

1 (1.50 pm)

2 MR MOYNIHAN: Mr Geddes, what I would like to do is turn to
3 a completely different topic and that is Y7 itself and
4 begin by looking at paragraphs 90 and 91 of your
5 original statement.

6 What this relates to is the visit that you had to
7 Miss Ross' house. The date I understand to have been
8 17th January 1997.

9 A. I'd have to concede that. I don't know. I can't
10 recollect, I'm sorry.

11 Q. If you take the date from me, it's not the precise date
12 I'm interested in it's more that you were there and what
13 you observed that is of interest to me.

14 You were there with Mr Macpherson?

15 A. That's correct.

16 Q. I understand you were primarily there to view another
17 mark, a mark on a chair?

18 A. Yes. There was a particular mark that was proving
19 difficult to orientate and assess accurately. The
20 suspicion was, where it was placed it was potentially
21 known to belong to the deceased but we just couldn't get
22 it and Mr Macpherson had in mind it would be of benefit
23 to see it in situ, how it was placed to see if that
24 would assist in furthering orientation and the
25 assessment.

1 Q. I understand that that was the primary reason but you
2 did also view Y7 on that occasion.

3 A. I did take note of it, yes.

4 Q. Was it one of the marks that you were interested in
5 viewing on site or was it simply an incidental
6 observation of it?

7 A. No, it wasn't -- I don't remember it being part of the
8 specific marks that we had in mind to look at. If I
9 recall, Y7 had, as far as I was aware, came as a result
10 of a second examination. I obviously listened to the
11 SOCOs' accounts that may be different, but my
12 understanding -- if I could take it, the body was found
13 in close proximity to the bathroom. In a serious crime
14 the SOCOs will go in and basically dust everywhere in
15 the house because it's a serious crime. But the marks
16 that were close to where the body was found would be
17 more likely to be prioritised, I would suggest for
18 obvious reasons, because obviously the body was found
19 there, you would expect there would be a chance that
20 that was where the final act was committed. So
21 impressions nearby would have significant value.

22 Y7 as it states, basically we had been through six
23 or seven times through the alphabet of marks. We'd
24 received marks from the bathroom. Y7 came from the
25 doorframe and the police were excited about its

1 potential, should I say. So Y7 was noted at the time
2 but it was more to do with this particular piece of, I
3 think it was palm that we were having difficulty in
4 assessing.

5 Q. More to do with this piece of?

6 A. Piece of palmer impression.

7 Q. On the chair?

8 A. On the chair. I can't remember the specific mark
9 details but ...

10 Q. What you said in paragraph 90 of your statement is that
11 you could see it was potentially going to be a thumb
12 print, correct?

13 A. That's correct, yes.

14 Q. But then in paragraph 91:

15 "The visit did not confirm it was a left or a right
16 thumb that had made Y7."

17 Is that your recollection?

18 A. Yes. Just going by the area that it was disclosed
19 indicated that it could potentially be a thumb. That by
20 no means meant that I ruled out any other digit. One
21 aspect of fingerprint comparison, you can't take
22 anything for granted. Depending on the particular
23 article that a mark's deposited on, a middle finger
24 could equally look like a thumb print. So you can't
25 rule anything out for definite until you actually assign

1 ownership of that particular mark.

2 Q. I appreciate that by being definite -- again, we will
3 come back to the standard of 100 per cent certainty,
4 would that be correct?

5 A. Yes.

6 Q. When you viewed the print Y7 at the scene, did you have
7 at least an impression or an inclination towards it
8 being on one hand rather than the other?

9 A. No, no. I couldn't differentiate whether it was going
10 to be a left hand or a right hand, or a left thumb or a
11 right thumb.

12 Q. I wonder if we could have up on screen please a document
13 that has been drawn to my attention by being included in
14 a file by Mr McKie and it is a statement that at least
15 bears your name to the Scottish Parliament Justice 1
16 Committee.

17 Sir, there is a copy to the side for you to view.

18 THE CHAIRMAN: Thank you.

19 MR MOYNIHAN: This bears to be a written submission by you
20 to the Scottish Parliament Justice 1 Committee.

21 Do you remember writing in a statement to the
22 Justice 1 Committee.

23 A. Yes. I've got a copy here.

24 Q. Do you have your own original one?

25 A. Yes.

1 Q. If you use your own original one so that we can just
2 cross-check, what I'm interested in on the screen, if
3 it's clear enough for everyone to see, is the second
4 paragraph:

5 "During the course of the case ..."

6 Do you see that on screen?

7 A. Yes, yes.

8 Q. If you could check your original, did you submit to the
9 Scottish Parliament as a written submission by you --
10 I'll read from the screen you read your original:

11 "During the course of the case Mr Macpherson and
12 myself were given the opportunity to visit the crime
13 scene. This was not an unusual occurrence when dealing
14 with a serious crime and was in fact the second occasion
15 that I had cause to visit a crime scene during an
16 investigation."

17 Thus far, that's what you wrote?

18 A. Yes, that's accurate.

19 Q. "In this instance there were a couple of marks proving
20 difficult to confidently orientate and assess and it was
21 felt that seeing these marks in situ would prove
22 beneficial."

23 Is that correct?

24 A. Yes, yes.

25 Q. "One of these marks was on a chair and another was Y7 on

1 the doorframe."

2 That's what you've written?

3 A. Yes, that's correct, yes.

4 Q. "The visit was illuminating with the mark on the chair
5 now able to be correctly orientated and Y7 being
6 properly assessed as a left thumb."

7 Is that what you have written?

8 A. It is, yes, it's accurate, yes. I've got the copy here,
9 yes.

10 Q. My reason for asking you now about this statement, it
11 would be in the course of 2006; would that be correct?

12 A. That's correct, yes.

13 Q. As I read that, that suggests that the orientation of Y7
14 was one, albeit only one of two, but one of the reasons
15 for the visit to the house?

16 A. Well, as I say, it was highlighted as being significant
17 at the time so it was certainly noted at the **locus**.

18 Q. What you have written is that:

19 "There were a couple of marks proving difficult to
20 confidently orientate and assess and it was felt that
21 seeing these marks in situ would prove beneficial."

22 So it sounds as if when you left Glasgow to go to
23 Kilmarnock, one of the things that was on your agenda
24 for that day was to look at Y7; is that correct?

