

Forensic Bibliography

Handwriting Disguise and the Question of Forensic Identity

An Annotated Bibliography of International Authors
Regarding the Forensic Examination of Handwriting and
Signature Disguise



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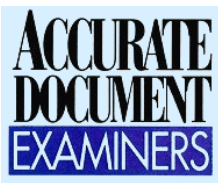
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Handwriting and Signature Disguise

First Edition



*Compiled by Jacqueline A. Joseph, CDE (Certified Document Examiner)
with Case Law compiled by Marcel B. Matley*

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“Though a man learns but little that he definitely can catalogue, there certainly is nothing more necessary to his continued intellectual development than this fixed habit of coming into mental contact with other minds.”

—Albert S. Osborn, *“The Problem of Proof”* (1922) and *“Questioned Documents”* (1929)



“Consider what you have in the smallest chosen library. A company of the wisest and wittiest men that could be picked out of all civil countries, in a thousand years, has set in best order the results of their learning and wisdom. The men themselves were hid and inaccessible, solitary, impatient of interruption, fenced by etiquette; but the thought which they did not uncover to their bosom friends is here written out in transparent words to us, the strangers of another age.”

—Ralph Waldo Emerson, *Poet and Essayist*



“Each age has its crimes, with the corresponding protective measures, - all alike the product of the age’s conditions. In each age, crime takes advantage of conditions, and then society awakes and gradually overtakes crime by discovering new expedients.”

—John Wigmore, *Dean of Northwestern University Law School*. 1910

HANDWRITING DISGUISE and the Question of Forensic Identity

Forward by Jacqueline A. Joseph, CDE

This survey of books, monographs, case law and articles represents research and studies about disguising handwriting conducted by forensic document examiners from the U.S. Secret Service, FBI, and in private practice. When a writer resorts to using a disguise, the forensic handwriting examiner asks “*Is it possible to distort handwriting in a way as to completely conceal one’s identity or not?*”

Handwriting is an individualized graphic record of movement. It is a complicated interplay of pen and grip pressure coupled with coordinated muscle movements; therefore, the disguiser must censor the normal function of their musculature, and adapt it to the alien task of writing a new way.

Success in concealing or camouflaging one’s identity, and therefore escaping detection through the process of forensic handwriting comparison, depends not only upon the extent one has modified his/her handwriting, but also, the nature of the questioned writing, the available material for comparison, and the competency of the examiner. From the survey of the literature listed herein, it is shown that most attempts to disguise are neither consistent nor successful.

As a result of the numerous experiments conducted by the authors herein, a group of disguise features and methods was revealed. Most commonly, the disguisers wrote in a way that drastically changed the pictorial image of their writing. The less conspicuous features were less likely to be disguised. For example, the disguiser’s placement of the writing relative to a pre-printed baseline was, as a disguise strategy, rarely changed.

Additionally, the most effective disguises were those methods by which the disguiser:

1. Wrote with increased pen pressure throughout.
2. Did not alter letter forms, but rather wrote with notable tremor or erratic movements in an attempt to completely distort the writing or create an appearance of simulation.



- A. *Some people are capable of writing in a manner so thoroughly disguised that writer identification is impossible.*
- B. *Rarely disguised features include handwritten numbers, addresses on envelopes of anonymous notes, diacritics, titles (Mr., Mrs., Miss, Dr.), punctuation and line spacing.*
- C. *If not an actual case report, the findings from the experiments in these articles include the fact that the participants were writing in non-equivocal real-life disguise scenarios as encountered in forensic casework.*
- D. *You are cautioned against assuming that any single finding automatically becomes a “law” of handwriting identification.*

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BOOKS, MONOGRAPHS and JOURNAL ARTICLES:

- A. *Herein is a compilation of 40 articles, 12 books and 6 monographs and a DVD. It cannot be claimed that this bibliography is complete. This is a selected bibliography. Other areas of consideration regarding the forensic examination of handwritten documents require further pursuit.*
- B. *The authors are from Australia, Canada, England, Hong Kong, New Zealand, Sweden, USA, West Germany and the West Indies.*
- C. *Many of the works listed have extensive bibliographies to which the reader's attention is also specifically directed.*
- D. *Not all entries have annotations, but the absence of an annotation should not be taken as implying that the work has less value than annotated entries.*
- E. *Entries are arranged alphabetically by title.*
- F. *Each author's biographical footnote, if listed, is contemporaneous to the date of publication.*
- G. *Most citations were drawn from "The QDE Index" by Marcel B. Matley of A & M Matley Handwriting Experts of California, and from the private collections of Jacqueline Joseph and Marcel Matley.*

CASE LAW:

- H. *This is a survey of 47 selected reported court cases that focus on admissibility of expert testimony as to disguise in handwriting. They demonstrate that such testimony has been admissible since earliest times.*
- I. *Few cases limit the expert witness's testimony as to disguise.*
- J. *Some of the cases describe the indicators of disguise in handwriting. One case which is virtually a manual on expert examination on handwriting is given extensive treatment for that reason. Otherwise, comments are restricted to the precise issue of expert opinion as to disguise in handwriting.*
- K. *Cases that considered disguise in handwriting, but did not even infer expert opinion as to same, are not included.*

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BOOKS, MONOGRAPHS and DVDs

A TREATISE ON DISPUTED HANDWRITING. William E. Hagan. Banks & Brothers, Albany, N.Y. 1894.

A fundamental and comprehensive work on writing habits as manifested in handwriting. Chapter 4 discusses the necessity of understanding the muscular functions of the hand and forearm to reach a proper understanding as to the cause of personal details in the writing. Also discussed is the manner of moving and holding the pen which can be determined by the appearances in the writing consequent upon it. Chapter 6 discusses disguised handwriting including the difficulties attending the examination of disguised handwriting, and the identification of the writer of it by comparison. Includes a discussion about the conditions under which a perfect disguise of handwriting may be accomplished.

ANONYMOUS LETTERS: A STUDY IN CRIME AND HANDWRITING. Robert Saudek. London, Methuen & Co., 1933. 1976 reprint by Ams Press, New York.

DISGUISE, LEARNING DISABILITY, OR ILLITERATE WRITING: CAN A DOCUMENT EXAMINER TELL THE DIFFERENCE? Pat Tull. [Monograph] Oklahoma City, OK. [date of publication unknown]

This is an excellent paper discussing the characteristics of handwritings that have been 1) intentionally altered in order to disguise the identity of the writer, 2) written by a writer with learning disabilities, and 3) written by an illiterate who is someone who can write only his name. It includes research into the literature by quoting various noted authorities. Examples are provided of handwriting from these three categories. Includes a good discussion of graphic maturity. Also discussed is how to rate speed and the quality of movement as observed in request writing. Includes the list of 23 aspects of the physiological aspects of handwriting (from Quirke). Bibliography.

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DISTINGUISHING BETWEEN DISGUISE AND SIMULATION: GENERAL GUIDELINES. Kathy Koppenhaver. [Monograph] Based on a presentation at the NADE Conference. 2003.

EVIDENTIAL DOCUMENTS. James V.P. Conway. Charles C. Thomas, Springfield, Ill. 1959.

Many aspects of disguise are discussed including methods such as using the opposite hand, the difficulty of repeating a disguise during extended writing, and that disguise is usually omitted when writing numerals.

EXPERIMENTS WITH HANDWRITING. Robert Saudek. Reprinted by Books For Professionals, Sacramento, CA. 1978.

In the 1920's Saudek conducted and recorded extensive and carefully controlled handwriting experiments. Saudek lays the most comprehensive fundamentals in experimental handwriting research. Fully illustrated.

EXTREME HANDWRITING CAUGHT-ON-TAPE INCLUDING MIRROR WRITING, UPSIDE-DOWN BACKWARD WRITING, SIMULTANEOUSLY AMBIDEXTROUS MIRROR WRITING. Jacqueline A. Joseph, CDE. Forensic Handwriting Research Institute, Portland, OR. 2005 [DVD]

This is a short film of three women with uncommon handwriting abilities. The camera zooms in on the writer's hand, allowing an in-depth study of the writing act including pen hold, pen presentation and grip. An attached booklet includes exhibits of the writing (normal and extreme).

FORENSIC DOCUMENT EXAMINATION – Principles and Practice. Katherine M. Koppenhaver. Humana Press, Totowa, N.J. 2007.

