default, would be required to include some combination of competency issues or possible wrongdoing.

On the second day, February 10th, I continued my review of the case file and determined that I needed to report my initial findings to the Latent Print Unit line staff supervisors, and the agency command administrative staff. I met with Sergeant Silva, Sergeant Foilb, and Lt. Hutchinson and asked several procedural questions of them that had developed during my review of notes and transcripts. I explained to them my concerns and they agreed that at that point my concerns needed to be passed up the chain of command within the department. During the remainder of the morning and early afternoon, I made similar presentations to you (Deputy Superintendent Casey), Deputy Superintendent James Driscoll, Superintendent John Gallagher, and Commissioner James Hussey.

As a part of the presentation to the command staff members, I made the following recommendations prior to my departure that afternoon:

1. Assign one of the Latent Print Unit Sergeants to the special task of locating case files of Officer Dennis LeBlanc's cases from 1995 through 1999 to determine if Officer LeBlanc ordinarily used "reversed color" or "same color" enlargements when making charts during that time period, when the latent print had been developed with the cyanoacrylate ester fuming technique.
2. Continue with their extensive review of all identifications reported by Officer Dennis LeBlanc and Officer Rosemary McLaughlin to insure that no other erroneous identifications exist.
3. Have all cases from that the time period of 1995 through 1999 re-examined by L.A.I. Certified Latent Print Examiners specifically for quality assurance purposes and to determine if patterns of competency, or lack thereof, appeared.
4. Locate latent print identification charts within the court system that Officer Dennis LeBlanc had prepared, and examine them to determine if they had "scripted" instructions on the back, and non-reversed color photographs of the latent print, such as were found on the "Stephan Cowans" chart.

March 8, 2004

After my presentation to the command staff and prior to my departure, I was informed by Sergeant Robert Foilb, that as part of his assigned duties to organize the "Gallagher" latent print case file he had observed similarities between the latent fingerprint from the glass mug, which had erroneously been identified as "Stephan Cowans" left thumb print, and the left thumb print of "Bryant McEwen" whose elimination prints were a part of the original submissions to the Latent Print Unit. He continued his examination and determined that the latent fingerprint did indeed match the left thumb print of "Bryant McEwen". I compared the enlarged reverse color photograph of the latent fingerprint from the glass mug that Sergeant Foilb had available, with the enlarged photograph of the known inked left thumb print of "Bryant McEwen" and agreed with the identification.

Upon completion of my presentation, I returned to Mississippi with the intention of beginning to work on the original project, which was to prepare a proposal for the Boston Police Department for the continued assessment of their Latent Print Unit and development of a plan of action to address the technical and administrative problems they are currently experiencing. Superintendent Gallagher also requested that I develop an additional proposal specifically related to reducing the backlog of un-worked cases existing within the Latent Print Unit by utilizing the staff experts of Ron Smith & Associates, Incorporated.

On the morning of February 11th, 2004 I was again contacted by your office and requested to return to Boston to review the cases from 1995 to 1999 to determine, if possible, if the erroneous identification, verification, and subsequent testimony was an issue of competency, careless error, some combination of these issues, or something else entirely. I advised you that this case file research would be conducted with no pre-conceived ideas as to what might be found and that it would require the efforts of at least three additional experts from the RS & A, Inc. staff. We agreed during that conversation that my team would be ready to begin work in Boston on Monday morning, the 16th of February, 2004.

During the next two days I conducted an inquiry of our staff members across the United States and selected three I.A.I. Certified Latent Print Examiners who all possessed credentials commensurate with the nature of this project. They all, including myself, have over twenty-five years in the field of forensic identification, are certified, have management or supervisory background and have all served, or continue to serve on the Latent Print Certification Board of the International Association for Identification. The members of the case review team were:

Bush, James E. (Jamie) — Mississippi Crime Laboratory — Meridian, Mississippi
Mullins, Hilbern J. (Jay) — Palm Beach County S. O. — West Palm Beach, Florida
Richardson, Charles (Chuck) — D.E.A. (Retired) — Hughesville, Maryland
Smith, Edgar R. (Ron) — Ron Smith & Associates, Inc. — Meridian, Mississippi

March 8, 2004

On Monday morning, February 16th, 2004 the four above members met with you and received an update as to the developments since I left the previous week. We discussed the scope of the project which was to include the following phases:

- Phase I: Thorough inventory of the latent print evidence and the Latent Print Unit case file on the "Gallagher" case, which had been placed in the custody of Superintendent John Gallagher. (To determine if the actual latent print evidence returned from the District Attorney's Office was inclusive of all the evidence described in the transcripts of Officer Dennis LeBlanc and Officer Rosemary McLaughlin. Also to determine if the contents of the case file included the supporting technical data and/or photographs of the evidence which was used to prepare the official latent print reports and provide details necessary for the testimony found in the official transcripts.)
- Phase II: Technical review of the comparisons which were conducted in the "Gallagher" case as part of the original latent print examinations reported by Officer Dennis LeBlanc. (These comparisons were reflected in the two official latent print reports from Officer LeBlanc dated 6-24-97 and 6-20-98 but will also include the comparisons of the other elimination inked fingerprints which could have been compared based on the dates these known fingerprints were taken in relation to the dates of the reports issued by Officer Dennis LeBlanc.)
- Phase III: Review of any latent print identification charts that were believed to have been made by Officer Dennis LeBlanc on other cases. (To determine, if possible, his usual and customary method of preparing identification charts for court testimonies, particularly in cases involving latent prints developed with the cyanoacrylate ester fuming process.)
- Phase IV: Technical and Administrative review of all the cases which were examined by Officer Dennis LeBlanc for a period of five years from 1995 through 1999. (To determine, if possible, the technical competency level and administrative practices displayed by Officer Dennis LeBlanc before and after he examined the latent print evidence in the "Gallagher" case.)
- Phase V: Administrative review (not Technical) of a sampling of cases examined by Officer Rosemary McLaughlin between 1995 and 1999 to determine her level of consistency in analytical documentation. (This review was limited to an administrative review due to the projected time constraints and the fact that the technical review of her reported identifications was already being conducted by supervisory members of the Boston Police Department.)
- Phase VI: Detailed review of official transcripts of the testimony of Officer Dennis LeBlanc and Officer Rosemary McLaughlin in the trial of "Stephan

Cowans". (To determine consistency with evidence in the case file and assist in the development of a time line for the Latent Print Unit related events during the case examination.)