25 A. Well, as I've accepted Y7 was certainly noted at the

1 time. The one mark that I do remember was the palm
2 impression. Y7 was highlighted as being of significance
3 to the inquiry. So we noted it on where it was
4 positioned and where it was on the doorframe.

5 Q. What you said here is:

6 "The visit was illuminating with the mark on the
7 chair now able to be correctly orientated", I am not
8 concerned about the mark on the chair:

9 "The visit was illuminating", and you say:

10 "Y7 being properly assessed as a left thumb."

11 Now your recollection today is that you're unable to
12 determine which hand Y7 could be attributed to?

13 A. Certainly my recollection was that I couldn't, on my
14 initial analysis I couldn't exclude looking at either
15 right or left and I was looking at right and left and,
16 ultimately, I couldn't disclose it as any other digit
17 either. The potential was to me it was going to be a
18 thumb print. It certainly gave all the indications that
19 it was going to be a thumb print but I couldn't exclude
20 either/or in my initial analysis and comparison.

21 Q. Obviously, I for one won't criticise anyone whose memory
22 has faded over time in relation to this matter but here
23 we have you writing to the Scottish Parliament something
24 which is, do you accept, at least on the face of it,
25 requiring explanation as being different from your

1 recollection today which you seem to have told the
2 Scottish Parliament that you were able to determine that
3 it was a left thumb at that visit.

4 A. That's certainly how it reads and I have my copy here
5 and I'll have to concede that fact. But my recollection
6 is I couldn't differentiate as to what, a right thumb,
7 left thumb or whatever digit. As I say, it gave all the
8 potential of possibly being a thumb print but I couldn't
9 differentiate.

10 Q. Can you offer any explanation for why you have that
11 recollection today, whereas you've written a positive
12 statement in 2006?

13 A. Well, there's been a lot going on in this particular
14 case and I have to say the Scottish Parliamentary
15 Inquiry came as a result of the Scottish Executive
16 settling with Shirley McKie and I had hoped that I could
17 get to the civil hearing. I had been cited by both
18 Depute Brown and the Scottish Executive to appear. So I
19 was fully prepared to be there and to answer any queries
20 or any problems with my involvement in that case.

21 When they settled, I was denied that. I wasn't able
22 to get to court under oath and give my evidence.

23 There's a lot of anger going on and I was deeply angered
24 by many of the allegations that have been laid at my
25 door. So whether I have been more definite in trying to

1 ensure that I would be taken to Justice 1 and have an
2 opportunity to give my side of the story in front of the
3 cameras, in front of whoever necessary, that may be in
4 the context that it was given but certainly my
5 recollection is I couldn't differentiate between whether
6 it was a left or a right thumb at the **locus**. That comes
7 as about of your comparison and analysis.

8 Q. The other question that interests me in relation to this
9 whole question of Y7 and anyone who viewed it on the
10 doorframe in it's original location is whether any
11 inference might be drawn as to whether the person who
12 deposited it was looking into the bathroom at the time
13 that it was deposited or standing in the bathroom
14 looking out into the hall.

15 A. My knowledge, training and experience, all is to do with
16 orientation of marks. I could not give any indication
17 as to body alignment or whatever relating to the
18 deposition of a particular mark. I just wouldn't go
19 there.

20 Q. The reason why I'm interested in that is if there be any
21 question about whether it's a right hand or a left hand,
22 which you said there was some question about, one might
23 actually look at the manner in which the print was
24 located on the door to think whether it would be
25 physical possible for someone to put their right hand or

1 a left hand in that particular location.

2 A. It may seem a reasonable thing to do to try and
3 ascertain how it was placed, but I'm not a witness to
4 how it was deposited. I can only draw on my knowledge
5 and experience relating to finger-marks and I can only
6 draw on the detail disclosed by the print. I would hate
7 to get into a scenario where I was speculating as to
8 whether an individual was peering in a bathroom, coming
9 out a bathroom or hanging from a window ledge or not
10 hanging from a window ledge. I just wouldn't go there.

11 Q. What then do you mean when you say you were trying to
12 get a better impression of the orientation of the mark?

13 A. Well, in particular reference to the palmer impression.
14 It's obviously a fragmented --

15 Q. Sorry, as I said earlier I'm not interested in the
16 chair.

17 A. Well, I think it's relevant if you're asking how we
18 would come to see things in situ, how that would help
19 illuminate anything.

20 Q. Okay.

21 A. I'm merely using it as an example. Palmers are
22 fragmentary so you've got a very small area of friction
23 ridge palm skin to compare so there are certain
24 indicators that may narrow your parameters of your
25 search and if you're able to see it in situ, to see how

1 it was placed, sometimes that can help narrow those
2 parameters of your search and you can have a more
3 accurate comparison carried out.

4 Sometimes it's like looking for a needle in a
5 haystack, sometimes you've to accept that, but if you
6 can utilise all avenues to narrow the parameters of your
7 search, one way of doing that is to see the mark in
8 situ.

9 Q. The reason why I was less concerned about the chair is
10 we still then have to ask what was it about Y7 that was
11 causing some degree of uncertainty that it was thought
12 that viewing it in situ would assist?

13 A. I don't think there was a degree of uncertainty over Y7.
14 The detail disclosed in the mark indicated that it could
15 potentially be a thumb print. It was an large area that
16 was disclosed but it was devoid of what we would call
17 fixed points, whether that was a delta area and a core
18 area or perceived core area, which is the central area
19 of a mark. The delta area is where the pattern
20 diverges. These are fixed points in particular marks or
21 prints. When you have them you can safely orientate.
22 If you don't have them, then you can struggle and
23 sometimes when you're looking at a particular crime
24 scene mark you may look and say I'm looking at it this
25 way do your comparison and then you turn the photograph

1 and you think there's no reasonable explanation why it
2 couldn't be that way either so you carry out your
3 comparison for that as well and, likewise, Y7 it could
4 easily have been a left thumb, could easily have been a
5 right thumb, could easily have been the middle finger.

6 As I say, all indications pointed to it being a
7 thumb but that's not to say we solely concentrated on it
8 becoming a thumb print.

9 Q. What did you learn when viewing Y7 at the scene?

10 A. Well, the fact it was placed on its own on a doorframe
11 indicated that it was -- again seemed to infer that it
12 was going to be a thumb print. Normally with other --
13 when you've got the hand in close proximity of the
14 fingers. You end with smudges either side of a
15 particular digit. But the thumb is more flexible and
16 can be placed on its own more readily and, again, taken
17 in combination with the area that was disclosed,
18 indicated that it was potentially going to be a thumb
19 print.

