



GEORGIA BUREAU OF INVESTIGATION

3121 Panthersville Road
P.O. Box 370808
Decatur, Georgia 30037-0808

Vernon M. Keenan
Director

April 1, 2009

Dear District Attorney:

This letter is to inform you of a recent personnel action at the Georgia Bureau of Investigation (GBI) Crime Laboratory that may impact the prosecution of cases by your office. Effective April 1, 2009, Ms. Bernadette Davy, a firearms examiner, resigned from her position with the GBI. The resignation of Ms. Davy resulted from the findings of a GBI Office of Professional Standards investigation which determined that she intentionally fabricated data on a firearms worksheet that was part of the official crime lab case file. ✓

The GBI Crime Lab will continue to make all possible efforts to provide firearms analyses and testimony that meet the requirements of our customers. Unfortunately with the resignation of Ms. Davy, a limited number of firearms examiners remain available to conduct these analyses. If your office has upcoming cases that Ms. Davy was scheduled to provide testimony please contact Assistant Deputy Director Mark Maycock at 404-270-8073 or myself at 404-270-8072 as soon as possible so that we can work with you to address your requirements.

Because four GBI firearms examiners are in training at the Headquarters Laboratory and it is critical that this training continue without significant interruptions, some cases may be analyzed by examiners from GBI regional laboratories.

I ask for your understanding that because of the limited resources at GBI disposal, providing firearms reports or testimony with less than 14 days notice may be impossible in certain situations.

The foundation of the GBI Crime Laboratory system is quality work and accurate scientific analysis. Although GBI resources are limited, the Crime Laboratory's commitment to professionalism remains unchanged.

If you have any questions concerning this issue, please call me at the number above.

Respectfully,

George Herrin, Jr.

George Herrin, Jr., Ph.D.
Deputy Director
GBI-DOFS

Division of Forensic Sciences
P.O. Box 370808
Decatur, Georgia 30037-0808

Investigative Division
P.O. Box 370808
Decatur, Georgia 30037-0808

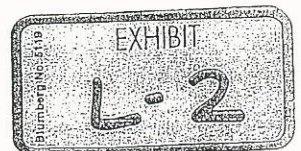
Georgia Crime Information Center
P.O. Box 370748
Decatur, Georgia 30037-0748



Summary and Finding of Facts

On Friday, March 13, 2009, Crime Lab Scientist AMANDA LOKAR peer reviewed a firearms case that Crime Lab Scientist BERNADETTE DAVY had completed earlier. The firearm was a 22 caliber six-shot revolver that had been brought in to DOFS Atlanta by the Douglas County Sheriff's Office on September 8, 2006. LOKAR rejected the findings of DAVY'S analysis of the weapon because DAVY only had ten trigger pulls on a weapons worksheet when the actual number should have been twelve trigger pulls. LOKAR placed the findings of the peer review in the LIMS system in reference to the rejection and a few hours later LOKAR received an email from DAVY stating that the trigger pull function of the procedure had been completed. The quick response from DAVY raised concern for LOKAR because she was not expecting to hear back from DAVY that quickly. LOKAR checked the internal chain of custody and noticed that the firearm in question was still locked up in evidence. LOKAR reported this information to the Central Georgia Regional Laboratory Manager SHAWN DAVIS and DAVIS in turn reported the incident to Assistant Deputy Director MARK MAYCOCK.

On Tuesday, March 17, 2009, Firearms Section Manager GEORGE STANLEY, Assistant Deputy Director MARK MAYCOCK and DOFS Deputy Director GEORGE HERRIN met with Crime Lab Scientist BERNADETTE DAVY. DR. HERRIN asked DAVY if she had retrieved the revolver out of the evidence locker and completed the two trigger pulls that she had placed on her weapons worksheet after LOKAR'S



rejection of the case. DAVY stated that she did not retrieve the weapon out of evidence and that she had used the average number of the trigger pulls that she had already conducted to complete the analysis. DAVY admitted that by her not retrieving the weapon out of evidence and conducting the trigger pulls, she fabricated data on the weapons worksheet. DAVY stated that because of the time factors is the reason she did not conduct the extra firearm pulls and by her not completing the trigger pulls did not impact the quality of the case.