Chapter 17 covers methods and reasons for disguise. Also discusses signs of disguise and the methods of detecting disguise. Further discussion of disguise and the difference between disguise and simulation are discussed in Chapter 18.

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**FORENSIC HANDWRITING EXAMINATION – A Definitive Guide. Reed Hayes.
ReedWrite Press, Honolulu, HI. 2006.**

A thorough discussion of the features of handwriting, such as pen scope and writing impulse, which are the basis of writer identification. Includes the list of principles and theories of forensic identification.

**FORGERY DETECTION AND DEFENSE. Marcel B. Matley. [Monograph]
Handwriting Services of California, San Francisco, CA., 1986.**

A complete guidebook for attorneys and other the legal professionals. Matley's explanations of the various types of forgeries are masterful. He lists clues to suspicious handwriting. Disguised writing is defined as the willful modification of a person's natural writing for the purpose of concealing identity. In the list of clues are: retouched letters, not because they are illegible, but only with the result that they are given different shapes; abrupt change of size of letters; and blunt starts and ends of strokes. Includes illustrations comparing normal and disguised writing of the same phrases by the same person. Over one hundred citations are listed and annotated in the bibliography.

**GENUINE TREMOR IN HANDWRITING VS. THE TREMOR OF FRAUD,
Jacqueline A. Joseph, CDE. [Monograph] JT Research LLC, Portland, OR.,
Feb. 2000.**

This is a compilation of 52 journal articles, 13 books and 9 case law citations which are annotated. Joseph's research included task-specific, altered states, mental disorders, physical illness, intoxication and genuine tremors in general. Additionally, the subject of fraudulent tremor was researched including the subjects of disguise, opposite-hand writing, tracing and request handwriting exemplars. Subject, author and journal index included.

**HANDWRITING EXPERT TESTIMONY AS TO DISGUISE OF COMPELLED
EXEMPLARS. Marcel B. Matley. [Monograph] Handwriting Services of
California, San Francisco, CA., 1995.**

Report on Case file number 951130-A.

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**LAW OF DISPUTED AND FORGED DOCUMENTS. J. Newton Baker, LL.M., J.D.
The Michie Company, Charlottesville, VA., 1955.**

Baker discusses disguise as an element in the writing of anonymous letters.

**PROBLEM OF PROOF, THE. Albert S. Osborn. Nelson-Hall, Inc., Chicago, Ill.,
1926.**

Discusses the problem of attempted disguise during the taking of request exemplars, and how the forensic examiner may set up conditions to avoid and/or detect such an attempt.

**QUESTIONED DOCUMENTS. Albert S. Osborn. Nelson-Hall Co., Chicago, Ill.,
1929.**

Osborn discusses the possible causes of error in forming an opinion of identification of writing if the forensic examiner observes differences which can be attributed to intended disguise.

**SIGNATURE DISGUISE BY CHANGE OF SLANT. Marcel B. Matley.
[Monograph] Handwriting Services of California. San Francisco, CA. 1992.**

The writing of the name "Napoleon Bonaparte" by 13 people was the basis of this experimental research. Seven tables of observations and illustrations are included. The seven tables are Baseline, Pressure, Letter Size/Ratio, Letter Connection, Horizontal Expansion and Slant. A valuable discussion of two other studies is included. Bibliography.

**SUSPECT DOCUMENTS. Wilson R. Harrison, M.Sc., Ph.D. Nelson-Hall
Publishers, Chicago, Ill., 1981.**

Harrison devotes a chapter to disguise. Excellent illustrations. He lists features rarely affected by disguise, such as the marginal habits.

**SOURCEBOOK IN CRIMINALISTICS. Carroll R. Hormachea. Reston Publishing
Company, Inc., Reston, VA. 1974.**

Chapter 14, pp. 107-118. Disguised Handwriting: A Statistical Survey of How Handwriting is most Frequently Disguised. Edwin F. Alford, Jr.

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This is a reprint of Alford's article appearing in The Journal of Forensic Sciences. 15:476-88, Oct. 1970. (Annotated herein: See #24)

**SCIENTIFIC EXAMINATION OF QUESTIONED DOCUMENTS, THE. Hilton
Ordway. Elsevier North Holland Inc., N.Y. 1982.**

Hilton covers disguised handwriting in his chapter about identification of handwriting in a general manner.



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CASE LAW CITATIONS

This is a survey of 47 selected reported court cases that focus on admissibility of expert testimony as to disguise in handwriting. They demonstrate that such testimony has been admissible since earliest times. Few cases limit the expert witness's testimony as to disguise. Some of the cases describe the indicators of disguise in handwriting. One case which is virtually a manual on expert examination on handwriting is given extensive treatment for that reason. Otherwise, comments are restricted to the precise issue of expert opinion as to disguise in handwriting. Cases that considered disguise in handwriting, but did not even infer expert opinion as to same, are not included.

Burkholder's Ex'rs v Plank, 69 Penn. 225 (1871)

Handwriting expert evidence admissible as corroborative as to naturalness or feigned hand.

Calkins v State, 14 Ohio 222 (1863)

At page 223, the state called two witnesses familiar with defendant's handwriting. Thomas P. Handy, called as a handwriting expert and experienced from his banking career, compared the questioned writings to proved exemplars and said the former were in a disguised hand. Also called as experts were Daniel P. Eels and William E. Kellogg.

Commonwealth v Webster, 59 Mass. (5 Cush.) 295, 52 Am. Dec. 711 (1850)

In a murder case it was ruled that a handwriting expert may testify that anonymous letters were disguised to divert suspicion and were written by defendant, and he may give his reasons for the opinion.

At page 301: "In regard to the term 'handwriting,' we think that it should include, generally, whatever the party has written with his hand, and not merely his common and usual style of chirography." Testimony on disguised handwriting has always been considered admissible in cases of anonymous writings.

Corn v State Bar of California, 68 Cal. 2d 461, 67 Cal. Rptr. 401, 439 Pac. 2d 313 (1968)

It is proper for a handwriting expert from comparison of signatures to testify, first, that both were written by same person and, second, that the purported signature of the payee on a

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warrant was so disguised as to deceive the average person into believing a different person wrote it, so that the expert addresses the issue of the writer's state of mind.

Petitioner admitted writing both his and other person's name as payee on warrant, but claimed it was in his normal style. Hearing officers wanted to know if there was evidence of deceit in writing the other name.

At 315: "In comparing the signatures on the back of the warrant, the handwriting experts pointed out that the name 'L. L. Siemons' appeared to have been signed with a ballpoint instrument in blue ink, while petitioner's signature appeared to have been signed with a fountain pen having a wide tip and containing black ink; that two different methods of writing were used, petitioner's signature having been written in a free flowing hand and the other signature at a slower speed; and that there was a difference in the size and line quality of the writing."

In writing "L. L. Siemons" on warrant petitioner used printing, but on the receipt he used cursive capitals. The questioned signature also showed less skill.

Cox v Dill, 85 Ind. 334 (1882)

At page 337: "It is not error to instruct that an expert in reference to handwriting 'may state to the jury his opinion whether or not the writing in question is in a feigned hand.' This is simply to state the witness's belief or opinion in respect to the genuineness of the writing or signature."

Green v Terwilliger, 56 Fed. 384 (1892), affirmed Richardson v Green, 9 Cir. Ct. App. 564, 15 U.S. App. 488, 61 Fed. 423 (1894)

The discussion refers to 56 Fed. 384. Due to the excellent and extensive discussion, given with full approval, of the methods of expert handwriting examination, this case is given extensive coverage.

At page 394: "The value of expert testimony depends, to a certain extent, upon the general knowledge and experience of the witnesses; their competency, character, and reputation. It depends more or less upon the facts stated by them, which form the basis of their judgement, and the reasons given for their opinion." Goes on to state both value and danger of such testimony, danger being bias in acting as an attorney would: "The objection to professional expert testimony consists, to a great extent, in the fact that in many cases the witness

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becomes an active partisan in favor of the party by whom he is employed, and conducts his investigation in the character of an attorney, upon lines most favorable to his side of the case, and when this position is taken the testimony is sometimes given in such a manner as is calculated to deceive and mislead, instead of to enlighten or aid, the court or jury; and this occurs so frequently that courts have often condemned this character of testimony, and declared it to be entitled to but little weight, and that it should be received with caution."