20 Q. You don't recollect drawing any more conclusion than
21 that, that you were potentially dealing with a thumb?

22 A. That's my recollection, yes.

23 Q. The final topic I wanted to ask you about was the whole
24 question of court enlargements.

25 Fingerprint Officers have arrived at the conclusion

1 that the fingerprint has been identified as the mark of
2 an individual, the case is going to court, the
3 Procurator Fiscal will instruct a report that will come
4 to be signed by four individuals.

5 Was it the practice then that for a High Court case
6 or a Sheriff and jury case, that was a solemn case, that
7 routinely some form of enlargement would be produced?

8 A. That's correct, yes.

9 Q. Even if there were, for example, for a suspect, multiple
10 identifications, was the practice simply to produce one
11 illustration?

12 A. Yes, one mark would be highlighted and that mark would
13 be enlarged. The charted enlargements were merely to
14 demonstrate or to assist the Fingerprint Examiner in
15 demonstrating how they came to the conclusion of
16 identity.

17 Q. Originally it was done by means of a photographic
18 enlargement?

19 A. That's correct.

20 Q. At this particular time it was done by means of a
21 computer?

22 A. A charting PC, yes.

23 Q. We understand that you and your colleagues are quite
24 clear and the reports itself use the term that the
25 charted enlargement was illustrative?

1 A. That's correct.

2 Q. If I'm proceeding through that from top down, first of
3 all, there may be multiple identifications for a suspect
4 but only one enlargement is produced as an illustration
5 of the totality --

6 A. That's correct, yes.

7 Q. Secondly, there may be more than 16 points in 1997,
8 16 points -- there may be more than 16 points in
9 sequence and agreement but the officers are only going
10 to identify 16, again, to serve as an illustration?

11 A. That's correct.

12 Q. Again, the officers may themselves have seen different
13 combinations of 16 but, again, they prepare one common
14 document to illustrate the process that 16 points in
15 sequence and agreement can be seen on the document?

16 A. That's correct.

17 Q. It would be essential to that process that the 16 points
18 were accurately charted on the document; would that be
19 correct?

20 A. Correct, yes.

21 Q. That was done when photographic enlargements were used?

22 A. The accurate -- oh, yes.

23 Q. So far as the charting PC is concerned, did that produce
24 accurate reproduction of the 16 points that the officers
25 intended to refer to or was there an inaccuracy in the

1 product?

2 A. At the time when we were producing photographic
3 enlargements, we were relying on the then Identification
4 Bureau providing us with enlargements. We didn't have
5 the means in the Bureau to come up with these
6 photographic enlargements. So the IB would provide them
7 for us. But it was another added to their workload. So
8 sometimes there were delays in receiving our
9 photographic enlargements.

10 So in a bid to become more, shall we say,
11 independent the Bureau purchased a charting PC. It
12 seemed a good idea at the time.

13 In reality, my experience of the charting PC was it
14 was extremely difficult to use. It was extremely
15 difficult to accurately pinpoint ridge characteristics
16 and bifurcations. You initially had to crop the area
17 because it couldn't take the mark as a whole. So you
18 had to crop the area to focus in on a particular -- if
19 there was sufficient volume in that particular area to
20 use as an illustration. You were using the mouse to
21 highlight ridge characteristics and a slight deviation
22 overshot the ridge end or overshot the bifurcation. It
23 wasn't user-friendly in my experience and obviously,
24 initially, I think the intentions were good. I think it
25 was a good step to take, to be more independent, to have

1 our own ability to chart our own photographic
2 enlargements, but ultimately it proved -- to me it was
3 far too difficult to use and we returned to photographic
4 enlargements not long after.

5 Q. There's a difference between difficult to use and the
6 fact that something would be, if one persevered with
7 something that's difficult one might get -- albeit with
8 a lot of time and effort -- to an acceptable end result.
9 That's one thing.

10 The different thing is the machine is so difficult
11 that you will seldom get an unacceptable end result.

12 What I want to know is the product that was
13 produced, the charting images that were produced by the
14 charting PC, did those accurately reproduce the
15 16 points that the officers intended or was there
16 inaccuracy, as you say, because the use of the mouse
17 tended to overshoot the particular point that people
18 wanted to identify?

19 A. Well, you certainly could get away with it if you'd a
20 clear print. The difficulty arose when you'd a complex
21 print. Inaccuracies -- perseverance, we're an
22 operational bureau. The machine requires to work and
23 work properly. In my experience in utilising it, it was
24 difficult to use. Whether that's a reflection on
25 whether I'm computer-minded or not I don't know. It was

1 difficult to use and it was difficult to pinpoint
2 accurately where a ridge ending was. It was difficult
3 to get that data saved to a degree that I would be
4 totally happy with. If you had a clear print you could
5 say, okay, it's shot over but I can clearly demonstrate
6 that's the ridge ending I'm pointing to and if it's
7 raised in court I'll happily point to that and say,
8 well, in this instance put it down to human error or
9 whatever. But in my experience the charting PC was, in
10 practice, a nonstarter.

11 Q. Was it known before the trial of Ms McKie that the
12 photographic enlargements or the chartings produced by
13 the PC could have inaccuracies in them due to the point
14 being overshot?

15 A. Certainly the examiners at that time within the Bureau,
16 I don't recall any one person saying they were totally
17 satisfied with what the charting PC produced. So I
18 would have preferred -- I preferred photographic
19 enlargements and --

20 Q. Mr Geddes, you are not answering the question. Was it
21 known that the photographic charting enlargements had
22 inaccuracies by points being overshot?

23 A. Well, with the greatest of respect, I did answer that.
24 The charting PC did overshot so, yes, it would be
25 inaccuracies. As to whether anybody was happy to go

1 with that to court with the those inaccuracies you would
2 have to speak to other examiners. My experience related
3 to a clear print and if I could explain that then I was
4 happy to go with it.

5 Q. If you bear with me, I will come to the point precisely.

6 The charting PC will be produced by one officer?

7 A. Yes.

8 Q. Let's say for the sake of argument Mr Macpherson does
9 it.

10 A. Okay.

11 Q. The three other individuals who are signing up to the
12 report, sign up to the report and sign the charting
13 enlargement --

14 A. Okay.

15 Q. That is that correct?

16 A. That is correct, yes.

17 Q. They apparently will only sign the chartered enlargement
18 if they are satisfied that it accurately reproduces
19 16 points in sequence and agreement?