On Thursday, March 19, 2009, Director FRED MAYS in the Office of Professional Standards interviewed BERNADETTE DAVY at GBI Headquarters. DAVY admitted to Director MAYS that she had fabricated the data in reference to the 22 caliber revolver. DAVY admitted that after the case was rejected by Crime Lab Scientist AMANDA LOKAR, she did not conduct the necessary trigger pulls to accurately complete the examination on the weapon. DAVY stated that she took an average of the other trigger pulls that she had conducted on the weapon to come up with the results. DAVY admitted that she was wrong for fabricating the data on the weapons worksheet, but it did not impact the quality of the case. DAVY stated that she had conveyed to DOFS Columbus Lab Manager JOHANNES CLAASSENS several weeks prior to this incident

that she needed a break from working so many rush cases and if she did not get a break that she was going to end up doing something stupid. DAVY admitted what she did was wrong but she felt that the GBI should take some responsibility in the matter because of the overwhelming workload that she has. DAVY stated that Crime Lab

IA-008-09

Scientist AMANDA LOKAR constantly nick-picks her work on peer reviews and she was fed up with it and that is the reason she fabricated the data. DAVY stated that she has never fabricated data in her cases in the past or done anything similar to fabrication.

Lab Manager JOHANNES CLAASSENS corroborated DAVY'S comment in reference that she needed a break from working rush cases and if she didn't get one she was going to end up doing something stupid. CLAASSENS stated to Director MAYS that DAVY is a hard worker and currently she has worked over 300 cases since FY'09 started in July of last year.

The finding of this investigation reveals that Crime Lab Scientist BERNADETTE DAVY violated DOFS Firearms Procedures Manual-Check Function Test, GBI Policy Statement 1006, Standards of Conduct, and GBI Policy Statement 1053, Code of Ethics. The allegation of fabrication of data is sustained on Crime Lab Scientist BERNADETTE DAVY.

From: George Stanley
Sent: Tuesday, April 14, 2009 3:58 PM
To: Amanda Lokar; Brian Leppard; Catherine Jordan; David Voss; Jay Jarvis
Cc: Mark Maycock; Johann Claassens
Subject: Re-work Cases

We have all worked or will be working some of the re-analysis cases originally examined by Bernie. I have noticed a some things in the couple of cases that I have worked that cause me some concern and I need to know if there is a pattern developing. By way of example the following is provided:

- There have also been two cases that were re-examined where the conclusions got stronger – one I know was from FTR to SA. While this in and of itself is not necessarily bad it is a difference of reported opinion.

Please be judicious in your evaluations. I expect some variation in trigger pull data – that is the nature of the beast. So we do not need expected variable information but I believe you will agree that some of the above are, at the very least, concerning. A

Building No. 519
EXHIBIT
L-3

Mark Maycock

From: Amanda Lokar
Sent: Wednesday, April 15, 2009 12:33 PM
To: George Stanley
Cc: Mark Maycock
Subject: 2009-1000473 re-work

Discrepancies

- 1) Magazine submitted with firearm listed on weapon worksheet as capacity of 15. Will only physically hold 14.
 - 2) Item 1 cartridges submitted with firearm listed as 180gr FMJ, actually 165 gr FMJ. Bags were unopened by original examiner.
 - 3) Item 4A contained silver/gray metal fragment (non-magnetic), listed on Bullet worksheet as non-metallic
 - 4) Item 5 described simply as Lead core, was lead core and several lead fragments
- Additional note on recurring them: Items inside outer containers were not sealed.

Amanda Lokar
GBI Central Regional Lab
5615 Riggins Mill Rd
Dry Branch, GA 31020
Amanda.lokar@gbi.ga.gov
478-752-1290

4/15/2009

Mark Maycock

From: David Voss
Sent: Tuesday, May 19, 2009 8:12 AM
To: Mark Maycock
Cc: George Stanley
Subject: Discrepancy in BD Findings

Case # 2006-1016496. BD reported DTW yielded Rossi & Taurus .38 Special and .357 Magnum revolvers.

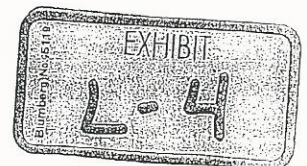
Using BD's LIW and GIW measurements with +/- 0.003" brackets in 2008 GRC tables does not list any Rossi or Taurus .357 Magnum revolvers.

Using my LIW and GIW measurements with same brackets and 2008 GRC tables does not list any Rossi or Taurus .357 Magnum revolvers. I do agree that Rossi and Taurus .38 Special revolvers are included.