Phase VII: Utilizing all documented items at our disposal, prepare a time line for the Latent Print Unit related activities related to the "Gallagher" case.

Phase VIII: Document the work and findings of the RS & A, Inc. review team in such a manner that they could be used to prepare a formal report.

Phase IX: Prepare a "Synopsis of Conclusions Reached"

After this initial planning meeting, the team members of RS & A, Inc. were provided a conference room near Superintendent Gallagher's office in which to work and at that time we were provided the official "Gallagher" latent print case file along with the evidence which had been returned to the Boston Police Department as part of the recent post-conviction review request from the District Attorney's Office.

Phase I: The inventory was initiated, with all four members of the review team conducting a preliminary visual examination of the items to familiarize themselves with the case. At this point the case was assigned the RS & A, Inc. case identifier "BPD-01" which is a unique case number which will be used in any future correspondence between Ron Smith and Associates, Inc. and your agency. (The majority of these items were briefly described in an internal Boston Police Department Memorandum dated February 11, 2004 from Lieutenant Detective Rachael Hutchinson, Identification Unit to Superintendent John Gallagher, Chief of the Bureau of Investigative Services.) The items were contained in a single cardboard box used for case storage and transport purposes. The items contained in the outer cardboard box were assigned sequential RS & A, Inc. Exhibit numbers and labeled accordingly during the inventory process. The items included the following:

Exhibit #1: One (1) taped sealed brown cardboard box containing one (1) clear plastic Ziploc type plastic bag containing one (1) broken clear glass mug. (The glass mug appeared to have previously been processed for latent prints using the cyanoacrylate ester fuming method and the visible ridge details were in a white color.)

Exhibit #2: One (1) manila envelope containing one (1) latent fingerprint identification court chart. This chart includes a photographic enlargement of one (1) of the two (2) latent fingerprints developed on the glass mug in Exhibit #1 mounted next to a photographic enlargement of an inked fingerprint. The photographic enlargement of the latent fingerprint illustrated the latent fingerprint ridge details in the original white color associated with the cyanoacrylate ester fuming process. The photographic enlargement of the known inked fingerprint illustrated the ridge detail of

March 8, 2004

the known inked fingerprint in the original black color associated with the standard fingerprinting process. The back of the chart had a court exhibit label indicating that it was assigned the court exhibit #89 on 6/24/98. (This coincides with the date of testimony of Officer Dennis LeBlanc and according to the official court transcript, is the chart which depicted the identification of the left thumb of "Stephan Cowans".) This chart has a handwritten "point by point" description of how to explain the position of the identifying characteristics taped to the back side of the chart.

- Exhibit #3: One (1) manila envelope containing one (1) latent fingerprint identification court chart. This chart includes a photographic enlargement of one (1) of the two (2) latent fingerprints developed on the glass mug in Exhibit #1 mounted next to a photographic enlargement of an inked fingerprint. The photographic enlargement of the latent fingerprint illustrated the latent fingerprint ridge details in a black color, which required that the original photograph of the white ridge latent fingerprint be color reversed prior to the court chart enlargements being prepared. This is the most common and recommended method for displaying an identification involving a latent fingerprint which was developed with the cyanoacrylate ester fuming process. The back of the chart had a court exhibit label indicating that it was assigned the court exhibit #90 on 6/24/98. (This coincides with the date of testimony of Officer Dennis LeBlanc and according to the official transcript, is the chart which depicted the identification of the left ring finger of "Bonnie Lacy".) This chart has no handwritten "point by point" description on the back.
- Exhibit #4: One (1) manila envelope containing two (2) photographs of the glass mug in Exhibit #1 and three (3) photocopies of the photograph.
- Exhibit #5: One (1) manila envelope containing the elimination fingerprints of the Boston Police Department employees who had legitimate access to the crime scene areas.
- Exhibit #6: One manila envelope containing a "Scratchpad" reproduction of the known inked fingerprints of "Matthew Vickers". "Scratchpad" is a form of software utilized by the Boston Police Department to print a fingerprint card from electronically stored images in the Identification Unit. (No further mention of "Matthew Vickers" was found in the Latent Print Unit case file.)
- Exhibit #7: One (1) manila envelope containing separate heat sealed plastic sleeves containing elimination inked fingerprints of:
- A. "Bonnie Lacy". One (1) set of known inked fingerprints, dated 6-3-97. These elimination fingerprints were taken by "Detective John Callahan". (These known inked fingerprints were eventually used

March 8, 2004

to make the enlargement for the latent fingerprint identification chart contained in Exhibit #3. See Exhibit #3-B)

- B. "Jackie McEwen". One (1) set of known inked fingerprints, dated 6/1/98.
- C. "Jackie McEwen". Two (2) sets of known inked fingerprints, dated 6/3/98.
- D. "Carl B. Lacy". Two (2) sets of known inked fingerprints, dated 6/2/97.
- E. "Tony Behrendt". One (1) set of known inked fingerprints, dated 5-3-98.

Exhibit #8: One (1) manila envelope containing:

- A. Four (4) copies of the Identification Unit Latent Print Report for CC# 70275294, dated 06-24-97, signed "Dennis E. LeBlanc". This report included the statement "On June 13, 1997, I was given a name of a possible suspect. Upon my comparison of the latent prints to the suspects prints, I was to conclude that one of the latents was identical to the inked impression of one; Stephan Cowans, B/M, BR#121053-93 number six (6) finger."
- B. Two (2) copies of the Identification Unit Latent Print Report for CC# 970-275-294, dated 06-20-98, signed "Dennis E. LeBlanc". This report included the statement "I respectfully report that on June 17, 1998, as a result of receiving a new set of inked impression from Bonnie Lacy, I was able to identify the second print found on the glass mug as belonging to her number nine (9) finger." (This was the actual spelling found in the report)
- C. One (1) subpoena number 97-11231, issued 6-10-98, for Police Officer Dennis LeBlanc to appear on Monday, June 22, 1998 in Superior Court for the County of Suffolk in the case of "Commonwealth VS: Stephan Cowen".
- D. Four (4) legal size sheets of white paper containing copy machine reproductions of the latent fingerprint identification chart contained in Exhibit #2.
- E. One (1) AFIS printout dated 06/23/98 of "Finger No. 06, Key No. 009-016-031. (This appears to be a printout of the left thumb print of "Stephan Cowans" on file with the Massachusetts State Police AFIS system that was made by Officer Dennis LeBlanc upon the request of

March 8, 2004

the prosecutor's office one day before the testimony of Officer LeBlanc. Although this item was never introduced as evidence in the trial, it was discussed on Page 3-246 of the direct testimony of Officer Dennis LeBlanc and again on Page 3-251 of the cross examination testimony of Officer LeBlanc.)