20 A. I would expect them to sign it if it was an accurate
21 reproduction, yes.

22 Q. If it was an accurate reproduction?

23 A. Yes.

24 Q. And yet you tell us that it was known that photographic
25 enlargements produced by the charting PC could contain

1 inaccuracies by points being overshot.

2 A. Yes, that's my experience.

3 Q. How would the second and third and fourth signatory then
4 come to sign an enlargement that was an inaccurate
5 reproduction of 16 points?

6 A. Well, in the first instance the charted enlargement is
7 for demonstration. It's not how we come to
8 identification. It's not the evidence. The evidence is
9 the actual photograph. The evidence is the actual
10 ten-print form and the evidence is the opinion of the
11 expert delivering that in court.

12 The charting PC, as far as I'm concerned, speaking
13 from my own experience, was difficult to use. If, as
14 I've said earlier, I could explain any overshot from the
15 ridge end and the bifurcation I would be happy to go
16 with that and I would happily say that to the Crown
17 Prosecution, point out to them and say, "If there's a
18 problem I'm happy to speak to it". But it is
19 demonstration purposes only. It's not a reflection on
20 the identification.

21 Q. Here you would have to have a conversation with the
22 prosecutor to say, "The charting that has been produced
23 as a demonstration is inaccurate. I'm going to have to
24 explain, for example, that point number 1 isn't a
25 bifurcation, it's been overshot and I need to move point

1 number 1 to the right or to the left". You would have
2 to have that conversation?

3 A. I would suggest you would, yes.

4 Q. You have heard the evidence of Sheriff Murphy yesterday,
5 who was the Advocate Depute who prosecuted. No such
6 conversation was had with him by any of your colleagues
7 about any inaccuracy in the chartings produced for
8 Ms McKie's trial?

9 A. You'll have to put that to my colleagues.

10 Q. Yes, I will do.

11 What I'm asking, therefore, is whether it was
12 known -- I started out by asking you the purpose of
13 producing the demonstration and I accept it's a
14 demonstration, it's only one of a number of prints for
15 the suspect, it's only 16 of a potentially larger number
16 of characteristics that are in common. As an
17 illustration or demonstration it seems, I would suggest,
18 to be completely failing in its purpose if it's an
19 inaccurate reproduction of those 16 points.

20 A. I would agree with that. I don't have any issue with
21 that, yes.

22 Q. If the second, third and fourth people who signed the
23 form are properly studying the enlargement and it
24 contains inaccuracies, they should not sign it?

25 A. Well, it's down to the individual. As I say, you may be

1 able to assign tolerance levels to whether it greatly
2 impacts or whether it draws away from the identification
3 process. If you feel it totally obliterates the ridges
4 endings and bifurcations you would have to -- it would
5 be your individual decision to make. But the chartered
6 enlargements were demonstration. We don't do chartered
7 enlargements any more.

8 The vast majority of the bureaux at that time in
9 1997 went with generic enlargements because it's merely
10 to illustrate when we're discussing terminology, ridge
11 endings, bifurcations, we can point to them on the
12 chartered enlargement and, if instructed to do so, we can
13 approach the jury and let them see what a ridge
14 ending and a bifurcation looks like.

15 Q. I appreciate and I will ask your colleagues, the four
16 who signed, these same questions but I'm just asking
17 you, as someone who was practising at the time and,
18 therefore, to get the general flavour of this, are you
19 telling me that people would sign up to charting
20 enlargements knowing, because of the problems with the
21 charting PC, knowing that the charting enlargements
22 produced in court would not accurately represent the
23 location of 16 points in sequence and agreement?

24 A. No, I can only speak from my own personal experience and
25 as I've said already, tolerance levels would be applied

1 and if I could adequately explain, then I would happily
2 sign up to it.

3 Q. So you would accept then that there would not be
4 100 per cent certainty about the location of the point
5 that's indicated on the charting PC, someone like you
6 would have to come along and explain that that
7 particular ending to a line has to be moved to the
8 right, to the left, up or down, a bit like moving a
9 crossbow, to correctly locate the point you intended to
10 refer to?

11 A. There could have been occasions when, yes, the line has
12 overshot and I've allowed it to go on but, as I say,
13 it's merely a demonstration of ridge ends and
14 bifurcations and to help instruct the court on the
15 terminology we use and give examples. It's not a
16 reflection on the identification.

17 Q. There is no other written record at that time kept of
18 the 16 points that the officers had originally
19 identified?

20 A. A written record of the characteristics used to effect
21 identification? No, there wasn't.

22 Q. So this is the only record there is of 16 points on
23 which officers apparently agreed?

24 A. That would be correct.

25 Q. And it's inaccurate?

1 A. Well, potentially it could be, yes.

2 MR MOYNIHAN: I have no further questions. Thank you.

3 THE CHAIRMAN: Perhaps I should ask you first, Mr Smith.

4 MR SMITH: Sir, I have a number of questions I would like to
5 ask and the topics they relate to are some further
6 questions about the methods of analysis and the
7 standards applied: secondly, the initial impression of
8 Y7 and just a couple more questions about Y7 and the
9 visit to the **locus**; the third is the general culture
10 within SCRO regarding the possibility of errors; and,
11 finally, a few questions about the relationship, if any,
12 with Mr Les Brown and what information was imparted to
13 him.

14 THE CHAIRMAN: Yes.

15 MR MOYNIHAN: Sir, if I may just intervene, my learned
16 friend will understand what I am about to say. He has
17 covered a particular chapter 3, general culture.
18 There's a matter which he has made me aware that you are
19 unaware and I would ask him, just, if he is going to
20 raise this particular point, if he would signal or give
21 us an indication he is doing so because there may be an
22 issue to be raised with you.

23 THE CHAIRMAN: But when you come to that topic, if there is
24 some issue I need to consider, we will look at that when
25 you get to the topic.

1 MR SMITH: I will do that. What I will probably do is leave
2 that to the end -- I may be a little while anyway -- but
3 I will look to the end and discuss matters later.