This discrepancy verified by George S. Case is being peer reviewed currently.

David Voss

5/20/2009



Mark Maycock

From: David Voss
Sent: Tuesday, July 14, 2009 1:47 PM
To: Mark Maycock
Subject: Discrepancy in BD findings

Discrepancy in BD findings: case 2008-1013391, with related case 2008-1013412

Item 2B .45 metal jacketed bullet Bernie had some agreement of 2B with Items 2A and 2C, both .45 metal jacketed bullets that ID'ed with each other.

I made an ID of 2A, 2B, and 2C with each other.

This also changed the Conclusion of the related case 2008-1013412, Items 2-4 which were .45 metal jacketed bullets. All six .45 bullets ID'ed with each other.
This is to go to court tomorrow, 07/15, Dekalb Co Superior Court.

David Voss

SV
h
2

Mark Maycock

From: Brian Leppard
Sent: Tuesday, October 06, 2009 8:46 AM
To: Mark Maycock
Subject: RE: 07-1-5043 #4B

Yeah, all different manufacturers.

-----Original Message-----

From: Mark Maycock
Sent: Tuesday, October 06, 2009 8:19 AM
To: Brian Leppard
Subject: RE: 07-1-5043 #4B

They are all different manufactures?

From: Brian Leppard
Sent: Tuesday, October 06, 2009 8:18 AM
To: Mark Maycock
Subject: RE: 07-1-5043 #4B

There are 9.

-----Original Message-----

From: Mark Maycock
Sent: Monday, October 05, 2009 6:47 AM
To: Brian Leppard
Subject: RE: 07-1-5043 #4B

How many 6L .380's are in the GRC?

From: Brian Leppard
Sent: Thursday, October 01, 2009 10:05 AM
To: Mark Maycock
Cc: Jay Jarvis
Subject: 07-1-5043 #4B

Mark,

Another change in conclusions.

Bernie did a DTW on this bullet as a 6L, LIW as .055 and GIW as "mutilation". She did a DTW of Colt and Davis .380 pistols.

In my opinion there are no definite shoulders visible to measure the LIW/GIW. The bullet appears to have been run over and had abrasions across the entire bullet. Also, what is visible of the rifling, is very shallow. I agree that it is a .380 / 6L, but there are not enough discernable characteristics for a DTW, and there are very minimal individual characteristics, if any, should a gun be submitted for comparison.

I was headed to Gwinnett last week, so I took it by for Jay to have a second look at it. He agreed with me. He said that he would not DTW it either.

My conclusion will be something to the affect of "...fails to reveals sufficient characteristics to determine what type of weapon it was fired from"

Just wanted to let you know about this discrepancy should a problem arise.

Brian Leppard

Firearm and Toolmark Examiner

GBI -Coastal Regional Lab

925-A Mohawk Street

Savannah, GA 31419

912-921-5871

Mark Maycock

From: Catherine Jordan
Sent: Tuesday, May 05, 2009 10:26 AM
To: George Stanley
Cc: Mark Maycock
Subject: Re-work Cases - Differences

George,

I did the rework for 2001-1039191 and have a difference of opinion than that of the original report that Bernie issued. Bernie's report states that the bullet, Item 8, was possibly fired from the weapon, Item 2A. My report will state that the bullet, Item 8, was fired from the firearm, Item 2A.

Also, there was a discrepancy in the number of cartridges contained in Item 2C. The record of evidence states that there were five .25 cartridges. As I received Item 2C, there were only four .25 cartridges. I believe the fifth cartridge was used as one of Bernie's testfires, although her notes do not make it clear. Notes on the outside of the package containing Item 2c - presumably made by FBI - note K1-K4 (four cartridges). I make special note of this because the packages containing the items of evidence I received all contained interior packaging containing each individual item. These interior packages were not sealed with integrity tape or even stapled closed. Some of the cartridges of Item 2B were outside their individual container, and rolling loosely around in the overall exterior package containing Item 2A & Item 2B.

Thanks,

Catherine

Mark Maycock

From: George Stanley
Sent: Wednesday, June 10, 2009 8:40 AM
To: Mark Maycock
Subject: Re-work Case Problems

Mark,

Just a note to let you know some problems with a re-work of two related cases worked by Bernie. The case numbers are 2007-1005223 & 1006550. I will attempt to outline briefly below.