Exhibit #9: One (1) manila file folder labeled "970-275-294" containing the latent print report of "Officer Sharon Wong, dated 6-2-97, in which she reported the negative results of examining Officer Gallagher's handgun for latent prints.

Exhibit #10: One (1) manila envelope containing:

A. One (1) copy of the Identification Unit Latent Print Report for CC# 970-275-294, dated 06-20-98, signed "Dennis E. LeBlanc". (Same as Exhibit # 8-B)

B. One (1) photocopy of a full size inked fingerprint card bearing rolled and plain impression inked fingerprints and the name "Bonnie Lacy". (This is a copy machine reproduction of the original inked fingerprint card which is contained in Exhibit #21.)

C. Three (3) letter size sheets of white paper bearing photocopy reproductions of known fingerprints marked "Bonnie Lacy" at the top of the page.

Exhibit #11: One (1) white paper Boston Police Department envelope marked "Blue mark on tracing done by Sgt. Foilb, 2/10/04, 9:10 PM in presence of Lt. Hutchinson" containing:

A. One (1) AFIS tracing paper bearing a ridge tracing of the latent fingerprint depicted in the photograph in Exhibit #11-B.

B. One (1) Polaroid photograph of a latent fingerprint depicted with ridge details in black color. (This photograph is a corrected color version of the latent fingerprint which had been erroneously identified as the left thumb print of "Stephan Cowans". Upon discussion with Sergeant Foilb, it was determined that this new reverse color photograph and attached AFIS tracing were made by Officer Dennis LeBlanc after the erroneous identification was discovered in January of 2004. Although Ex. #11-A and Exhibit #11-B were not part of the original case examination in 1997 and 1998, they are important in that they represent the manner in which the original AFIS search should have been conducted. The court transcript reflects, on Page 3-241, that Officer LeBlanc agreed under cross examination that he conducted an AFIS search of the latent fingerprint (the one which was later

March 8, 2004

identified as Stephan Cowans) on May 31st, 1997 but doesn't mention as to how he deals with the white colored ridges prior to tracing the ridge formations. Officer LeBlanc testified under re-direct examination that he conducted an AFIS search of both of the latent fingerprints from the glass mug. This is reflected on Page 3-241 of the trial transcript. There were no reverse "corrected" color photographs or AFIS ridge tracings from either of those AFIS searches present in the Latent Print Unit case file. There is no physical evidence to prove or disprove if, or how, these original AFIS searches were conducted.

Exhibit #12: One (1) manila envelope containing:

- A. Three (3) photographs and four (4) copy machine enlarged reproductions of the latent fingerprint identified as "Stephan Cowans" developed on the glass mug.
- B. One (1) photocopy enlargement of the left thumb print of "Stephan Cowans".
- C. One (1) photographic negative of the latent fingerprint on the glass mug identified as the left thumb print of "Stephan Cowans".

Exhibit #13: One (1) manila envelope containing one (1) photographic enlargement with individual ridge details (minutia) marked in red and two (2) photocopy reproductions of the left thumb print of "Stephan Cowans". (There are no notations on these documents to indicate when, by whom or for what reason they were made.)

Exhibit #14: One (1) tape sealed manila envelope containing:

- A. One (1) tape sealed manila envelope containing broken pieces of glass with a bubble wrap protector enclosed. It appears from the notations on this item that it has been recently examined by and initialed by "BAR on 1-21-04". (There is no record in the file to indicate who "BAR" is or what was done on 1-21-04.)
- B. One (1) manila envelope containing numerous small pieces of glass. (It appears that both Exhibit #14-A and Exhibit #14-B contain the pieces of broken glass from the mug in Exhibit #1.

Exhibit #15: One (1) manila envelope containing one (1) Latent Print Section Evidence Receipt with carbon copy attached to one (1) white paper Boston P.D. envelope containing six (6) Polaroid photographs, five (5) of which are labeled "DEL" and two (2) clear 1 1/2 x 2 inch latent hinge lifters.

Exhibit #16: One (1) sealed white envelope containing:

- A. One (1) photographic enlargement of the latent fingerprint developed on the glass mug which was subsequently identified as the left thumb print of "Stephan Cowans". (This item was assigned the court Exhibit #87 and was referred to during the direct testimony of Officer Dennis LeBlanc on Page 3-219 of the trial transcript.)
- B. Polaroid photograph of left thumb print of "Stephan Cowans". (This item was labeled as court Exhibit #88 and was referred to during the direct testimony of Officer Dennis LeBlanc on Page 3-219 of the trial transcript.)

Exhibit #17: One (1) taped sealed manila envelope containing:

- A. Three (3) Polaroid photographs of the latent fingerprint on the glass mug with the ridge detail printed in the "correct" color (black ridges). (There are no notations on these photographs to indicate when, or by whom they were made, although they do not appear to be very old and are consistent with the type of Polaroid film being used in the Latent Print Unit in 2004.
- B. One (1) Polaroid photograph of the glass mug, Exhibit #1.
- C. One (1) photographic negative of the photograph represented in Ex. 17-B.
- D. One (1) photographic negative of the left thumb print of "Stephan Cowans".

Exhibit #18: One (1) manila envelope containing three (3) 10-Print fingerprint cards dated 9-8-89, 2-11-93 and 6-19-97, one (1) set of major case prints dated 6-19-97, and five (5) photocopy reproductions of the known prints of "Stephan Cowans". (The set of known fingerprints of "Stephan Cowans" dated 9-8-89, was used for charting the identification as represented on the court chart in Exhibit #2.)

Exhibit #19: One (1) bear sealed clear plastic bag containing:

- A. One (1) piece of broken glass taped to a black-backed lift card reported to have been part of the glass mug in Exhibit #1.
- B. Three (3) photographic enlargements of inked fingerprints reported to be the left ring fingerprints of "Bonnie Lacy". (Enlargements are of the same fingerprints contained in Exhibit #7-A.)