4 **Cross-examined by MR SMITH**

5 Q. Mr Geddes, can I ask you a few more questions about the
6 issue of the 16-point standard.

7 Can I understand your position, as at the present
8 time, is that you didn't personally have to apply any
9 degree of point standard. What you did was you took
10 what might be described as almost a non-numeric approach
11 to satisfy yourself that a fingerprint was accurately
12 identified; is that a fair way of putting it?

13 A. Well, what we didn't do was effectively sit and count
14 points 1 to 16 and effect an identification. What you
15 did was take the detail disclosed in the unknown mark
16 and known print and compared both and once it appeared
17 in sequence and agreement then you had identification.

18 Now for purposes of adhering to the 1953 16-point
19 standard I personally would come to a conclusion of
20 identity then return to that particular comparison and
21 count to see if I had the required 16 points.

22 Q. So there may have been circumstances under which you
23 were certain about an identification but when you then
24 went on to satisfy what you understood the standard to
25 be you were unable to reach that court standard; is that

1 right?

2 A. That's correct.

3 Q. I dare say it would be impossible for you, for example,

4 to take a number, number 12, 12 points, you are

5 satisfied it's correct but you know that is

6 insufficient, for whatever reason, it's insufficient for

7 court purposes. That's fair, isn't it?

8 A. That's correct.

9 Q. As far as the using of points is concerned and whether

10 it's a points exercise or a non-numeric exercise, can I

11 ask you to look at a document please which is CO1126 at

12 page 4. Can I ask you to look at the second last

13 paragraph on that page. I think that should be a

14 statement that bears to be a statement, Crown Office

15 statement, provided by yourself and if you need to see

16 more of it I'm happy you see more of it?

17 A. No, I've got my copy here. It's all right.

18 Q. What we can see is:

19 "My own personal opinion as far as the

20 identification of an elimination print is that I look

21 for 12 points as a rule, although depending on the

22 quality of the marks and the points found I may accept

23 less, as I did in this case."

24 Is it not a fair reading of that paragraph that what

25 you actually were doing or representing in this

1 statement was that you did apply a points standard
2 rather than a non-numeric one?

3 A. In that particular instance that is a statement that was
4 taken from me for the Mackay Robertson investigation so
5 I didn't get a copy of that until 2006. That particular
6 paragraph -- it's essentially correct, I'll concede
7 that, but the number of 12 was put to me and I said in
8 my own personal opinion 12 points was a good rule of
9 thumb.

10 However, depending on the quality of the marks and
11 the points found, you are able to accept less.

12 Q. But I take it that it doesn't matter whether it's an
13 elimination or identification. I may be using the
14 phraseology slightly incorrectly, but you would have to
15 apply the same standard when considering whether someone
16 is eliminated, whether a print is eliminated, as if you
17 were trying to say this is the person who is going to be
18 prosecuted for something. Is that right?

19 A. What you're doing is assigning ownership of the mark.
20 If I say I have eliminated Y7 as Shirley Cardwell, then
21 I'm saying that Y7 belongs to Shirley Cardwell. If I
22 then -- obviously, if it's to go to court then it's
23 incumbent upon me to apply the 16-point standard as
24 instructed in 1953. In that instance I couldn't. So
25 if, for instance, it was -- arose from a suspect who was

1 known, who was suspected by the police to be involved in
2 a particular crime and I could only get ten then I
3 wouldn't have been able to present as evidence in court
4 unless directed by the Crown Prosecution.

5 Q. So there is a different standard if you are eliminating
6 someone to a standard when you are prosecuting someone,
7 if I put it that way, is it?

8 A. Well, in regards presenting as evidence in court there
9 is a difference. When I do my initial analysis and
10 comparison and come to my conclusion, it's exactly the
11 same. It makes no difference what I'm looking at. I'm
12 coming to a conclusion. For me then to be able to
13 present that as evidence in court, that's where the
14 difference lies.

15 Q. I am sorry, it may be my fault but, as I understand it,
16 you are saying that, as far as your own personal
17 satisfaction is concerned, it's irrelevant whether it's
18 an elimination or whether it's a prosecution matter.
19 It's irrelevant because you apply the same standard,
20 which is you have to be sure about that attribution of
21 the mark; is that fair?

22 A. Yes. As I said earlier it's an individual
23 responsibility on me to ensure that what I'm looking at
24 is accurate, consistent and if I'm assigning ownership I
25 have to be fully satisfied that I have identification.

1 Q. As far as this particular case is concerned, you've
2 heard a lot of the evidence that was applicable
3 regarding the investigation into the death of Marion
4 Ross. You have heard there were many, many fingerprints
5 which were recovered, I think 200 or 300, somewhere of
6 that level of prints that were recovered.

7 Is it your understanding that each of these
8 fingerprints would be eliminated to a point of certainty
9 of eliminations; is that your understanding?

10 A. A point of certainty. I would fully expect if you
11 assigning ownership of a mark that you were fully
12 certain that was correct.

13 Q. So, again, as far as this particular matter is
14 concerned, I think, there were 172 fingerprints that
15 were reckoned to have sufficient detail to allow
16 attribution to an individual. I think 172 is the
17 number.

18 Is it your understanding that each of these would
19 have been carried out to a 16-point standard if it was
20 going to be considered a sufficient identification?

21 A. If I'm referring to eliminations, there would be
22 certainty as to ownership of the mark. If there was no
23 requirement for it to be presented as evidence in court,
24 then, chances are, it wouldn't have been to the 16-point
25 standard.

1 Q. I would like to just ask you something that, no doubt,
2 we can call this up if necessary, but Mr Hugh
3 Macpherson, as I understand it, in his written evidence
4 to the Justice 1 Inquiry gave an indication that 172
5 identifications were all confirmed to a 16-point
6 standard by four experts.

7 If he said that, do you say that you would be
8 surprised if that happened?

9 A. That would surprise me, yes.

10 Q. Are you able to explain how it might come about that
11 Hugh Macpherson appears to give information to that
12 effect to the Justice 1 Inquiry but your position
13 is you're somewhat surprised by that?

14 A. I would suggest if marks were being presented as
15 evidence then they should have been adhered to the
16 16-point standard if at all possible. Policy at the
17 time was elims, you would satisfy yourself of identity
18 and that was it. There was no requirement to adhere to
19 the 16-point standard for eliminations.

20 Q. Can I ask you if you can help us with what is the
21 minimum number of points that you have been able to come
22 up with after you decided that the mark is correctly
23 attributed? You come to that conclusion, then you count
24 them up. What's the lowest number you have ever
25 reached?