- 1) When you view the supporting comparison photo in both cases the only thing different in them is the caption at the bottom – one has the case number 2007-1005223 the other does not. The problem is simple – the one with the case number caption is attached to the case 2007-1006550 which is the wrong case. Additionally, when you look at the photo in case number 1005223 – it is the same photo the only difference is the caption. While examining the case I did determine that the two items in the photos are Items 2A and 2B from 1005223. Each case should have had two photos. One photo regarding the comparison of the two bullets in each case and a second photo showing a cross comparison between case number 1005223 and 1006550.
- 2) Each bullet worksheet should have had entries similar to the photo requirement. One entry comparing the specific case bullets and a second entry for the cross comparison of the two case numbers.
- 3) My results were also different. Bernie reported that the three bullets and bullet jacket of Items 2A and @b of 1005223 and 2A and 2B of 1006550 all have some agreement of characteristics but insufficient to determine if fired in the same firearm. I reported that the bullets Items 2A and 2B of 1006550 and Item 2A of 1005223 were fired by the same firearm and that the bullet jacket of 2B of 1005223 was fails to reveal.

VR,

George

My conclusions differ also

Mark Maycock

From: David Voss
Sent: Monday, May 18, 2009 9:25 AM
To: Mark Maycock
Subject: FW: 2009-1001172

This is 1 of the two discrepancies I have recently found about Bernie's work. She described the bullet as .38. David

-----Original Message-----

From: Johann Claassens
Sent: Thursday, May 14, 2009 3:33 PM
To: David Voss
Subject: RE: 2009-1001172

*does this
help
prosecution?*

David

Okay for you to change description to 0.32

Thanks for checking
Johann

-----Original Message-----

From: David Voss
Sent: Thursday, May 14, 2009 15:16
To: Johann Claassens
Subject: RE: 2009-1001172

It has a diameter of 0.307-0.310 inches at the circular base so it is a .32 caliber. It is misdescribed by BD, so the description in LIMS is wrong. I don't know if I can simply change the description or if I have to do the case paperwork first since it is not in my custody.

-----Original Message-----

From: Johann Claassens
Sent: Thursday, May 14, 2009 3:01 PM
To: David Voss
Subject: 2009-1001172

David

Will you do me a favor and look at the ME bullet in this case. Is it caliber 0.32 or something else?

Thanks,

Johann Claassens
Crime Laboratory Manager
(404) 270-8045
(706) 568-2112

Mark Maycock

From: Catherine Jordan
Sent: Friday, June 12, 2009 11:20 AM
To: Mark Maycock
Cc: Johann Claassens
Subject: Discrepancy in report results - Bernie Re-work

Mark,

I re-worked 2008-1008392 & I wanted to inform you that the results and conclusions on my report will differ from Bernie's original report just slightly.

My result will read "Microscopic examination of the bullet, Item 2, reveals that it is consistent with being fired from Ruger & Colt .357 Magnum revolvers, Rossi and Astra .38 Special revolvers, and FIE and EIG .38 Special derringers."

Bernie's read:

Microscopic examination of the bullet, Item 2, reveals that it is consistent with being fired from Rossi and Astra .38 Special and .357 Magnum revolvers and FIE and EIG .38 Special derringers.

In my search of the GRC – Rossi & Astra .357 Magnum revolvers were not indicated as falling into the LIMP/GIMP range that I measured. She was using an older version of the GRC – and it's possible that the version she used had these guns listed as possible candidates in the measured range. Also, I included Ruger & Colt .357 Magnum revolvers as candidates – she did not. It is quite possible for the same reasons listed above that she did not list these – or it could be just a choice to list fewer candidate firearms.

Thanks,

Catherine

Mark Maycock

From: Jay Jarvis
Sent: Wednesday, April 15, 2009 8:17 AM
To: Mark Maycock
Subject: FW: Re-work Cases

Forgot to CC you.

From: Jay Jarvis
Sent: Wednesday, April 15, 2009 8:04 AM
To: George Stanley
Subject: RE: Re-work Cases

2007-1013060

Item 3 was re-submitted with one .357 magnum cartridge case loaded in the cylinder. The evidence was previously re-examined by Kelly Fite per court order.

Item 3 has barrel length of 2 ½ inches (manufacturer's spec also), original worksheet specified 2 1/8 inches.