March 8, 2004

- C. One (1) elimination fingerprint sheet bearing what is reported to be the right hand fingerprints of "Bonnie Lacy".
- D. Three (3) photographic enlargements of the latent fingerprint on the piece of glass from the mug (Exhibit #19-A) with the ridge detail printed in the correct color. (black ridges)
- E. One (1) Polaroid photograph of the latent fingerprint on the piece of glass from the mug (Exhibit #19-A) as it was observed on the glass—ridge detail is in reverse color. (white ridges)

Exhibit #20: One (1) manila envelope containing three (3) heat sealed clear plastic sleeves containing elimination fingerprint sheets (one each), labeled to be:

- A. "Bonnie Lacy", dated 6-1-97 (later correctly identified as being the known prints of "Bryant McEwen". This was a clerical error made by Det. Callahan when collecting the know elimination fingerprints of the victims, etc.)
- B. "Bryant McEwen", dated 6-1-97.
- C. "Bryant McEwen", dated 6-3-97.

Exhibit #21: One (1) heat sealed clear plastic bag containing one (1) 10-Print fingerprint card of "Bonnie Lacy". (These known inked fingerprints are dated as having been taken on 6-15-98 by Officer Rosemary McLaughlin at the Boston Police Department I.D. Unit. Although these known inked fingerprints were never admitted as evidence during the trial of "Stephan Cowans", they were referred to in both the testimony of Officer Dennis LeBlanc and Officer Rosemary McLaughlin. On Page 3-226 through Page 3-229 of the trial transcript, Officer LeBlanc testifies about this fingerprint card being the one he used to identify the second fingerprint on the glass mug. This coincides with Exhibit #8-B, his second identification report dated 6-20-98. Special attention should be given to the quote from this report as noted in the description of Exhibit #8-B. Officer McLaughlin also testifies that she took these inked fingerprints of "Bonnie Lacy" and used them to verify the identification of the second print on the glass mug. This testimony can be found on Page 4-24 of the trial transcript.)

Exhibit #22: One (1) manila envelope containing one (1) enlarged photograph of the first latent fingerprint on the glass mug with ridge detail in reversed (black) color. (This photograph was reported to have been made by Lt. Ken Martin of the Massachusetts State Police as part of their evaluation of the suspected erroneous identification.)

March 8, 2004

Exhibit #23: One (1) manila envelope containing Sgt. Robert Silva's two page report dated January 26, 2004. (This report contains details of what duties he performed in relation to the recent post-conviction evaluation of the initial latent fingerprint identifications.)

Exhibit #24: One (1) manila envelope containing Sgt. Robert Foilb's three page report dated February 10, 2004. (This report contains details of what duties he performed in relation to the recent post-conviction evaluation of the initial latent fingerprint identification.)

Note: The following items were not recorded on the "Transfer of Case File" memorandum dated February 11, 2004 from Lt. Hutchinson to Superintendent John Gallagher but were found in the same box with those items which had been itemized on that memorandum.

Exhibit #25: One (1) manila envelope containing the following sheets of paper found in the file box (these were placed in the manila envelope by RS & A, Inc. for evidence security purposes):

- A. One (1) approximately 4 x 5 inch piece of white paper bearing a reduced copy of the "point to point" instructions found on the back of the identification chart contained in Exhibit #2.
- B. One (1) approximately 4 x 5 inch piece of white paper bearing a separate, and different, set of "point to point" instructions than that found in Exhibit #25-A. (These instructions, although different, appeared to have been prepared as a second option of how to illustrate the points of identification on the chart in Exhibit #2.)

Exhibit #26: One (1) manila envelope containing multiple copies of photographic sheets, enlargements, photocopies and other documents. (A review of these documents did not reveal any new information and therefore they were not itemized as part of this official inventory.)

Note: Upon review of all of the evidence and the related documents made available to RS & A, Inc. it appears that many of the documents noted in the Exhibits list were not part of the original examination but became part of the Latent Print Unit Case file on the "Gallagher" case as a part of the post-conviction review process. Since very few of these "new" items were properly initialed or dated, they were included in the official inventory. Every attempt was made to differentiate the "new" documents from the ones which were pertinent to the evaluation of the original latent print case examinations conducted by Officer LeBlanc and Officer McLaughlin.

It was also noticed that the AFIS tracings which were mentioned by Officer LeBlanc during his testimony at the trial of "Stephan Cowans", were not found in the official case file. This testimony can be found on Page 3-241 and Page 3-242 of the transcript. This is

March 8, 2004

no suggestion of wrongdoing, but just an observation by the review team as part of the formal inventory process. From an administrative viewpoint, the analytical documentation was very haphazard and almost non-existent in some areas. Worksheets detailing what, how or when different examinations were performed were not a part of the file in this case, but as was discovered later, this was more the norm than the exception in cases where Officer LeBlanc was the primary examiner in the case. More on that issue will be forthcoming in this report.

Phase II: The comparison phase of the review was began by reviewing the two identifications reported by Officer LeBlanc. The first identification reported was the identification of the first latent fingerprint on the glass mug as the left thumb print of "Stephan Cowans". The original latent fingerprint on the glass mug, the multiple photographs of this latent fingerprint, both in its original ridge color (white) and its reversed ridge color (black) were examined. It was determined that this latent fingerprint was sufficient for comparison and identification purposes. This latent fingerprint was then compared with the known inked left thumb print of "Stephan Cowans", whose known inked prints were found throughout the inventoried evidence.

In addition to this examination, the identification charts prepared by Officer Dennis LeBlanc, illustrating the "identification" were thoroughly examined. There are multiple discrepancies between the ridge detail information on the latent fingerprint from the glass mug and the known inked left thumb print of "Stephan Cowans". Although there are a few friction ridge details on the latent fingerprint which have a similar appearance on the inked fingerprint, there are multiple "Points of Identification" marked on the enlargement of the known inked fingerprint that in no way coincide with the same area of the latent fingerprint. For a trained latent print expert, these differences are not difficult to see, even when the ridges of the latent fingerprint are white and the ridges of the known inked fingerprint are black; but for an untrained person these differences would not be easily recognized.