Six bank employees and one Western Union employee acted as complainant's experts. Also Edward Pailing, Mr. Hickox and Mr. Hyde. Defendants had two bank employees and Dr. R. U. Piper.

Speaking of those testifying from familiarity with purported writer's handwriting: "The weight and value of this character of testimony depends in some degree upon the frequency with which the witnesses have had occasion to notice, and carefully observe, the handwriting, and how recent their opportunities for noticing the handwriting have been." Interest in outcome also weighs.

At page 402 et seq. circumstances raising suspicions about genuineness are given. The Court then describes how Philinda Terwilliger changed the way she made her capital P, from two to one stroke. Path of the writing line is described, and anachronism in the questioned signature is noted. At page 405 other traits are mentioned: letter spacing, height, lead-in stroke omitted, connecting loops, symmetry. Philinda made mistakes but never erased, while the will had erasures with corrected letters.

At page 406, speaking of two disputed signatures, the Court said: "There is scarcely a letter in either that bears a close resemblance to the admitted signatures. All of her admitted signatures show that she made her letters on a definite plan; that she possessed certain fixed habits of writing.... The writing of the signature to the deed X has the appearance of having been written by an unskilled person, untrained in the science of handwriting, and has the resemblance of an effort on the part of the writer either to disguise his own writing, or to imitate some other person's handwriting, or both. It does not have that bold, clear, independent, and positive characteristic that is discernable at a glance in every admitted signature of Philinda Terwilliger." Defendants explained crowding of letters due to space allowed for signature, but the Court points out that only about half of allotted space is used.

At page 407: "Experts, in determining the genuineness of handwriting, or its falsity, seldom confine themselves solely to the appearance of the similitude or dissimilitude of the individual

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letters. An analysis of the signature as a whole is, or should be, always made." Then there is brief mention of general rules for identifying handwriting.

At page 408: It is "apparent" that same person wrote witness signature of John Terwilliger also wrote Philinda's signature on the will. Complainants maintained writer of body of will, John Orvis Waterman, wrote Philinda signature, but it was enough to prove falsity without identifying the forger.

This case is an exceptionally well done discussion of handwriting proof.

Hanriot et al v Sherwood et al, 82 Virg. 1 (1884)

After an extensive and excellent survey of court decisions on admissibility of expert comparison of hands, at 15-6, the Supreme Court of Virginia concludes: "[A]nd while we find that formerly there was a great conflict of authority on the subject of comparison of handwriting, the advance of science and the growth of business and the necessities of the people have led to changes and modifications of the rule in so many States that now the great preponderance of authority appears to be on one side." Court then goes on to show by reason why it should be admitted. At page 17 it is stated that experts testified about erasures and feigned hands without comparison.

Huhn v State, 511 So.2d 583 (Flo. App. 1987)

Carl Lord took handwriting exemplars from defendant who printed and wrote slowly, contrary to request to use cursive. Huhn insisted that printing was the only way he wrote. Ronald Dick identified specimens of Huhn's writing on checks, AFT forms and an American Express card application with two envelopes, saying the same person made most of the writing on the envelopes.

At page 587: "Mr. Dick stated that the block printing style of the defendant's handwriting exemplars was indicative of an intentional disguise of handwriting."

Huspon v State, 545 N.E.2d 1078 (Ind. 1989)

Commissary card from defendant's cell voluntarily written on and signed by defendant was properly used by the handwriting expert as an exemplar.

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The expert determined defendant had disguised court ordered exemplars. Therefore, police obtained search warrant of his cell to obtain samples which were ruled genuine since defendant had been ordered to gather up his belonging and the exemplars came out of what he had gathered up.

Pictures of handwriting on wall of murder victim's house were admissible even though they overlapped and some messages were presented twice. At pages 1083-4: "We find that appellant's defense has not suffered reversible error because cumulative evidence alone is not grounds for reversal. (citation omitted.)" The expert had disguised exemplars, commissary card, and other writings as exemplars and built up his degree of certainty.

The King re Prosecution Jackson v Joseph Cator, 4 Esp. 187, 170 Eng. Reprints 661 (1802)

At pages 670-1, Hotham, Baron, gives ruling after extended report of debate on admission of testimony on handwriting. "Then comes the inspector of franks, from the post-office; he has these libels put into his hands. Now, I do not know how that gentleman could speak to the hand-writing, unless he could say he has seen the party write, or unless he had been in the habit of corresponding with him, excepting he has been called to speak as a man of science to an abstract question. In that light he has been called, and his evidence has been admitted. He is shown these papers; and he is asked to look at them, and, without inquiring who wrote them, or for what purpose. He is asked, 'From your knowledge of hand-writing in general, do you believe that writing to be a natural or fictitious hand?' His science, his knowledge, his habits, all entitle him to say, I am confident it is a feigned hand. To that there is no objection; and so far as that goes, I see no reason for rejecting that evidence.

"Then comes the next and important point. It is said to him, 'Now look at this paper, and tell me, whether the same hand wrote both?' Why, one cannot help seeing, evidently, what must be the consequence:—I cannot conceive there is anything in the idea of a comparison of hands, if this is not to be considered as comparison of hands." He upheld the prosecutor's objection and rejected the comparison of hands. Defendant was convicted.

Lyon v Lyman, 9 Conn. 55 (1831)

Bank cashiers called as handwriting experts testified to identity of writer of libel and to disguised writing.

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Mann v State, 33 Ala. App. 115, 30 So.2d 462 (1947); cert. denied, 249 Ala. 165, 30 So.2d 466 (1947)

It is proper to compel a witness to make handwriting exemplar on cross-examination, and it was proper to require left hand exemplars after expert said endorsements were made with the left hand.

County pay roll warrants had been issued in the name of a man who testified he did not work for county, never received any money from the county and could not read or write. County commissioner was accused of forging and uttering the pay warrants.

C. D. Brooks was handwriting expert and testified to use of opposite hand in making endorsements, as compared to regular exemplars.

McGarry v Healey, 78 Conn. 365, 62 Atl. 671 (1905)

A handwriting expert is allowed to testify which traits in a person's disguised writing would appear in undisguised writing and also testify to the possibility of repeating a particular manner of disguise.

At pages 671-2: "The interrogator was by both questions seeking to show from the experience an observation of the skilled witnesses that peculiarities mark the handwriting of an individual even in the presence of attempts at disguise, so that comparisons even as between disguised and undisguised writings, or as between different disguised writings, furnish intelligent bases for conclusions as to the identity of the writer.... The questions were properly admitted."

Moon's Adm'r v Crowder, 72 Ala. 79 (1882)

Expert witness must first be shown to be expert and then may make handwriting comparison and state opinion as to writing being genuine, feigned or forged.

Newby v State, 384 S.W.2d 133 (Tex. Ct. Cr. App. 1964)

Headnote 3 states that the State's witness identifying defendant was sufficient to corroborate the handwriting expert's evidence, taking the case out of the statute that holds that comparison alone will not prove a writing that a person denies under oath. At page 135 the expert is named, Paul W. Hanson.

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At pages 136-7: "Bill of exception #6 presents appellant's complaint to that portion of the handwriting expert's testimony relative to appellant's known handwriting on state's exhibit #9, when he stated that it had clear indications of deliberate writing 'which I believe was an attempt to change the handwriting.'

"The record reflects that upon objection being made by appellant, the court instructed the jury not to consider the witness's statement with reference to there being a deliberate attempt to disguise the handwriting. Appellant made no further objection or request."

This is the only case I found that in effect disallowed expert testimony as to disguise. This statement is not to be taken as meaning there are no others.

***People v Blair*, 36 Cal.4th 686, 115 Pac.3d 1145, 31 Cal. Rptr.3d 485, 2005 Cal. LEXIS 8227, 2005 Cal. Daily Op. Service 6622, 2005 Daily Journal DAR 9057 (Cal. 2005)**

Defendant represented himself in an earlier case of poisoning and was convicted. In this case, brought when one of his victims died from the poison, he again represented himself and was convicted. a police handwriting analyst testified that writing on an envelope, containing information where to obtain poison, matched Defendant's first and third requested exemplars but that the second exemplar was disguised.