Item 2 was found to have TP ave of 6.5lbs (7.25H, 6.00L), original worksheet had 9H, 7L, 8Ave.

Items 3, 4, 16, 17 and 19 were all originally found to have LIW .070, GIW .111. I was unable to make measurements due to poorly defined edges, had to estimate the combined LIW+GIW.

Item 4 bullet weight 94.6 gr., original worksheet had 101.3 gr.

Inner packages containing fired bullets were not sealed.

2008-1022925

Item 4B worksheet indicates comparison to firearms was "SA-PROB" and I was able to identify 4B as having been fired from the firearm. There was a portion of the evidence bullet obscured by folded piece of lead. Bullets generally appeared not to have been cleaned thoroughly prior to examination.

Inner packages containing fired bullets were not sealed.

NOTE: My concern about the bullet packaging is normally it is the inner container that you are presented with on the stand for identification.

From: George Stanley
Sent: Tuesday, April 14, 2009 3:58 PM
To: Amanda Lokar; Brian Leppard; Catherine Jordan; David Voss; Jay Jarvis
Cc: Mark Maycock; Johann Claassens
Subject: Re-work Cases

Folks,

We have all worked or will be working some of the re-analysis cases originally examined by Bernie. I have noticed a some things in the couple of cases that I have worked that cause me some concern and I need to know if there is a pattern developing. By way of example the following is provided:

- 1) Listing on a weapon worksheet of 6R rifling when in fact the weapon was 4R.
- 2) Listing on a weapon worksheet of "Safeties: OK". In fact the Lorcin 9mm manual (thumb) safety was entirely missing as well as the safety retainer spring.
- 3) Listing on a weapon worksheet the magazine capacity of 13 but 14 will easily fit.

- 4) Listing on a cartridge case worksheet the primer color as "gold" when in fact it was "silver (nickel)".
- 5) Listing on a cartridge case worksheet a cartridge as a "115 gr/FMJ" and in fact it was a "147gr/JHP".

There have also been two cases that were re-examined where the conclusions got stronger – one I know was from FTR to SA. While this in and of itself is not necessarily bad it is a difference of reported opinion.

What I would like you to do is to document issues you have such as listed above and send them to me via email. They do not have to be detailed just provide sufficient information to see the issue along with the case number. Additionally, anytime there is a difference of opinion – such as mentioned above please provide that as well.

Please be judicious in your evaluations. I expect some variation in trigger pull data – that is the nature of the beast. So we do not need expected variable information but I believe you will agree that some of the above are, at the very least, concerning.

When you email me this data please CC ADD Mark Maycock.



GEORGIA BUREAU OF INVESTIGATION

3121 Panthersville Road
P.O. Box 370808
Decatur, Georgia 30037-0808

Vernon M. Keenan
Director

May 27, 2009

Investigator Roger Lindsay
DeKalb County District Attorneys Office
556 North McDonough Street
7th Floor
Decatur, Ga. 30030

Re: GBI DOFS Case Number 2008-1017039
Victim: Roderick Humphrey

Dear Mr. Lindsay:

Evidence on this case was reanalyzed by current laboratory staff in order for our laboratory to provide expert testimony in court. This reanalysis has identified an inconsistency between the initial firearms request and the reanalysis performed by the second analyst. The reanalysis report has been completed and is posted on the DOFS website (<https://gbi-dofs.com>) under the above referenced case number. A copy of the reanalysis report is also attached.

If you have any questions regarding this matter, please feel free to contact me at the GBI Headquarter Crime Laboratory.

Sincerely,

A handwritten signature in black ink, which appears to read "Mark R. Maycock", is written over a horizontal line.

Mark R. Maycock
Assistant Deputy Director
(404) 270-8073



GEORGIA BUREAU OF INVESTIGATION

3121 Panthersville Road
P.O. Box 370808
Decatur, Georgia 30037-0808

Vernon M. Keenan
Director

May 27, 2009

Detective C.D. Smith
DeKalb County Police Department
1960 West Exchange Place
Tucker, Ga. 30084

Re: GBI DOFS Case Number 2008-1017039
Victim: Roderick Humphrey

Dear Det. Smith:

Evidence on this case was reanalyzed by current laboratory staff in order for our laboratory to provide expert testimony in court. This reanalysis has identified an inconsistency between the initial firearms request and the reanalysis performed by the second analyst. The reanalysis report has been completed and is posted on the DOFS website (<https://gbi-dofs.com>) under the above referenced case number. A copy of the reanalysis report is also attached.