Based on these examinations, it is the opinion of all four of the RS & A, Inc. review team members that this is indeed an erroneous identification. The latent fingerprint reported on by Officer Dennis LeBlanc on 6-24-97 was not made by the left thumb of "Stephan Cowans" as represented on the known inked fingerprint cards bearing that name.

As mentioned earlier in this report, this same latent fingerprint was subsequently identified by Sergeant Robert Foilb as the left thumb print of "Bryant McEwen", a resident or visitor of the home from which the glass mug was recovered. This identification statement can be found in Exhibit #24, the report issued by Sergeant Robert Foilb to Lt. Rachael Hutchinson on February 10, 2004. This identification was reviewed by all four members of the RS & A, Inc. review team and was confirmed as a valid identification. According to the date that the known elimination fingerprints of "Bryant McEwen" were taken by Detective John Callahan (6-1-97 & 6-3-97), these known elimination fingerprints should have been available to Officer LeBlanc prior to the "identification" of "Stephan Cowans", which according to his testimony (Page 3-230)

March 8, 2004

occurred on June 13, 1997. (Since no written record of when these known elimination fingerprints were delivered to the Latent Print Unit could be found in the "Gallagher" case file, their presence in the unit prior to the "Stephan Cowans" identification cannot be confirmed.) If the known inked fingerprints of "Bryant McEwen", Exhibit #20-B and Exhibit #20-C, were available to Officer LeBlanc prior to the identification of "Stephan Cowans", and they were compared and not identified, then this would be categorized as a "missed identification". A "missed identification" is defined as an identification which was not made during the comparison process but should have been, based on the evidence available at the time of the comparison.

The second latent print identification on the glass mug, Exhibit #1, was reported on June 20, 1998, by Officer LeBlanc. This Latent Print Unit Report, Exhibit #10-A, was issued almost a full year from the date of the first report, dated June 24, 1997. In this report, Officer LeBlanc made the following statement "I respectfully report that on June 17, 1998, as a result of receiving a new set of inked impressions from Bonnie Lacy, I was able to identify the second print found on the glass mug as belonging to her number nine (9) finger. This was verified by Latent Print Examiner Rosemary McLaughlin." (The improper grammar was part of the actual report.) Based on the testimony of Officer LeBlanc and Officer McLaughlin, the set of fingerprints which are referred to in this statement were those taken by Officer McLaughlin personally at the I.D. Unit of the Boston Police Department on June 15, 1998. These have been marked as Exhibit #21 in the inventory list.

This second latent fingerprint was examined by all four members of the RS & A, Inc. review team. The original latent fingerprint on the broken piece of glass mug and numerous photographs of this latent fingerprint were examined and it was determined that this second latent fingerprint was sufficient for comparison and identification purposes. This latent fingerprint was then compared with the known inked fingerprints of "Bonnie Lacy" which were contained in Exhibit # 7-A, taken on 6-3-97 by Detective John Callahan and Exhibit #21, the inked fingerprints taken by Officer Rosemary McLaughlin on June 15, 1998. This identification was confirmed as a valid identification by all four members of the review team.

During this examination and review process, the photographic enlargements used during the trial by Officer LeBlanc to illustrate this identification of the second latent fingerprint as belonging to the victim, "Bonnie Lacy" were carefully examined. During this process two (2) significant observations were made.

1. The first thing that was noticed is that the color of the ridge details of this latent fingerprint had been reversed prior to the enlargements being made for the court charts. In earlier portions of this report it was noted that the clear glass mug was processed with the cyanoacrylate ester fuming process, which develops the latent fingerprint ridge detail in a white color. This is a perfectly acceptable method of processing this type of evidential item. Since the ridge details of a known inked fingerprint are black in color, it is recommended to reverse the color of the latent fingerprint ridge details photographically so that when the enlargements are made and mounted side by side, the

Boston Police Department

March 8, 2004

fingerprint ridge details are of the same color and they are much easier for the jury members to see and understand. This set of court charts were made in that recommended manner.

Conversely, the set of charts made to illustrate the "Stephan Cowans" identification were not made in this same manner, even though this process would have it much easier for the jury members to see and understand the "Point by Point" testimony of Officer LeBlanc.

The understanding of the proper court charting methodology exhibited by Officer LeBlanc in the example of the "Bonnie Lacy" fingerprint identification caused the review team to wonder why this same proper methodology was not utilized in the obviously much more important suspect identification of the "Stephan Cowans" fingerprint.

2. The second observation is of equal importance. One of the elements of the chart review process is to locate within the items of evidence, the exact same known inked fingerprint that was used to make the enlargement for the court identification chart. This was conducted and we discovered that the known inked left ring fingerprint of "Bonnie Lacy" which was specifically selected by Officer LeBlanc to be enlarged for the court identification chart did not come from the set of known inked fingerprints taken by Officer Rosemary McLaughlin on June 15, 1998, (Exhibit #21) as would have been expected, but instead came from the set of inked elimination fingerprints taken by Detective John Callahan on June 3, 1997 (Exhibit #7-A).

This is in conflict with the statement in Exhibit #8-B, Officer LeBlanc's report of the identification of this latent fingerprint being "as a result of receiving a new set of inked impression from Bonnie Lacy".

It appears to also be in general conflict with the trial testimony of Officer LeBlanc when he describes the process of identifying this second latent fingerprint as being the left ring fingerprint of "Bonnie Lacy", while inferring that he used the set of inked fingerprints taken by Officer McLaughlin to make the identification and to prepare the enlarged latent fingerprint identification court chart. This part of Officer LeBlanc's sworn testimony can be found on Pages 3-226 through 3-229. Based on our examination, this testimony appears to be in conflict with the evidence that was actually presented.

There is no record in the case file of why, when or by whom an additional set of inked elimination fingerprints of "Bonnie Lacy" was requested.

Regarding these issues, the RS & A, Inc. review team is in unanimous agreement on four (4) additional points. They are as follows:

- A. The additional set of inked elimination fingerprints of "Bonnie Lacy" were never needed to identify the second latent fingerprint on the glass mug.
- B. The inked left ring fingerprint appearing on the fingerprint card taken by Officer McLaughlin in 1998, was not as legible as the inked left ring fingerprint taken by

March 8, 2004

Detective John Callahan in 1997 and would not have been as good for making court enlargements.