***People v Igaz*, 326 N.W.2nd 420 (Mich. Ct. App. 1982)**

It is not a violation of defendant's fifth amendment rights when expert said that defendant had disguised his handwriting in making court ordered exemplars and when prosecutor referred to that as indicative of guilt.

***People v Prescod*, 2006 Cal. App. Unpub. LEXIS 1183 (Cal. App. 2006)**

*At page [*5], David Oleksow obtained handwriting exemplars from defendant but believed them disguised "because the samples showed the writing to be very controlled and lacked the fluency normally seen in writing." Sandra Homewood was forensic document examiner for the prosecution at trial. a notary public testified that the questioned deed had not been notarized by her. Homewood testified Prescod had written various signatures on the deed and other documents but, as to grantor's signature, "the signature in question was made up*

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of scribbles and scratches.” The victim was Defendant’s mother. Conviction and sentence were affirmed.

People v Schmoll, 77 Il. App.3d 762, 33 Il. Dec. 245, 396 N.E.2d 634 (2nd Dist. 1979)

Defendant refused in repeated monthly hearings to provide court ordered exemplars. In one hearing state introduced expert testimony that exemplars, given after initial fingerprint cards when defendant was first taken into custody, were disguised. The court said they were “print script.” At a later hearing the defendant wrote in court, and the judge noted the pen point did not stay on the paper throughout the signature. State experts could not make comparison with any of these exemplars.

People v Storke, 128 Cal. 486, 60 Pac. 1090, 1900 Cal. LEXIS 626 (Cal. 1900), reversing 6 Cal. Unrep. 405, 60 Pac. 420

At page 1090: “[Anonymous letters] differed considerably in style, some appearing to have been written by women in a fanciful hand, some quite illiterate in style, and others in a business, clerical hand....”

Theodore Kitka was handwriting expert called by the prosecution. Defense claimed “that one F. N. Gutierrez, who seems to have been an expert in various styles of handwriting, had written these anonymous and libelous letters at the instigation of other parties, who were enemies of the defendant....”

At page 1090: “We think the court erred in striking out the evidence in question. In a case involving a comparison of different writings, the ordinary individual can frequently arrive at a conclusion quite as correct as that of the opinion of the most skilled expert in handwriting, particularly where, as in this case, this expert testified that there was no resemblance or similarity. Such is the rule of law, not only in this state, but in others.” See below In re Thomas’ Estate where the court explains this statement about ordinary individual being as good as the expert was by way of argument not law.

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People v Tai, 37 Cal. App.4th 990, 44 Cal. Rptr.2d 253 (1st Dist. 1995)

Fifth Amendment does not protect against compelling of handwriting exemplars, and an expert may testify to disguise of same which is evidence of consciousness of guilt.

Queen v Tower, 20 N.B. Rep. 168 (1880)

"[A] scientific witness" might compare handwriting to disprove, but not prove, genuineness, and may only be asked if writing is in a disguised or feigned hand.

Rinker v U.S., 151 Fed. 755 (8th Cir. 1907)

This was a prosecution for mailing obscene material.

The handwriting expert "of wide experience" was Mr. J. F. Shearman. At page 761 it is said that expert testimony as to whether writing is disguised "though generally of slight weight, and often immaterial, is competent."

Robles v U.S., 279 Fed. 2d 401 (9th Cir. 1960); cert. denied, 365 U.S. 836, 81 Sup. Ct. 750, 5 Law. Ed.2d 745 (1961); reh. den., 365 U.S. 890, 81 Sup. Ct. 1032, 6 Law. Ed.2d 201 (1961)

Headnote 7 states that a handwriting expert may give opinion on authorship, as to similarity or dissimilarity, as to disguise or genuineness.

Spann v State, 772 So.2d 38 (2001); 857 So2d 845, 28 Flor. L. L. Weekly Sc. 784, 2003 Flor. LEXIS 465 (Flor. 2003); rehearing denied, 2003 Flor. LEXIS 1731 (Flor. 2003)

In the report at 857 So.2d 845, the court summary in part states: "(1) Frye standard did not apply to forensic handwriting identification evidence...." Defendant wrote a note telling another person how he should testify. He denied writing it, but then admitted doing so when a handwriting experts were hired and he was ordered to give samples. The State wanted its expert to testify that the samples had been intentionally disguised. A Frye hearing was held on admissibility of expert testimony as to determining disguise in handwriting. "The trial court found that the proffered testimony would 'assist the jury in determining the fact in issue,' that

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the proffered testimony 'is indeed based on scientific principle, which has gained acceptance in the field of Forensic Document Examination,' and that the 'witness is qualified....'"

However, the expert was ordered not to render an opinion of intentional disguise, only providing the various possible explanations for the traits in the handwriting.

State v Deutsch, 713 Pac.2d 1008 (N.Mex. App. 1985)

At page 1014 starts the section "TESTIMONY OF a QUESTIONED DOCUMENT EXAMINER."

The examiner made a probable identification for two endorsements as signed by defendant, three may have been, and two she could not tell. Reason for the last was that the first set of exemplar were insufficient and, at pages 1014-5: "The examiner testified the November exemplars were worthless because they were an attempt by Deutsch to disguise his natural handwriting." The examiner gave reasons for the opinion and testified to her expertise and experience in detecting disguise.

Tally et al. v Cross, 124 Ala. 567, 26 So. 912 (1899)

"Upon principle there is no more reason why an expert should not be permitted to give his opinion that two papers were written at the same time, than there is in permitting him to express an opinion that the handwriting was feigned, or written with the same pen and ink."

Sole issue on appeal was whether handwriting expert may express opinion as to whether writings were made at the same time. He may, so it was proper that new trial was granted since he was not permitted to do so on first trial.

"An expert may testify as to the characteristics of the handwriting in question; as to whether the writing is natural or feigned, was or was not written at the same time, with the same pen and ink, and by the same person, and as to alterations or erasures therein, as to the age of the writing and the obscurities therein."

Temple v Smith, 7 Louisiana Ann. 562 (1852)

At page 563 plaintiff counsel argued that a handwriting expert should have been appointed by the Court: "There is still another reason why experts should have been appointed in this case. The document 'a' is evidently an attempt at disguising the real handwriting, and

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experts are always received to testify whether the writing is a real or feigned hand, and may compare it with other writings already in evidence in the case. See note 4 to § 580 of Greenleaf on Evid., and the authorities there cited."

At page 566 the Supreme Court of Louisiana agrees with plaintiff counsel: "We are therefore of opinion that the comparison and testimony proposed, as set forth in the bill of exceptions, should have been permitted; but at the same time, we think it proper to say that such testimony should be considered and acted upon by a jury with much caution, and that they are not bound to surrender their own opinions, formed by their own comparison, to the opinion of witnesses however experienced."

***In re Thomas' Estate*, 155 Calif. 488, 101 Pac. 798 (1909)**

At page 801, the court explains that ruling in People v Storke was not by way of laying down law but only by way of argument. It went on to say: "Certainly in the majority of instances the mind of the expert and trained observer, disciplined to discern not only obvious similarities but to detect as well dissimilarities, disguised under the appearance of similitude, will arrive at a result more correct than will that of the untrained observer."

***Turner v State*, 636 S.W.2d 189 (Cr. Ap. Tex. 1982)**

At page 194, expert used signature stipulated to, two letters written in presence of witnesses, and bank loan application. Court had appellant write, "but the expert disregarded it because, in his opinion, the appellant was not writing normally."

***U.S. v Brown*, 7 Fed.3d 1155 (5th Cir. 1993)**

The case had to do with a money order scam which was operated out of prison.

The handwriting expert's report said that the defendant could not be identified or eliminated as the writer, but it was not exculpatory. The Government did not present handwriting evidence at trial or try to prove the signature genuine. At pages 1163-4: "The report stated that the signature 'evidence[d] features and characteristics consistent with disguised writing and was possibly written with the writer's unaccustomed (awkward) writing hand.'"

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***U.S. v Campbell*, 732 Fed.2d 1017 (1st Cir. 1984)**

This case report has to do with the constitutionality of compelled exemplars.

At page 1021, speaking about physically identifying characteristics of handwriting: "Indeed, it is the stock in trade of handwriting experts that some characteristics are so personally entrenched that disguise is almost impossible. See Harrison, Suspect Documents, (1958) 292, 349-51."