1 A. That's ever been used as evidence or ...?

2 Q. No, I'm asking what your position was. You had come to
3 the conclusion that there's a correct attribution. You
4 are 100 per cent certain. Then you count them up. Do
5 you get to 3, 6, 9, 12, what?

6 A. Well, I'd have to say show me the mark if I was dealing
7 with non-numeric I would have to say each mark is taken
8 on its own individual merit. You could have a
9 particular mark that had, I don't know, unusual
10 characteristics, unusual convergence, unusual pattern.
11 You could, you know, it could result in 6, 7, it could
12 result in maybe 8, 9, 10.

13 Q. I obviously don't know what marks you have looked at
14 over the course of your career. I'm simply trying to
15 understand from your own personal experience, no doubt
16 you must have remembered when you thought, "Well, I'm
17 certain about this, and lo and behold I've only got
18 three points but, hey, I'm satisfied". Can you not help
19 us with how few points you have ever had that you were
20 still satisfied of?

21 A. No, because it's taken on an individual merits onto the
22 mark. I don't keep a running total of marks that I've
23 viewed. I've satisfied myself of an identification and
24 move on.

25 Q. Let me put it this way: in this particular case you only

1 could find 12; is that right?

2 A. In which particular case?

3 Q. I am sorry, 10, I beg your pardon --

4 A. That's correct, yes.

5 Q. Y7?

6 A. That's correct, yes.

7 Q. Have you ever found one with less than 10 points that
8 you were satisfied on?

9 A. I couldn't say with certainty, sorry. I don't keep
10 notes of that description.

11 THE CHAIRMAN: It depends on so many factors, the pattern of
12 the mark, I think you explained.

13 A. That's correct. There's many instances throughout the
14 world of individuals who have went with crime scene
15 marks that maybe show conventional ridge characteristics
16 to a number of three or four but they've combined the
17 other information with the pores and the widths, the
18 width of the ridges, et cetera, that have been so
19 clearly defined they've been able to use that in their
20 identification.

21 How low can you go? I don't know. Because you're
22 utilising so much information. Maybe it's something
23 that I should have been responsible for and kept notes
24 as to marks I've dealt with down through the years.
25 Maybe I concede that. But I would return to show me the

1 mark and I'll decide then.

2 THE CHAIRMAN: Yes.

3 MR SMITH: You, yourself, I take it, have given evidence in
4 criminal trials before?

5 A. That's correct, yes.

6 Q. And no doubt when giving evidence with regards to your
7 opinion of Y7 you were absolutely certain about your
8 identification, your attribution of the mark; is that
9 right?

10 A. Yes.

11 Q. Dealing with Y7, in particular you told us, I think,
12 that you come to conclusions on a 100 per cent
13 certainty; you are absolutely certain about it. Is that
14 correct?

15 A. Well, I would say that's professionally incumbent on me.
16 I can't say, "Potentially, it could be you", if I'm not
17 totally satisfied with data disclosed in the mark.

18 Q. I don't wish to be unfair about using a phrase like
19 100 per cent certainty, although I think you possibly
20 used that phrase yourself, but are you able to conceive
21 of any possibility dealing with Y7 that you're wrong in
22 attributing it to Shirley McKie?

23 A. I was asked that question by the Mackay officers and I
24 believe what I said to them was, going by my analysis of
25 the print, I recognised distortion in that print, I

1 recognised movement in the print. I was able to observe
2 sufficient detail for me to confidently identify.

3 Now, they asked me, "Have you seen Pat Wertheim's
4 report? Have you seen David Grieve's", et cetera,
5 et cetera. As far as I can recall, having read their
6 reports, they don't recognise the distortion or the
7 movement.

8 Now, in my opinion -- and again it's just based on
9 my knowledge and experience -- that movement is clear.
10 It's clear to me. It's a factor that should be taken
11 into account for the analysis of the print. How anyone
12 can possibly say that's a clear touch, straight down, no
13 movement, no twist, no distortion, straightforward, I
14 have great difficulty with that.

15 Now, it may be down to me as an individual, my
16 experience as an examiner, I don't know. If they
17 pointed out to me what I've done wrong I'll happily
18 listen to it but I viewed Harry Zeelenberg's
19 presentation to Justice 1. It didn't make me think,
20 "Oh, help, I've got it wrong".

21 Now I appreciate you may consider entrenchment of
22 opinion or whatever I don't know. I did what I did, an
23 honest analysis, an honest interpretation of the detail
24 disclosed and I came to a conclusion. Now if it's wrong
25 for me to stand on my own two good feet and say, "That's

1 what I did, that's the conclusion I came to", then I'm
2 sorry, but that's how it is.

3 Q. That's very clear of you, Mr Geddes.

4 I think you will understand the difficulty that
5 those who are not part of the fingerprint analysis
6 community find here, that there are some experts who say
7 it's not and some who say it is.

8 A. Yes.

9 Q. You can't all be right on that.

10 A. That's one thing I think we all agree on. There's no
11 two decisions on it, either one side is wrong.

12 Q. Am I correct in summarising your position: you stand by
13 your result; you have heard nothing to make you change
14 your mind about the result but if someone came up with
15 an explanation that you would be prepared to listen to
16 it and it's possible that you might be prepared to
17 accept, "Well, maybe I got it wrong". Is that a fair
18 way of putting it?

19 A. Well, I'm a human being. We all make mistakes and I'll
20 be happy if it's pointed out to me but I've listened to
21 Harry Zeelenberg; I listened to Mr Wertheim; I'm not
22 convinced as yet.

23 Q. I would like to ask you, if I can, a few more questions
24 about the way that evidence is presented in court and,
25 in particular, the use of the charting PC enlargements

1 that Mr Moynihan was asking you some questions.

2 I wonder if we could have a document SG0125 brought
3 up, please, which is hopefully a production and if we
4 can go on to the next page to see if I can find what I'm
5 looking for. Page 3 please. I am not sure if this has
6 been looked at in any detail yet.

7 I am not going to ask you to go through all these
8 various points but is this a representation of the kind
9 of way that the presentation would be given to a jury
10 when the charting PC was used for the purposes of
11 enlargements?

12 A. Yes.

13 Q. Will you take it from me, of course you may or may not
14 recognise any of this, but this was a document produced
15 in the trial of Shirley McKie one of, I think, three
16 charting PC enlargements.