- C. If the known inked fingerprints of "Bonnie Lacy", Exhibit #7-A, were available to Officer Dennis LeBlanc at the time of the initial examinations and were compared by him, and not identified, prior to his first report issued on June 24, 1997, then this would be categorized as a "missed identification", as previously defined.
- D. Since there is no record of why, when or by whom an additional set of elimination fingerprints were requested, this needs to be further investigated to determine if the request came from Officer LeBlanc and through what channels the request was made. (Why was Officer Rosemary McLaughlin the one who took the prints of "Bonnie Lacy" and not Officer LeBlanc?)

Phase III: We requested to see any and all charts which could be attributed to Officer Dennis LeBlanc to determine, if possible, his usual and customary method of preparing identification charts for court testimonies, particularly in cases involving latent prints developed with the cyanoacrylate ester fuming process.

Lt. Rachael Hutchinson of the Identification Unit gathered the identification charts which were found in the desk area of Officer LeBlanc for inspection by the review team but none of these had markings which indicated by whom they were made and under what circumstances. They also did not appear to have been utilized in a trial proceeding since they did not have any court exhibit markings on them.

It is highly recommended that a thorough technical review of any latent print identification charts which can be attributed to Officer Dennis LeBlanc, particularly from the period of 1995 through 1999, which may be in the possession of the court system or District Attorney's Office, be examined to determine the following:

- A. In cases where the latent print was developed with the cyanoacrylate ester fuming process did Officer LeBlanc normally reverse the color of the ridge details before the enlargements were produced for the identification charts.
- B. Did Officer LeBlanc normally place written "Point by Point" instructions on the back of identification charts, and if it was an occasional occurrence, was there a correlation between their presence and the images on the front of the charts, such as reversed color, distortion, faint ridge details, etc.

Based on the lack of information at our disposal, Phase III of our inquiry remains incomplete at this time.

Phase IV: The Administrative and Technical review of cases which had been assigned to Officer Dennis LeBlanc from the period between 1995 and 1999 required a joint effort of all four (4) of the RS & A, Inc. members, working in two (2) teams, of two

(2) members each. Boxes reported to contain all the cases which would have been worked by Officer Dennis LeBlanc for that five year time period were delivered to the conference room for examination. A total of one thousand, two hundred and fifty-six (1256) individual cases were examined during this phase. Of those cases, a total of sixty seven (67) cases resulted in identifications which appeared to involve a suspect. Of the sixty-seven (67) "Suspect Identified" cases during this time period, fifty-four (54), or 80%, of these identifications were as a direct result of AFIS searches launched and reviewed by Officer LeBlanc.

The Administrative review of the cases from this five year time period revealed an almost total disregard for quality documentation of evidence received, work performed, comparisons conducted and verifications conducted. In those cases resulting in an identification, there was at most times a copy of the report to the investigator in the case file, but in cases not resulting in an identification, a report was very seldom found. Interestingly enough, in some limited instances the documentation was indeed better, and was almost always associated with cases in which he was having his identifications verified by an Officer Ken Shaw, who we were advised was another Officer assigned to the Latent Print Unit during that time period. In the majority of his cases, in which his identifications were reviewed by Officer Rosemary McLaughlin, there was an obvious difference in how well he documented his work and prepared his case file. Very little effort was made in these cases to properly document the work he performed.

We also had the opportunity to review sixty-seven (67) cases from the four year period of 2000 through 2003 in which Officer LeBlanc had identified suspects. Because of time constraints we were not able to review any of his non-identification cases from 2000 through 2003. Of these sixty-seven (67) "Suspect Identified" cases, thirty-six (36), or 53% were made as a direct result of AFIS searches launched and reviewed by Officer LeBlanc. There appeared to be some noticeable improvement in his administrative case documentation on "Suspect Identified" cases as time progressed.

The Technical review of the cases was limited to the examination of the identifications reported by Officer Dennis LeBlanc during the period between 1995 and 2003, which were provided to the RS & A, Inc. team by the Boston Police Department. Based on our records, we examined a total of one hundred and thirty-four (134) cases involving "Suspect Identifications". In those cases we did not find any identifications which were erroneous. We did locate one (1) identification on a case in 1996 in which the wrong finger, of the correct person, was listed in the report, but based upon our examination, we believe that to have been the result of a clerical error, when preparing the report.

During this technical review process we each had numerous opportunities to see the level of technical ability of Officer Dennis LeBlanc displayed in his casework. We focused our attention primarily on his abilities in the five year span surrounding the year the "Gallagher" case was examined, which was 1997.

Based upon this review, it is the unanimous opinion of the RS & A, Inc. review team that Officer Dennis LeBlanc possessed the technical ability to have examined the evidence in

the "Gallagher" case properly, if he had applied his considerable skills as demonstrated in the numerous other cases we examined. He consistently identified latent fingerprints which were as difficult as the "Stephan Cowans" latent fingerprint.

The only significant difference we could determine is that in the majority of these other "difficult latent fingerprint" cases he had acquired his suspect from his search of the latent fingerprint through the state AFIS system and in the "Gallagher" case he had been provided the name of the suspect by the Detective Division. This could indicate a developed dependence on AFIS results as part of his identification process. As noted above, from 1995 to 1999, the percentage of his total "Suspect Identification" cases resulting from AFIS was 80%, while the percentage of his total "Suspect Identifications" using AFIS during the next four years was 53%, which is significantly lower. We fully realize that there may be another explanation for this significant percentage change, other than a lessening dependence upon AFIS as his experience level grew, but we agreed that these statistics were significant enough to note as an official part of this report.

Phase V: The Administrative review of a sampling of cases examined by Officer Rosemary McLaughlin between 1995 and 1999 was conducted to determine if there was a pattern of poor documentation which had become the accepted "norm" within the Latent Print Unit during this time period.

This review revealed that Officer Rosemary McLaughlin was very skilled in casework documentation and consistently completed her case files properly, including a copy of finished reports on almost every case, regardless of results. Her case documentation also appeared to consistently improve as the years progressed.

Based upon the Administrative review of the case files of both Officer LeBlanc and Officer McLaughlin, it appears that, during this period, the level of documentation completed by each examiner was their decision to make without any structured supervisory review. This environment could not insure that at least a minimum amount of information was placed in each case file.

Phase VI: The review process of the transcripts of Officer Dennis LeBlanc and Officer Rosemary McLaughlin was extensive. They were first reviewed to determine consistency between the testimonies and the actual evidence in the case. Some of these discrepancies have already been pointed out in other sections of this report.