***U.S. v Chavful*, 100 Fed. Appx. 226, 22004 U.S. App. LEXIS 7642 (5th Cir. 2004)**

It was not error to let an expert in gang language explain the meaning of a letter Chavful wrote nor to let a handwriting expert say he had disguised the exemplars he gave for the FBI.

***U.S. v Hollins*, 811 Fed.2d 384 (7th Cir. 1987)**

While defendant was in custody, the grand jury subpoenaed his handwriting exemplars. The subpoena was independent of his arrest and detention.

At page 389, expert Roy Mantle of USPS said "it was 'highly probable' that Hollins has written all of the questioned handwriting on these exhibits. Mantle testified that he could not be absolutely positive because Hollins had, in his opinion, intentionally disguised his handwriting."

***U.S. v McDougal*, 137 Fed.3d 547, 1998 U.S. App. LEXIS 3128, 48 Fed. R. Evid. Serv. (Callaghan) 1127 (8th Cir. 1998)**

At 559: "Requiring defendant to give handwriting exemplar and introducing samples of the defendant's handwriting at trial do not violate the Fifth Amendment privilege against self-incrimination. The handwriting itself (as opposed to the content of a written statement) is physical, not testimonial evidence. Further, evidence that a defendant attempted to disguise his or her handwriting is permissible, since otherwise the defendant could frustrate the government's right to obtain sample." Citations omitted.

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U.S. v McGann and Pruitt, 431 Fed. 2d 1104 (5th Cir. 1970); cert. den., *Pruitt v U.S.*, 401 U.S. 919, 27 Law. Ed.2d 821, 91 Sup. Ct. 904

Requiring an accused to provide handwriting exemplar does not violate privilege against self-incrimination, and the prosecution may present evidence of disguise in court ordered exemplars.

At 1110: "The trial court ordered that he give samples of his own handwriting. He voluntarily chose to disguise it, in violation of the order. The deceptive characteristics of the samples were furnished by him at a time when he was represented by counsel. Furthermore, the record indicates that the government's handwriting expert did not comment on the disguised exemplar, but merely made comparisons of the various letters to indicate the manner of writing. We find that any of the comments on the exemplar were not more testimonial than the exemplar itself. Any unpropitious conclusion to be drawn from the exemplar may have been dispelled by appellant's right to cross-examine...."

Apparently, the expert provided the information needed for the jury, and the defense, to draw an inference of disguised handwriting.

U.S. v Nnadozie, 1998 U.S. App. LEXIS 32634 (4th Cir. 1998); Reported in Table Case Format at: 1998 U.S. App. LEXIS 37831

Department of State special agent, William Maher, was called by defense. He said he met twice with defendant to obtain handwriting samples. On cross it was proper to let him answer why the second samples were needed, namely that he felt Defendant had disguised the first set of samples.

U.S. v Pheaster, U.S., v Inciso, 544 Fed.2d 353 (9th Cir. 1976), 2 Fed. Rules Evi. Serv. 593; cert. denied, 429 U.S. 1099, 51 Law. Ed.2d 546, 97 Sup.Ct. 1118

Dictated exemplars to obtain defendant's manner of spelling does not violate self-incrimination safeguard. For contrary view see U.S. v Campbell.

At page 371: "Pheaster argues that the somewhat unorthodox method of obtaining and utilizing exemplars of his handwriting violated his Fifth Amendment right against self-incrimination." Agent testified normal way was to have person copy text, but in this case they were going after spelling, which matched that in the ransom notes. At 371-2: "a conventional

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analysis was also preformed to compare the handwriting on the two sources, but the Government expert could only testify that the handwriting on the note from the kidnappers appeared to be disguised."

U.S. v Shively, 715 Fed.2d 260 (7th Cir. 1983); cert. den., 79 Law. Ed.2d 233, 1104 Sup.Ct. 1001

Disguising compelled exemplars is not testimony but an "effort to prevent the government from obtaining physical evidence to which it is entitled." Expert testimony about disguise of exemplars, which was introduced to show consciousness of guilt, was not violation of Fifth Amendment.

U.S. v Stembridge and Stembridge, 477 Fed.2d 874 (5th Cir. 1973)

Headnote 1: "Introduction of evidence that defendant attempted to avoid providing a valid handwriting sample by intentionally distorting his handwriting was not improper and did not violate defendant's privilege against self-incrimination."

The questioned document was a hold-up note used in a bank robbery.

At page 876 it is noted that the prosecutor solicited testimony about disguise on redirect to explain difficulty in identifying writer.

U.S. v Valdez et al., 16 Fed.3d 1324 (2nd Cir. 1994)

It is obstruction of justice to disguise handwriting exemplars, thus making handwriting comparison more difficult in examining drug records.

At page 1135: "In any event, there are few better examples of a classic obstruction of justice than a defendant who refuses to give handwriting samples when compelled by a subpoena. His disguise of his handwriting made difficult the comparison of his writing with that in the drug transactions notebook seized by the government, thus hindering the government in its investigation."

U.S. v Wert-Ruiz, 228 Fed.3d 250, 2000 U.S. App. LEXIS 23394 (3rd Cir. 2000)

This was a conviction for laundering illegal drug money.

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*At pages *7-8: "The government presented evidence that Wert-Ruiz and her employees handwrote thousands of fictitious receipts for cash delivered to LAS that was supposedly going to individuals in the Dominican Republic. The government presented expert testimony that Wert-Ruiz attempted to disguise her handwriting in preparing these receipts. Investigators testified that out of a sample of well over one hundred receipts seized from Wert-Ruiz, they had been unable to find a single person identified on any of the receipts, indicating [*8] that the receipts were false. At trial, Wert-Ruiz testified that she had prepared the forged receipts from actual receipts provided by International Services that purportedly reflected real transactions. These latter receipts were not produced at trial, and the government presented evidence that Wert-Ruiz had never admitted to writing the forged LAS receipts during interviews with law enforcement officials conducted after her arrest but before trial."*

U.S. v Wolfish, 525 Fed.2d 457 (2nd Cir. 1975); cert. den., 96 Sup.Ct. 794 (1976)

At page 461 it states that Mrs. Vadar Tamir was government's handwriting expert from Israel. She did not use the court ordered exemplars in making her comparison. Defense counsel on voir dire attempted to establish them as valid exemplars exonerating defendant. So on redirect prosecutor had expert explain that disguise prevented her from using them.

Defense counsel in closing argument attacked Mrs. Tamir's ability to determine disguise in exemplars. The trial judge read her testimony to the jury about how defendant refused to write entire words and wrote from bottom to top rather than top to bottom. Comments by the Government that disguise was further evidence of guilt was not violation of Fifth Amendment rights.

U.S. v Young-Bey, 1997 US App. LEXIS 8813 (4th Cir. 1997)

*"Investigating Secret Service agent subsequently tried to obtain handwriting samples from Young-Bey, Young-Bey first [*4] provided disguised handwriting samples and then refused to cooperate."*

It is not stated explicitly, but apparently the agent testified to the disguise.

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U.S. v Zaragoza; U.S. v Zaragosa-Barajas, 123 Fed.3d 472, 1997 U.S. App. LEXIS 19869, *Unemployment Ins. Rep. (CCH) P22,190* (7th Cir. 1997)

Handwriting exemplars are not constitutionally privileged. The agent who took defendant's exemplars and the expert who analyzed them independently concluded they were deliberately disguised "by writing unnaturally." The trial judge should have given a sentence enhancement for this obstruction of justice and failure to take responsibility for it.

Watkins v State, 151 Ga.App. 510, 260 S.W.2d 547 (1979)

Expert testified to "attempt to disguise appellant's true signature." At page 549 reasons given include: ". . . a stilted, unnatural style of writing, [showing] awkward, abrupt pen movement . . . not a natural writing." Previous forged checks from an earlier conviction used as exemplars since they had "free flowing, natural style of writing, no evidence to indicate an awkward or abrupt pen movement...."

Young v State, 791 So.2d 875, 2001 Miss. App. LEXIS 275 (Miss. App. 2001)

Convicted of two counts of uttering a forgery, Young contended it was never proven beyond a reasonable doubt that he knew the two checks in question were forged. He had endorsed them with his signature and identification data. Frank Hicks, a forensic document examiner, also referred to in the report as a "forensic scientist," testified that neither the victim nor Young wrote on the face of the check. He said that Young's girl friend may not have done so, but that her exemplars had indicators of disguise.