17 A. Okay.

18 Q. Do you know who prepared them for the purposes of
19 Shirley McKie's trial?

20 A. No, I wasn't involved in the court preparation at all.

21 Q. Sure, I am not criticising that at all. I just wondered
22 if you happened to know who prepared it.

23 I think, if I understood the questions from
24 Mr Moynihan correctly, what we can understand is that
25 this is designed, and your answers of course, this is

1 designed to give some degree of assistance to the court
2 in how it is an analysis takes place. Is that right?

3 A. Yes, that's my understanding of charted enlargements.

4 Q. As far as this is concerned, I think you very frankly
5 acknowledge that the charting PC, there might be some
6 degree of slippage or a failure to have a line go
7 directly to what in fact is the point of reference for
8 the purposes of the court; is that right?

9 A. That was my experience of working with it.

10 Q. As I understand your evidence, the position is that, on
11 occasions, you have given evidence but have you given
12 evidence when the charting PC enlargements have been
13 used to demonstrate to the jury?

14 A. I couldn't say with any degree of certainty; I can't,
15 no.

16 Q. I realise this is a difficult question since you say you
17 can't do so with certainty but what I'm interested in is
18 that if you had done, would you have said to the
19 prosecutor before you went in, "Listen, I've got to tell
20 you now there might be a bit of slippage here. These
21 lines might not directly point to the relevant point"?

22 A. I have to say if I had a particularly difficult mark and
23 I was utilising the charting PC and I didn't feel it
24 correctly demonstrated the identification process then
25 my first port of call would have been my Bureau. I

1 wasn't happy with this machine. I understood the logic
2 behind bringing it in. It was the way forward in
3 essence but, in practical terms, it didn't do the job
4 correctly so far as I was concerned. So if I had a
5 difficult mark I'm afraid my first port of call would be
6 the Chief Inspector's door, "I would prefer photographic
7 enlargements in this case".

8 Q. Again, just stick with this on the screen for a moment.
9 As I understand your evidence -- we don't need to go to
10 the passages -- but the position was Mr Macpherson found
11 16 points. Is that right?

12 A. He found 16 points?

13 Q. Yes.

14 A. Yes, for the initial identification, yes.

15 Q. You yourself on looking at it could only find 10?

16 A. That's correct.

17 Q. And can I understand some discussion would then take
18 place between him and you saying, "Well, we're agreed
19 about these 10, but here's one here..." Do you follow?

20 A. Yes, uh-huh.

21 Q. And notwithstanding him saying where it is, it is a
22 ridge ending or bifurcation or something, your position
23 was you still couldn't see it. Is that right?

24 A. Yes, that's correct.

25 Q. I guess if we were to do the exercise -- it's a poor

1 copy, I'm sure -- on the document in front of us, there
2 would be some of these points, because 16 are apparently
3 marked on the left-hand side of the page, there will be
4 some of these by my arithmetic, which is probably as bad
5 as Mr Moynihan's, there are six of them that you would
6 not be able to see on that document?

7 A. Well, potentially, taking if the 10 that I had marked up
8 coincided with 10 of which Mr Macpherson was happy with.

9 Q. Sure. So there may actually be, you might have spotted
10 one that he wasn't satisfied with --

11 A. Oh, I would like to think so.

12 Q. Nonetheless, there's bound to be at least six that you
13 would not be able to see on this document. Is that
14 right?

15 A. That's a possibility.

16 Q. The reason I ask this is if this is to demonstrate to a
17 jury ultimately that there are 16 points that match up
18 between the left-hand view and the right-hand view,
19 would you agree with me that a jury has pretty well got
20 no chance of seeing the six missing points if you with
21 all your years of experience, with the guidance of
22 Mr Macpherson in the leisure of your laboratory, if you
23 can't see it, a jury has frankly really no chance
24 whatsoever. Do you agree with that?

25 A. Well, in essence, Mr Smith, that is not the evidence.

1 The evidence is the expert's there providing. That's
2 one of the reasons why a lot of the bureaux went with
3 generic enlargements and one of the main reasons they
4 gave was, "We don't want the jury trying to become
5 experts". So they go with generic enlargements, it's
6 nice, its clear. There's a ridge ending. There's a
7 bifurcation. That explains the terminology. That
8 explains the process and it's up to the individual
9 examiner to be able to effectively communicate their
10 credibility and, by extension, their opinion.

11 Q. Yes, I understand that but the presentation that we see
12 here, the answer really is that the jury does have no
13 chance of seeing -- pretty well, no chance of seeing the
14 six missing points. That's right, isn't it, on the
15 right-hand side?

16 A. I would have to concede that, yes.

17 Q. What could be done is instead of a
18 generic enlargement explaining what a bifurcation,
19 et cetera, is concerned, you could look at the
20 right-hand photograph there and a good example, for
21 example, if we look at point 7 we can see it identifies
22 almost the top of a bifurcation, doesn't it?

23 A. Yes, that's correct.

24 Q. So you can do the exercise reasonably easily, 5 is a
25 bifurcation, 4 is a ridge ending, relatively

1 straightforward to a explain to a jury from that inked
2 mark of Shirley McKie, how it works?

3 A. Yes, that's correct.

4 Q. But the purpose of producing the left-hand side must be,
5 must it not, to try and allow the jury to compare left
6 with right and say, "Oh, yes, I can see that one", or,
7 "Oh no, I can't see that one". That's correct, isn't
8 it?

9 A. Well, I suppose, yes, effectively, yes. You're trying
10 to demonstrate how you came to do the identification
11 so ...

12 Q. Now, of course, what we do know is that you didn't give
13 evidence in Shirley McKie's trial?

14 A. That's correct.

15 Q. But we also know that had you been asked to give
16 evidence in Shirley McKie's trial you would have had to
17 say, "Well, I'm sorry I can't. I'm satisfied, but I
18 can't support the legal standard on this". Is that
19 right?

20 A. That's correct.

21 Q. At any stage did you feel it was incumbent upon you to
22 disclose to your superiors directly or go to the police
23 or go to the Procurator Fiscal and say, "Listen, you
24 must know that although there are some people giving
25 evidence about this, it may be relevant to the defence

1 to know that I was not able to find 16 points".