If you have any questions regarding this matter, please feel free to contact me at the GBI Headquarter Crime Laboratory.

Sincerely,

A handwritten signature in black ink, which appears to read "Mark R. Maycock", is written over a horizontal line.

Mark R. Maycock
Assistant Deputy Director
(404) 270-8073



GEORGIA BUREAU OF INVESTIGATION

3121 Panthersville Road
P.O. Box 370808
Decatur, Georgia 30037-0808

Vernon M. Keenan
Director

May 27, 2009

Dr. Dunton
DeKalb County Medical Examiners Office
3550 Kensington Road
Decatur, Ga. 30032

Re: GBI DOFS Case Number 2008-1017039
Victim: Roderick Humphrey

Dear Dr. Dunton:

Evidence on this case was reanalyzed by current laboratory staff in order for our laboratory to provide expert testimony in court. This reanalysis has identified an inconsistency between the initial firearms request and the reanalysis performed by the second analyst. The reanalysis report has been completed and is posted on the DOFS website (<https://gbi-dofs.com>) under the above referenced case number. A copy of the reanalysis report is also attached.

If you have any questions regarding this matter, please feel free to contact me at the GBI Headquarter Crime Laboratory.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark R. Maycock", is written over a horizontal line.

Mark R. Maycock
Assistant Deputy Director
(404) 270-8073

Division of Forensic Sciences
P.O. Box 370808
Decatur, Georgia 30037-0808

Investigative Division
P.O. Box 370808
Decatur, Georgia 30037-0808

Georgia Crime Information Center
P.O. Box 370748
Decatur, Georgia 30037-0748

Official Report



Division of Forensic Sciences
Georgia Bureau of Investigation
State of Georgia

George Herrin
Deputy Director

* ISO 17025 Accredited *
* ASCLD/LAB Accredited *

Headquarters

DOFS Case #: 2008-1017039

Report Date: 11/10/2008



Requested Service: Firearms

Agency: DeKalb Co. Police Department

Agency Ref#: 08111803

Requested by: C.D. Smith

Case Individuals:

Victim: Roderick Humphrey

Evidence:

On 08/22/2008, the laboratory received the following evidence from the DeKalb Co. Medical Examiner via Lockbox.

002 Sealed package(s) containing .40 metal jacketed bullet

On 08/27/2008, the laboratory received the following evidence from the DeKalb Co. Police Department via Lockbox.

003 Sealed package(s) containing evidence for Firearms analysis

003A Ten .40 cartridge cases (1-4,6,7,11, rear driver, rear pass, floorboard)

003B .40 metal jacket (5)

003C Lead core (14)

003D .40 metal jacketed bullet (12)

003E .40 metal jacketed bullet (9)

003F .40 metal jacketed bullet (10)

003G .40 metal jacketed bullet (front tire)

Results and Conclusions:

Microscopic examination and comparison of the bullets and bullet jacket, Items 2, 3B and 3D-3G, reveals that they were fired from the same firearm, and are consistent with being fired from Beretta and Taurus .40 pistols.

Microscopic examination and comparison of the cartridge cases, Item 3A, reveals that they were fired from the same firearm, and are consistent with being fired in Beretta and Taurus .40 pistols.

Only those items discussed in the results above were analyzed for this report. The above represents the interpretations/opinions of the undersigned analyst. Evidence analyzed in this report will be returned to the submitting agency. Biological evidence (body fluids and tissues) and fire debris extracts will be destroyed after one year. This report may not be reproduced except in full without written permission of the laboratory.

This case may contain evidence that must be preserved in accordance with O.C.G.A. § 17-5-56.

Bernadette Davy

Bernadette Davy
Firearms Scientist
404-270-8095

CC:

Related Agencies:

Report Date: 11/10/2008
Report id: MCXU42GA00ORP2

DeKalb Co. District Attorney
DeKalb Co. Medical Examiner
Stone Mountain Judicial Circuit

ACN: 08D1038

End of Official Report

Official Report



Division of Forensic Sciences
Georgia Bureau of Investigation
State of Georgia

Headquarters
DOFS Case #: 2008-1017039
Report Date: 05/21/2009

George Herrin * ISO 17025 Accredited *
Deputy Director * ASCLD/LAB Accredited *



Requested Service: Firearms

Agency: DeKalb Co. District Attorney
Agency Ref#:
Requested by: R. Lindsay

Case Individuals:

Victim: Roderick Humphrey

Evidence:

On 08/22/2008, the laboratory received the following evidence from the DeKalb Co. Medical Examiner via Lockbox.