SCIENTIFIC JOURNAL ARTICLES

1. **Australian Police Journal. 18:93-108, April 1964. Re-adoption of previous habits to disguise handwriting. Stackey, D. G.**
2. **Canadian Society of Forensic Science Journal. 30: electronic abstract, Sept. 1997. Disguised Chinese handwriting by Chinese-Canadian writers. Tsui, D. C. K.**
3. **Criminal Law Review (London). 1962:751-69, November 1962. The Disguised hand. Harrison, Wilson R.**

As author of the book *Suspect Documents*, Harrison discusses the list of the 8 factors in the recognition of disguised handwriting which would have been deliberately introduced by the writer. Included are the use of opposite hand, disturbance of internal consistency, reduction of fluency and rhythm, and lack of consistency of the element of disguise. Fully illustrated with detailed case reports. 18 pages

Wilson R. Harrison, M.Sc., Ph.D., Director, Home Office Forensic Science Laboratory, Llanishen, Cardiff.

4. **Forensic Science Communications. 1:Part 1, Oct. 1999. Method for identifying a signature written with the intent to deny authorship. Hayes, J. L.**
5. **Forensic Science Society Journal. 18:25-9, Jan.-April 1978. Disguised signatures. Michel, L.**

Fifty German adult writers were included in an experiment regarding signature disguise. A detail of the experiment's method included spontaneous first attempt disguises and practiced disguises. Michel concluded that the most effective disguises were those that increased the pen pressure and showed a fine degree of tremor along with that "drawn" look that comes from slow copying. Additionally, in those instances where disguise was most successful, there was no special attempt to alter the letter form but rather to cover up the spontaneous look of the authentic signature by using tremor. Illustrations in German.

L. Michel, University Mannheim, West Germany.

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- 6. Ibid. 19:73-5, Jan. 1979. Disguised signatures (letters to editor). Harris, T.; Grant, Julius; Hilton, Ordway; Ellen, D.M.; Brownlie, Alistair R.**

The letters by document examiners Harris, Grant, Hilton, Ellen and Brownlie to the editor of this journal are published; wherein, all five authors are discussing the use of the word "forgery" by L. Michel in his article "Disguised Signatures." (See Item #5 above). A caution is given against using the term "forgery" as it implies motive to defraud.

- 7. Ibid. 26:257-66, 1986. Signature disguise or signature forgery? Herkt, Allan.**

This is a report of Herkt's study of 144 police officers as the subject writers. They wrote signatures using disguise, and also attempted simulation. It is specifically noted that these writers, and the manner in which the survey was conducted, would not duplicate the conditions in actual criminal practices; however, the results did provide patterns in the methods of disguise including *capital letter and initials variations; initial and terminal stroke alterations (adding or deleting the initial lead-in stroke); added breaks between letters; slope, size and form changes; added or omitted diacritics; changes in the "t" crossing;* and more. The length of the signature had no significant effect on the types of disguise used. Adherence to pre-printed baselines was mostly unchanged.

Allan Herkt, Document Examination Section, New Zealand Police National Headquarters, Wellington, New Zealand.

- 8. Ibid. 27:383-92, 1987. Disguised handwriting. Konstantinidis, Siv.**

This paper presents a study on disguised handwriting specifically oriented to examine which *characteristics* were most frequently disguised, or which *methods* were most frequently used. Ninety-eight persons took part in the study. They were divided into three groups: age, social background, and occupation. The study was also oriented to examine whether or not any significant differences could be calculated among the groups of writers. Fully illustrated.

Siv Konstantinidis, National Laboratory of Forensic Science, Linkoping, Sweden.

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- 9. Ibid. 28:149-65, May-June 1988. A comparative approach to the examination of Chinese handwriting Part 3 – Disguise. Leung, S. C.; Chung, M. W. L.; Tsui, C. K.**

Ninety-eight Chinese handwritten characters commonly encountered in casework were selected for the study. Chinese handwriting specimens from 437 sets of normal and disguised were obtained. The study confirmed that disguise in Chinese handwriting is simple, and lacks originality. The features most often changed were the ones having the most drastic effect on the pictorial appearance of the writing. This is an excellent discussion of handwriting disguise. Fully illustrated in Chinese but pertains to English writing. Includes bibliography.

S. C. Leung, Forensic Science Division, Government Laboratory, Hong Kong; M. W. L. Chung and C. K. Tsui, Department of Science and Mathematics, Hong Kong.

- 10. Ibid. 33:21-4, Jan.-March 1993. Signature disguise in Trinidad and Tobago. Mohammed, Linton A.**

A survey of 120 writers was conducted to determine which characteristics would be changed by writers to disguise their signatures. Author stresses the use of proper exemplars in quality and quantity in order to conduct examinations of suspected writing disguise. Illustrated.

Linton A. Mohammed, Trinidad and Tobago Forensic Science Centre, Port of Spain, West Indies.

- 11. Independent Association of Questioned Document Examiners Journal. 2:23-31, Dec. 1989. Attempted disguise in signatures. Anderson, Diane J.**

Anderson's article fully details and illustrates the findings of her study of 28 people's attempts to disguise their own signature. Good bibliography.

Diane J. Anderson, Certified Document Examiner, Toronto, Canada.

- 12. Ibid. 24:4-17, June 1991. Methods of disguise in handwriting. O'Block, Robert L.**

The results of this research, of 147 volunteer subjects, confirmed earlier studies on disguise in handwriting. The most frequent forms of disguise were those affecting the pictorial aspects of the writing. The most infrequent forms used were *arrangement* and *alignment*. Excellent illustrations of normal/disguised writing of same individuals. Includes a bibliography and an

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excellent chart of writers' comments such as: "I wrote sloppier;" "I wrote with more force on the paper;" "I wrote as if I was angry."

Robert L. O'Block, Chairman of Criminal Justice Department, College of the Ozarks, Branson, Mo.

13. International Journal of Forensic Document Examiners. 3:154-8, April-June 1997. Felonious disguise: A study of the most commonly used modes of disguise adopted by convicted felons. Keckler, Jon A.

This paper was presented at the ASQDE/SWAFDE meeting in 1998. In order to determine what modes of disguise are used by arrested felons, the author collected random handwriting samples of 400 arrestees from the files of Las Vegas Metropolitan Police Department. The paper details the sampling method, collection criteria for classifying the different modes of disguise and a discussion of the most common methods of disguise which are *change in slope, size, speed*, and the *substitution* of block printing with cursive writing or vice versa. Additionally, *alterations to the upper and lower extenders of letters* were predominantly used modes of disguise. Excellent bibliography of 24 citations.

Jon A. Keckler, Forensic Document Examiner, Wichita, KS.

14. Ibid. 5:146-74, Jan.-Dec., 1999. Case citations relating to court ordered exemplars and disguise of same as contempt of court and obstruction of justice: a discussion and interpretation. Matley, Marcel B.

Matley lists and annotates 265 case citations relating to various aspects of court ordered exemplars and disguise thereof, including contempt of court and obstruction of justice. Matley includes practical pointers for the expert, and interpretation of the cases. This is a great tool for legal support of the handwriting expert's work.

Marcel B. Matley, Examiner of Documents and Handwriting, San Francisco, CA.

15. Journal of the American Society of Questioned Document Examiners. 3:19-27, 2000. Statistical observations of disguised signatures. Wendt, Gerhard W.

128 state police cadets were asked to provide normal signature exemplars, and asked to also disguise their normal signatures. Wendt compiled a list of the self-selected disguise methods (*altered capital letters, slower/faster writing speed, smaller/larger letter height, scrawled all or part of the signature, altered terminal stroke or baseline* etc).

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This research is directed at the signature disguise versus extended writing disguises.

Includes a good review and discussion of the literature regarding the most common methods of deception in writing. The bibliography includes the authors listed herein. Includes charts of findings.

Gerhard W. Wendt, Questioned Document Examiner, Pennsylvania State Police, Harrisburg Crime Laboratory, Harrisburg, PA.

16. Ibid. 8:9-16, June 2005. Disguised signatures: random or repetitious?

Durina, Marie.