The following pages indicate additional "Testimony of Interest" topics which we consider pertinent to our overall evaluation of this case:

- A. Page 3-198 through Page 3-201: In these pages Officer LeBlanc testifies as to the general process used to compare latent fingerprints with known inked fingerprints. He describes the characteristics that are used to compare fingerprints and how the individual ridge details must relate to each other in the correct position for the identification to be made. He also points out on

Page 3-201 that if the points of reference are not present then "It would not be a match". This clearly shows that he fully understood what the result should be when individual details do not correctly correspond on both the latent print and the known inked print.

- B. Page 3-209: On this page Officer LeBlanc testifies that "I compared all ten fingers to this latent print". Of course, we know that he identified this latent print to the left thumb print of "Stephan Cowans" and according to his testimony on Page 3-214, he compared it with the fingers of the right hand then identified it as the number 6 finger, which means that he never compared it with the remaining four (4) fingers of the left hand. Inconsistent statement.

- C. Page 3-220 through Page 3-224: Officer LeBlanc describes the "Point by Point" process of identifying the first latent fingerprint from the glass mug as the left thumb print of "Stephan Cowans" using the court charts he prepared for that purpose. He follows his written directions which he has taped on the back of the charts very carefully.

- D. Page 3-226 through Page 3-229: Officer LeBlanc testifies about Officer McLaughlin taking a set of known inked elimination fingerprints of "Bonnie Lacy" and using them in the comparison of the second latent fingerprint on the mug. He also testifies about making the second identification and infers that it was made using that particular card even though his charts of this identification include an enlargement of the known inked left ring fingerprint of "Bonnie Lacy" taken by Detective Callahan back in 1997. Testimony inconsistent with the evidence.

- E. Page 3-246: Under re-direct examination, Officer LeBlanc was asked by the prosecutor if the AFIS print of Mr. Cowan which he had been asked to retrieve was a good print or poor print. The question was "In other words, was there enough there to compare it?" Officer LeBlanc answered, "Compare it with my latent print that I had, no". When reviewing the case file we came across a one page AFIS printout dated 6/23/98, which was the day before the testimony of Officer LeBlanc. It has the Operator ID Number of DPST298 which we were informed belonged to Officer LeBlanc. This appears in the evidence inventory list as Exhibit #8-E. It appears that this might be the printout that the prosecutor asked Officer LeBlanc to prepare and bring with him to court. We can not know for sure because it was not admitted into evidence, although it is mentioned again during cross examination on Page 3-251 when Officer LeBlanc states, "These prints were put in in 1990". The printout, Exhibit #8-E indicates that that particular AFIS fingerprint was entered in to the state AFIS system on 6-26-90. If it was, then the response of Officer LeBlanc regarding the quality of the fingerprint image would be very questionable, since the ridge detail of the fingerprint on Exhibit #8-E is very clear indeed, with no smudging or distortion of any kind.

- F. Page 3-246: After Officer LeBlanc responded regarding the quality of the AFIS print of "Stephan Cowan", the prosecutor continued by asking "Why was that?" Officer LeBlanc's response seemed very disjointed and non-responsive. He answered, "Because the part of my latent prints that I had was a good - the ridges were fine. You could see the ridges. I could see the core. I had definitely three points in my latent print and definitely with my inked impression that I could match up no problem." This question was not one that was presented to him under cross examination but one that should have been very easy to answer if the AFIS print had indeed been of poor quality. It appears that his answer may have been revealing much more than the question called for and could be considered as an indication of his approach to the latent print identification in this case. "I had definitely three points in my latent print and definitely with my inked impression that I could match up no problem" had absolutely nothing to do with the question. It certainly would not be a statement that a latent print examiner would be expected to make under normal circumstances.
- G. Page 3-251: Under cross examination, Officer LeBlanc replies to several questions from the defense counsel about Mr. Cowan's fingerprints being in the state AFIS system when the latent fingerprints from the glass mug were searched on May 31st, 1997. Officer LeBlanc states, "The print is distorted". If he is once again referring to the known inked left thumb print of "Stephan Cowan's" whose fingerprint appears on Ex.#8-E, he is now going even further with his opinion as to the quality of the known inked left thumb print on the printout. As was mentioned earlier, this print is certainly not distorted but actually is very clear indeed and is in direct conflict with his testimony.
- H. Page 4-24: Officer Rosemary McLaughlin states, "As far as confirming the print, I examined the mug and examined the latent fingerprint on the mug and compared it to the inked impression." She does not mention examining any photographs of the latent fingerprint, although this seems to be the method of choice in the unit during that time period on other cases. It is quite difficult to do a direct comparison of the white ridge latent fingerprint on a curved glass surface with the black ridges of a known inked fingerprint without the benefit of photographs. If this comparison was done without photographs then it might be easier to understand how the erroneous verification occurred. There is no written documentation in the case file, other than the reports prepared by Officer LeBlanc, that indicate that Officer McLaughlin looked at the latent prints in question. She testified that she did and there is nothing in the file to contradict that testimony.

Phase VII: A review of the documents and evidence contained in the inventory list in Phase I, along with a review of the trial transcript in Phase VI, enabled the RS & A, Inc. review team to develop a time line of "Gallagher" case related events pertaining to the activities and involvements of the members of the Boston Police Department Latent Print Unit. Although this is not to be considered an exhaustive list, it does include the major

Boston Police Department

March 8, 2004

events along with any discrepancies which have appeared during the review process. That time line is as follows:

<u>Date</u>	<u>Event</u>	(Dates in bold indicate a contradiction)
May 30, 1997	Officer Rosemary McLaughlin responds to crime scene at #7 School Street. Officer involved shooting. (Transcript -- McLaughlin)	
May 31, 1997	Officer Dennis LeBlanc relieves Officer McLaughlin at secondary crime scene at #29 School Street. Accompanied by Sergeant Robert Foilb. (Transcript -- LeBlanc)	
May 31, 1997	The glass mug was processed for latent prints by Officer LeBlanc and Sergeant Foilb. (Transcript -- LeBlanc)	
May 31, 1997	The two (2) identifiable latent fingerprints which were developed on the clear glass mug were photographed and searched through the state AFIS. (Transcript -- LeBlanc)	
June 2, 1997	Officer Sharon Wong issues a report on the negative results in processing "Officer Gallagher's" firearm. (Case report in file)	
June 10, 1997	A Detective provides the ID Unit with the name of "Stephan Cowans" as a possible suspect. (Verbally provided to review team from Superintendent John Gallagher after we made the inquiry)	
June 12, 1997	The name of "Stephan Cowans" was provided to the ID Unit. (Transcript -- McLaughlin)	
June 13, 1997	The first latent fingerprint on the glass mug was identified as the left thumb print of "Stephan Cowans" by Officer Dennis LeBlanc. (Transcript -- LeBlanc)	
June 15, 1997	Officer LeBlanc's identification of the left thumb print of "Stephan Cowans" verified by Officer Rosemary McLaughlin. (Transcript -- LeBlanc / McLaughlin)	
June 24, 1997	Officer Dennis LeBlanc issues a Latent Print Unit report on the "Stephan Cowans" identification. (Case report in file)	
June 10, 1998	Officer Dennis LeBlanc is issued a subpoena to appear on 6-22-98 in Superior Court for the County of Suffolk in the case of State of Massachusetts VS "Stephan Cowans" (Subpoena in case file)	

Boston Police Department

March 8, 2004

June 15, 1998 Officer Rosemary McLaughlin takes an additional set of inked fingerprints of "Bonnie Lacy". (Exhibit #21)

June 17, 1998 Officer Dennis LeBlanc identifies the second latent fingerprint on the glass mug as the left ring fingerprint of "Bonnie Lacy" (Report in case file)

June 20, 1998 Officer Dennis LeBlanc issues a Latent Print Unit report on the "Bonnie Lacy" identification. (Case report in file)

June 23, 1998 Officer Dennis LeBlanc retrieves an AFIS printout of the left thumb print of "Stephan Cowans" upon request of prosecutor. (Transcript - LeBlanc)

June 24, 1998 Officer Dennis LeBlanc testifies as to the identification of "Stephan Cowans" and "Bonnie Lacy" fingerprints and the identification charts are admitted along with photos and the glass mug. (Transcript - LeBlanc)

January 26, 2004: Sergeant Robert Silva issues a report regarding his involvement in the post-conviction examination of the "Gallagher" case up to that date. (Exhibit #23)

February 10, 2004 Sergeant Robert Foilb correctly identifies the first latent fingerprint on the glass mug as the left thumb print of "Bryant McEwen" and issues a report regarding this identification.

Phase VIII: We believe that the Ron Smith & Associates, Inc. review team of latent fingerprint expert and managers have been successful in the documentation of what our research revealed. This report is a result of that documentation.

Phase IX: Synopsis of Conclusions Reached -

~~As in any extensive and detailed investigation, the desire is that all technical questions~~
can, and will be answered. That was our wish as well, as we reviewed every latent print,
in excess of five thousand documents, and hundreds upon hundreds of evidence items.
Many questions were answered but some were not. Based upon our extensive research,
and very careful consideration of the information we examined, we are able to make the
following statements:

1. The identification of "Stephan Cowans" by Officer Dennis LeBlanc was erroneous.
2. The verification of this "Stephan Cowans" identification by Officer Rosemary McLaughlin was erroneous. The review of this case did not reveal any evidence

that she knew of, or participated in other actions, related to concealment of this erroneous identification.

3. If the known inked fingerprints of "Bonnie Lacy" which were taken by Detective John Callahan, dated 6-3-97, were available to Officer Dennis LeBlanc at the time of the initial examinations and were compared by him prior to his first report issued on June 24, 1997, and not identified, then this would be categorized as a "missed identification" by Officer LeBlanc.
4. If the known inked fingerprints of "Bryant McEwen", which were taken on 6-1-97 and 6-3-97, were available to Officer Dennis LeBlanc at the time of the initial examinations and were compared by him prior to the identification of "Stephan Cowans", and not identified, then this would be categorized as a "missed identification". (Had this comparison been conducted properly, the entire erroneous identification would have been averted.)
5. Officer Dennis LeBlanc possessed the technical ability to have examined the evidence in the "Gallagher" case properly, if he had applied his considerable skills as demonstrated in numerous other cases we examined. Indeed, he identified several latent fingerprints, prior to and after 1997, which would be considered more difficult than the latent fingerprints in the "Gallagher" case.
6. Officer Dennis LeBlanc fully understood the process of making a latent fingerprint identification and what the analytical results should be when ridge details do not appear in the same relative position on both the latent fingerprint and the known inked fingerprint.
7. Officer Dennis LeBlanc fully understood how to prepare court latent fingerprint identification charts in a manner that would make them more easily seen and understood by the members of the jury, as evidenced by his chart of the "Bonnie Lacy" fingerprint identification. However, he chose for some reason, to not reverse the color of the fingerprint ridge details of the "Stephan Cowans" fingerprint identification prior to making the enlargements for that court chart.
8. The review of the evidence in this case does not provide the definitive answer as to why this erroneous identification was made by Officer Dennis LeBlanc and verified by Officer Rosemary McLaughlin.
9. Based upon the extensive review of the "Gallagher" case, it is the unanimous opinion of the Ron Smith & Associates, Inc. review team that at some point, after the erroneous identification was made, but prior to his testimony in the "Stephan Cowans" trial, Officer Dennis LeBlanc discovered his mistake and concealed it all the way through the trial. This opinion is derived from the review of numerous documents, the charted enlargements presented in this case, the apparent attempt to conceal errors regarding the "Bonnie Lacy" missed identification in 1997, the

Boston Police Department

March 8, 2004

numerous inconsistencies in the trial testimony of Officer Dennis LeBlanc himself, and the wealth of data collected during this entire review process.

This concludes the official report on the review of this case by "Ron Smith & Associates, Incorporated. If you wish for us to examine additional material related to case, please feel free to contact us at your convenience. If testimony regarding our findings is required, we would require that we be allowed to once again gain access to the evidence in this case so that all the necessary photographic images could be captured. Because of the technical nature of our testimony regarding the findings in this case, it would be necessary for us to have an additional thirty days to prepare the court exhibits.

As you have requested, an invoice for the services rendered will be forwarded to your office under separate cover.

Respectfully submitted,

Ron Smith

Ron Smith, President
Certified Latent Print Examiner