002 Sealed package(s) containing .40 metal jacketed bullet

On 08/27/2008, the laboratory received the following evidence from the DeKalb Co. Police Department via Lockbox.

003 Sealed package(s) containing evidence for Firearms analysis
003A Ten .40 cartridge cases (1-4,6,7,11, rear driver, rear pass, floorboard)
003B .40 metal jacket (5)
003C Lead core (14)
003D .40 metal jacketed bullet (12)
003E .40 metal jacketed bullet (9)
003F .40 metal jacketed bullet (10)
003G .40 metal jacketed bullet (front tire)

Results and Conclusions:

Microscopic examination and comparison reveals the bullets and bullet jacket, Items 2, 3B, 3D, 3E, 3F, and 3G, were fired from the same firearm, and are consistent with being fired from Smith & Wesson and Beretta .40 pistols.

Microscopic examination and comparison reveals the cartridge cases, Item 3A, were fired in the same firearm.

Microscopic examination of the cartridge cases, Item 3A, did not reveal any unique characteristics that could be used to develop a list of possible firearms in which they were fired. The cartridge cases, Item 3A, are suitable for comparison to a firearm should one be recovered during the investigation.

Microscopic examination of Item 3C reveals characteristics consistent with the type found on lead bullet core material. Item 3C is not suitable for comparison purposes.

Only those items discussed in the results above were analyzed for this report. The above represents the interpretations/opinions of the undersigned analyst. Evidence analyzed in this report will be returned to the submitting agency. Biological evidence (body fluids and tissues) and fire debris extracts will be destroyed after one year. This report may not be reproduced except in full without written permission of the laboratory.

This case may contain evidence that must be preserved in accordance with O.C.G.A. § 17-5-56.

David J. Cox

David Voss
Firearms Scientist

CC:

Related Agencies:

DeKalb Co. Medical Examiner
DeKalb Co. Police Department
Stone Mountain Judicial Circuit

ACN: 08D1038
ACN: 08111803

End of Official Report



GEORGIA BUREAU OF INVESTIGATION

3121 Panthersville Road
P.O. Box 370808
Decatur, Georgia 30037-0808

Milton E. Nix, Jr.
Director

RECEIVED

MAR 13 2000

CRIMINAL

Memorandum

To: Bernadette Davy
Crime Lab Scientist, Principal
Firearms Section

From: Richard Ernest *RNE*
Section Manager
Firearms Section

Date: March 10, 2000

Re: Official Reprimand

On Tuesday, March 7, 2000, at approximately 5pm, I was in my office within the Firearms Section, and was disturbed by the excessive loudness of radio music coming from within the Firearms Laboratory. The volume of the music was so loud that it interrupted me, and possibly others within the laboratory, and could be heard as being this loud even though the doors to my office and the Firearms Laboratory were closed. I went into the laboratory, and directed you to turn your radio down. You turned the volume down, but then pointed to the wall clock, and said that it was five o'clock. I advised you then that I did not care what time it was, to turn the radio down. You then responded that I was acting "pretty macho." I then directed that you remove the radio from the Firearms Section. To this order you responded "What will happen if I don't?" I then directed you to remove the radio, or find out what will happen if you don't. To this you responded, "okay, we'll see."

On a number of occasions in the past, I have had to direct you to turn the volume of your radio down, in order to maintain a professional atmosphere within the laboratory. The incident that occurred on Tuesday, as described above, followed these past admonitions against playing the radio too loudly. And, more importantly, your disrespectful responses to my directives to you on Tuesday were clear challenges to my authority as manager of the Firearms Section, and constitute insubordination on your part. You are hereby officially reprimanded for these insubordinate responses, and are placed on clear notice that any similar actions on your part in the future will result in additional, and more severe, disciplinary actions.

Cc: Personnel
Karen Scott

Division of Forensic Sciences
P.O. Box 370808
Decatur, Georgia 30037-0808

Investigative Division
P.O. Box 370808
Decatur, Georgia 30037-0808

Georgia Crime Information Center
P.O. Box 370748
Decatur, Georgia 30037-0748