A study of 62 writers at the San Diego Sheriff's Crime Laboratory, focused on determining if people tend to disguise their own signatures in the same manner, using the same strategies, even though there is a time lapse between efforts. It answers the question: "Do people always disguise their signatures the same?" In this study of time-lapse efforts, an overwhelming majority (89%) did disguise their signatures in the same way each time using the same strategy. The most prevalent was change in writing speed, followed by *change in letter design*, then *change in slant*, *use of unaccustomed hand*, *change in size* and finally *change in style*. This is useful in cases where repeated disguise of one's same signature, over time, is a factor. The method is detailed. Excellent illustrations with commentary.

Marie E. Durina, Forensic Document Examiner, San Diego Sheriff's Crime Laboratory, San Diego, CA.

17. Ibid. 9:29-36, June 2006. A study on the levels of difficulty in the simulation of individual characteristics in a signature. Lee, G. K.; Yap, B. S.; Yang, C. Y.; Lee, L. T.; Tan, S. K.; Tan K. P.

The authors rank 12 traits, within a single signature, by difficulty of simulation. The most common trait simulated was the pen-lift in the genuine signature. The most difficult trait to simulate successfully was the curvature within a letter (the valley of the letter "y"). They confirm that the inconspicuous features are the least simulated. They discuss the act of simulating a signature which, in order to attempt to avoid suspicion, a good simulation needs to fulfill two conditions. First, it has to be accurate in shape and proportion. This may be achieved by copying the genuine signature slowly; however, a loss of fluency is inevitable. The examiner would observe retouching, tremors, hesitations, consistent pen pressure, blunt beginning and terminal strokes, and unnatural pen-lifts as some of the common indications. Secondly, the simulated signature must be smoothly and fluently written by writing quickly,

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and as naturally as possible, which could result in inaccuracies. The authors say that, for most people, it is impossible to manage both accuracy and fluency at the same time when simulating a signature.

Lee, Yap, Yang, Lee, Tan and Tan, Document Examination Laboratory, Centre for Forensic Science, Singapore.

18. Journal of Criminal Law, Criminology and Police Science. 43:685-9, Jan.-Feb. 1953. Disguised handwriting. Harris, John J.,

This was a paper presented at the 1952 meeting of ASQDE of which Harris was a member. Other than the common elements of disguise, Harris also lists the unusual: *upside down and backwards, and/or copying someone else's handwriting*. A university professor in questioned documents, Harris tested 100's of students on their ability to disguise handwriting. The results showed that the majority of students failed to effectively disguise their handwriting. Fifty percent changed their slant, or used backhand as a disguise element. Seven percent failed completely to even partially disguise their writing. Harris warns that an incorrect opinion is often based upon the assumption that differences between the questioned and exemplar handwriting are due to disguise.

John J. Harris, Forensic Document Examiner, Los Angeles, CA.

19. Journal of Forensic Document Examination. 2:1-12, Fall 1988. A study in hand printing. Willard, Vickie L.

The purpose of this study was to systematically examine the changes made in disguised printing by writers who naturally printed versus writing in cursive. The results of the analysis of twenty-five male subjects aligned with previous studies showing that the majority of those subjects using block capitals did not alter those formations in their disguise. The *letter size* and *alteration of numerals* was the most common method of disguising. The subjects naturally using one-zone printing (all capitals) changed to lower-case printing as a disguise method. Willard advises the document examiner, when collecting exemplars, to request a subject to complete one exemplar form in his natural printing and another in either the capital/block letter style or the lower-case style, whichever he did not previously produce. Each letter of the alphabet (upper case and lower case) is illustrated showing the variations in letter form and the alteration, and the percentages of subjects using each variation.

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Vickie L. Willard, Document Examiner and consultant to Lorain County Criminalistics Laboratory, Lorain County Prosecutors Office and Research Associates, Inc., Cleveland, OH.

20. Ibid. 3:18-21, Fall 1990. Disguise found in anonymous letters. Hooten, Ann.

This is a good overview of the subject of the various methods of altering handwriting found in anonymous letters, including a list of features useful in examining block letter printing.

Ann Hooten, document examiner in private practice with offices in Minneapolis and Florida.

21. Ibid. 5:65-8, Fall 1992. Westlaw search of the acceptance of the word *disguise* in document expert testimony. Marks, Lynn Wilson.

The purpose of this study was to determine the use and acceptance of the word “*disguise*” when used by the document examiner in court testimony. A Westlaw search to June of 1992 was conducted. Case citations are included. The conclusion of the review is that the majority of cases have permitted the document examiner to testify on his or her findings of disguised writing, even though such testimony may imply intent on the part of the writer. Caution is recommended in the use of the words “*intentional*,” “*deliberate*,” or similar terminology.

Lynn Wilson Marks, Document Examiner, San Antonio, TX., and President of the Association of Forensic Document Examiners.

22. Ibid. 7:65-7, Fall 1994. The stopwatch method of disguised signature identification. Pearl, George S.

A case report of an examination of denied questioned signatures which were written very slowly as a disguise attempt. However, following each disguised questioned signature, the suspect wrote the dates in his normal handwriting speed which became a basis of identification. A request writing session was conducted with the suspect. The examiner used a stopwatch to time exemplar signatures ranging from normal speed to, as slow as, two minutes. The suspect's stopwatch exemplar signatures began to positively match the questioned signatures around the minute and a half signing speed. During this session, it was interesting to note that the handwritten date on the exemplar form was always written at the suspect's own normal speed of writing upon completion of each one of the stopwatch exemplars, regardless of the actual time spent on writing the signature.

George S. Pearl, Certified Document Examiner and Evidence Photographer, Atlanta, GA.

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23. Journal of Forensic Sciences. 13:376-89, July 1968. Opposite-hand writings. Stangohr, Gordon R.

This is a discussion of the use of the unaccustomed hand as a factor which could impede the handwriting comparison. It includes illustrations. Stangohr discusses author identification when opposite-hand writing is compared with the only available exemplars which were written with the dominant hand. Nonetheless, due to the extent that muscles and nerves work in concert with the brain, the end product is the writer's graphic record of brain images regardless of the hand being used to write. Therefore, identifications can be made if individual writing characteristics common to both sets of exemplars are observed. He gives a good list of writing features having significance in indicating that a person is a left-handed writer. Also illustrated are several pen-and-hand positions used by left-handed writers.

Gordon R. Stangohr, Identification Laboratory, Post Office Department, Washington, D. C.

24. Ibid. 15:476-88, Oct. 1970. Disguised handwriting: A statistical survey of how handwriting is most frequently disguised. Alford, Edwin F., Jr.

Alford explores, in a systematic way, the most common methods writers use to alter their writing, and also to determine the frequency of occurrence of the particular features that were changed. Writing from actual cases was not used, in which event the motivation for disguise would be more compelling and/or practiced. He discusses his methods of collecting the writing and the criteria used in his study of 135 sets of writing. The features he uses are *change of slope, spacing, size, the use of awkward hand, handprinting, arrangement, change of angularity, deceptive spelling, altered approach and terminal strokes, alteration of upper and lower extensions, capital and lower case letter forms, the "i" dot or period, and handwritten numbers*. He notes that the features most often changed were those which most drastically affected the pictorial appearance of the writing. Illustrated with before and after writing of same writer writing the same sentence. Shows what changed and what remained unchanged. His caution is about wrongly attributing differences to disguise, or overlooking possible identifying features because they were masked, which could lead to serious error. Illustrated. No bibliography.

Edwin F. Alford, Jr., Crime Laboratory, Post Office Department, Washington, D.C.

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25. Ibid. 22:216-21, Jan. 1977. Changing slant: Is it the only change? Regent, James

This is a report of an experiment to delve into the handwriting characteristics that may normally occur when an individual is asked to deliberately alter the slant of his normal handwriting. This survey included the writing of 85 normally right-handed and 15 normally left-handed writers. Although the study did not specifically request disguise, it was demonstrated to be a greater tendency to change the capital letter style when changing slant. Also, the upper extension of the "d" was not altered as often at the "t" staff when changing slant. He cites Quirke, Saudek, Harrison and Alford in the bibliography.

James Regent, Document analyst/postal inspector, U.S. Postal Inspection Service, Washington D.C.

26. Ibid. 23:149-54, Jan. 1978. The question of disguise in handwriting. Webb, F. E.

This paper discusses the basic elements of disguise and the importance of request and/or court-ordered specimens. Includes the list of landmark cases related to disguise: Gilbert v. California, 388 U.S. 263 (1967); US v. Wade, 388 U.S. 218 (1967); US v. Doe, 405 F.2d 436 (2d Cir. 1968).

F. E. Webb, Forensic Document Examiner, Bureau of Forensic Science, Northern Virginia Regional Laboratory, Merrifield, VA.

27. Ibid. 33:727-33, May 1988. Disguised writing: chronic or acute? Franck, Frankie E.

This article offers good definitions of disguised handwriting from noted authorities such as J. J. Harris, O. Hilton, and W. R. Harrison. Franck discusses admissibility of testimony re: spoliation of evidence. Disguised writing is sub-classified into acute (occurring predominantly in the taking of request specimen writings), and chronic (writing disguised from the outset – planned, premeditated, continuing, constant, and prolonged disguise). Two cases are presented and evaluated with specimen illustrations. References to nine other studies regarding chronic disguise are given. Illustrated. Shows before and after writing of two subjects. Excellent bibliography.

Frankie E. Franck, Assistant Director of the Crime Laboratory, U.S. Postal Service in San Bruno, CA.

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- 28. Ibid. 44:1027-8, Sept. 1999. The examination of disguised numbers. Seaman-Kelly, Jan.**

This paper discusses the methods of disguise used when the writer is asked to disguise the numbers in a requested exemplar. Two hundred participants completed a four-page exemplar consisting of three pages of numbers written naturally, and one page of disguise in which the participant was asked to intentionally disguise the numbers in a way as to avoid identification. The paper lists the participants' preferences as to the method of disguise employed. Most of the participants disguised the number "8" by using the double "snowball" form; the number "7" by using a crossbar; the addition or elimination of the loop for "2"; and the one-piece "9". Also used as an alternative form was the single staff instead of two staffs for the writing of the dollar sign "\$".

Jan Seaman-Kelly, Forensic Document Examiner, Las Vegas Metropolitan Crime Laboratory, Las Vegas, NV.

- 29. Journal of The National Association of Document Examiners, 18:2, Fall 1995. Disguised writing – identifying the writer. Davenport, Terry.**

Davenport discusses and illustrates four actual cases. She emphasizes having writing samples from all possible suspects.

Terry Davenport, Forensic Document Examiner, Dallas, TX.

- 30. Ibid. 19:1-9, December 1996. Vox populi or a graphic ventriloquist? A case report of disguised signatures. Matley, Marcel B., and Joseph, Jacqueline A.**

This is a case report reviews the overwhelming evidence of the clues indicating one writer's disguise of seven people's signatures. Includes a good list of general clues to indicate disguised signatures. Seven signatures are illustrated showing the general clues discussed in the article.

Five case reports are illustrated including anonymous notes, family-member writing comparison, and signatures.

Marcel B. Matley, Examiner of Documents and Handwriting, San Francisco, CA.

Jacqueline A. Joseph, Forensic Handwriting Examiner, Portland, OR.

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31. Ibid. 25:12-18, Spring 2003. Disguise versus simulation. Koppenhaver, Katherine M.

Details of the methods and types of disguising or simulating handwriting are discussed. Includes a good list of 25 characteristics of disguise and 25 characteristics of simulation. Illustrations are from a handwriting expertise validation trial which was conducted by the Forensic Expertise Profiling Laboratory (FPEL) and used with permission of Dr. Bryan Found of the National Institute of Forensic Science in Victoria, Australia.

Katherine M. Koppenhaver, Forensic Document Examiner, Joppa, MD.

32. Ibid. 26:44-7, Spring 2003. Authorities speak out on disguise. Micklitz, Kay.

Micklitz gives several verbatim quotes about disguise from some of the authoritative writers in the field of document examination. Authors' sources are included.

Kay Micklitz, Forensic Document Examiner, San Antonio, TX.

33. Ibid. 27:3-7, Fall 2004. Disguise through other-hand writing. Smith, Willa W.

This article describes an empirical study of dominant-hand versus non-dominant-hand printing, using subjects from an anonymous letters case. All but one of the 32 writers using the non-dominant hand wrote *larger, had difficulties with stroke direction, and produced squared, angular or jagged strokes where curves normally occur*. All writers kept many of their natural writing habits except fine for their motor capacities. Illustrated.

Willa W. Smith, Forensic Document Examiner, Tampa, FL.

34. Ibid. 27:13-16, Fall 2004. Left-hand and opposite-hand writing features useful as a basis of forming expert opinions of authorship. Joseph, Jacqueline A.

This article highlights the consideration that the subject's use of the unaccustomed hand for writing may be considered as a reasonable explanation for significant differences between comparable features during a forensic examination regarding identity. Joseph lists and illustrates the traits having significance indicating a person is a left-handed writer.

Jacqueline A. Joseph, Forensic Handwriting Examiner, Portland OR.

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35. Ibid. Fall 2004. Annotated Bibliography—Left-Hand and Opposite-Hand Writing Features Useful as a Basis of Forming Expert Opinions of Authorship.

Joseph compiled numerous articles giving full citations and annotations. The works listed in this bibliography were the basis of her article: Left-hand and opposite-hand writing features useful as a basis of forming expert opinions of authorship. (See above Item #34)

Jacqueline A. Joseph, Forensic Handwriting Examiner, Portland OR.

36. Journal of Police Science and Administration. 6:419-23, 1978. Intentional disguise in court-ordered handwriting specimens. Alford, E. F., Jr. and Dick, Ronald M.

The authors discuss the history of handwriting testimony in courts which lay the foundation for policies adopted by forensic laboratories for the use of exemplars which are also discussed. Case law is cited. Court-ordered handwriting exemplars are discussed. Intentional disguise of handwriting while giving request exemplars, and the use of awkward hand writing specimens are discussed. The authors state that it is a well known fact that some individuals are capable of writing in vastly different styles which could be a skill used for the purpose of deception. Case reports along with illustrations are included. Intentional disguise, as an opinion, using handwriting evidence, is cautionary.

E. F. Alford, Jr., Chief Document Examiner and Chief of the Identification Branch, U.S. Secret Service, Washington, D.C.

Ronald M. Dick, Questioned Document Section, Florida Department of Criminal Law Investigation.

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37. Medico-Legal and Criminology Review. 11:23-9, Jan.-March 1943. Disguise in handwriting. Mansfield, W. W.

This is an excellent article addressing disguised writing in anonymous note writing called "poison pen letters." References to the work of Freeman and Saudek (Chapter III, pages 127-188. *Experiments with Handwriting*. Saudek) are the basis of a list of 52 methods of disguised writing arranged by difficulty. For example, the easiest method to recognize topped the list as: *altering system of writing; hand printing instead of handwriting; assumed illiteracy*. The most difficult methods to recognize were *foot and mouth writing; imitation of another person's writing; typewriting*. Mansfield discusses the difficulties of maintaining a disguise method over time, for example, with a series of anonymous notes written with time lapse of days or weeks. To incorporate the same disguise, weeks later, is extremely difficult. Twenty-nine of the 52 methods are well illustrated. Also included is a discussion between Mansfield and his colleagues in the form of a critique of Mansfield's article.

Lt. Colonel W. W. Mansfield, M.I. Mech. E. (Geographical information unavailable)

38. Nebraska State Bar Journal. 13:5-13, Jan. 1964. Anonymous writing; methods used to evade identity. Moore, Winsor C.

The author discusses the willful deception of identity with disguise and states that anonymous writings contain some element of camouflage to evade identity of the author.

Winsor C. Moore, Professor of Law, Creighton University School of Law, and examiner of questioned documents. Omaha, Nebraska.

39. Perceptual and Motor Skills. 74:905-6, 1992. Controllability of the slant in simple and multiple strategies for disguised handwriting. Halder-Sinn, Petra and Wegener, Kerstin.

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40. Trial Lawyer (Oregon Trial Lawyers Association). 2005:27-30, Fall 2005.

Handwriting forensics: the secret world of signature disguises. Joseph, Jacqueline A.

This is a case study of a signature disguise from an actual court case. Joseph gives the generally accepted criteria for useful exemplars which helped identify the writer's significant traits. Also illustrated are the two completely different signature styles written by the same person.

Jacqueline A. Joseph, Forensic Handwriting Examiner, Portland, OR.



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Journal of Forensic Sciences. (AAFS)

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