2 Did that ever occur to you?

3 A. I wasn't disputing identification.

4 Q. No, but what you were doing was you were unable to give

5 the required legal standard for identification for court

6 purposes. That's right, isn't it?

7 A. The legal standard is not relevant to identification.

8 It's for presentation purposes.

9 Q. With respect, do you not understand that the defence may

10 be very interested if an officer within SCRO was to be

11 brought, let's say as a defence witness, they are asked

12 in the witness box, "Were you able to find 16 points",

13 and you say, "No, I couldn't"?

14 A. Now do you understand how important that could have

15 been for the purposes of the defence?

16 A. I couldn't come to 16 but I verified the identification.

17 That doesn't make any sense to me for the defence.

18 Q. So you don't see any advantage to the defence to be able

19 to bring someone along from SCRO who says, "I couldn't

20 get 16 points"?

21 A. But I've verified the identification.

22 Q. I'm not sure that's an answer to my question, with

23 respect.

24 A. Well --

25 Q. Could you not see any advantage to the defence to bring

1 someone from SCRO in who then says, "I couldn't find
2 16 points"?

3 A. Well, if you're asking my personal opinion I don't see
4 how that adds anything or takes anything away from the
5 actual identification process. In essence, I was phoned
6 at home by the Quality Assurance Officer and asked my
7 opinion, so that's documented. So they were well aware
8 of my opinion. Whether that was transferred on to the
9 defence or the Crown Prosecution I had no play or part
10 in the court proceedings.

11 THE CHAIRMAN: Can I ask you just one question about that.
12 I appreciate you haven't had your evidence challenged in
13 court but, in your experience, have you ever known two
14 members of the Scottish Criminal Record Office,
15 fingerprint experts, to be on opposing sides in a case?

16 A. Not to my knowledge, I have to say.

17 THE CHAIRMAN: In other words, were witnesses from the
18 Record Office made available to defendants where they
19 had a contrary view?

20 A. Certainly evidence has been requested by the defence
21 from officers at the SCRO. Whether they've actually
22 been on opposing sides I wouldn't think so, no -- not to
23 my recollection. There has been reports provided for by
24 the defence, usually in fact for negative reports, that
25 SCRO received so many impressions, suspects were

1 provided, et cetera, and --

2 THE CHAIRMAN: What I am really asking is whether this is a

3 neutral body of independent experts who are made

4 available if the defence want to call them that they can

5 call them or --

6 A. Well, the defence is more than capable of requesting our

7 conclusions or whatever. As far as I'm led to believe.

8 I mean, I've made negative reports in the past, albeit I

9 haven't been asked to provide identifications for the

10 defence. But I've certainly provided negative reports

11 and, as I say, that's usually because the individual has

12 been accused of a crime, is going to trial, there were

13 crime scene marks retrieve from the particular **loci** and

14 we never identified anything. So, in that instance,

15 it's obviously in the interests of the defence to have

16 it known crime scenes mark were found at the **loci** and

17 none were attributed to their particular client.

18 MR SMITH: One of the areas I would like to explore with you

19 is the documenting of views as you went along.

20 Y7 is a mark Mr Macpherson looked at and you looked

21 at as well. You came to a view as to the number of

22 points you could get.

23 Can you help me with this: where was it documented

24 that you were only able to find 10 points?

25 A. It wouldn't have been documented in the case papers

1 because the procedures didn't dictate that at the time.
2 I verbally communicated it to the Quality Assurance
3 Officer. As to dates or whatever, I think it was round
4 about what has come to be known as the blind test, give
5 or take whatever days. I was certainly asked for my
6 opinion. I gave it verbally.

7 The fact that I was -- I couldn't achieve the
8 national standard wouldn't have been documented anywhere
9 in the case papers.

10 Q. You see there something of a practical difficulty for
11 the defence, if I put it this way, that I use "doubt" in
12 the sense of doubt about 16 points. I hear your
13 evidence about doubt, about certainty of identification
14 of the mark but the doubt about 16, 10 or 16, isn't
15 written down anywhere and unless you actually ensure
16 that you're position is communicated to the defence, the
17 defence would never have any way of finding out about
18 that if it wasn't documented at the time.

19 A. It certainly wasn't documented in the case papers so I'd
20 have to acknowledge that. But, as I say, it was
21 verbally communicated to the Quality Assurance Officer
22 and as to the court preparation, I was not involved in
23 at any stage.

24 Q. If I can just step back a bit from the point where you
25 came to a view about Y7 and ask a little bit more about

1 the visit to the **locus**. I think Mr Thurley was involved
2 at one stage in giving you a lift down or something; is
3 that right? Have I got that correct?

4 A. Yes, I believe that was correct, yes.

5 Q. What I'm interested in is this: you explained to
6 Mr Moynihan why you went to look -- we will deal with
7 Y7. Forget about the one in the chair. Think about
8 Y7 -- and you were there to look at, amongst other
9 things, you did look at Y7 and the positioning of the
10 orientation of it.

11 The difficulty I have is this: is it not the case
12 that the orientation of it would be irrelevant,
13 completely irrelevant, as to whether or not it was a
14 match?

15 A. Irrelevant as to whether or not it's a match. If I
16 don't orientate it properly then my comparison phase
17 falls at the first hurdle -- if I'm unable to orientate
18 the crime scene mark then my comparison phase falls
19 other first hurdle. I'd be potentially looking at it
20 upside down or round about or -- to orientate the mark
21 basically means ensuring that, if it's a thumb print,
22 that I'm looking at it correctly.

23 Q. So your position in evidence is it, that the way the
24 mark is put on, if I put my thumb up that way and you
25 look at an inked print you can maybe say, yes, these are

1 the same but if it's upside down you would not be able
2 to come to that conclusion. Is that your position?

3 A. I have to be able to orientate -- obviously, it benefits
4 my comparison phase if I can orientate the crime scene
5 mark sufficiently accurately enough to enable me to
6 carry out the comparison.

7 Q. Can I just be clear about this: if I was to try
8 to compare a mark with an inked print, then the exercise
9 I would be doing is going to the mark, I would be
10 identifying points (for example, ridge endings,
11 bifurcations, et cetera). I would then, and only then,
12 go to the inked print and carry out the same exercise
13 with regard to broadly the same area of the print.

14 That's right, isn't it?

15 A. You missed out the first phase and that's analysing the
16 ridge flow of the pattern if it's disclosed, which
17 enables you to orientate the mark.

18 Q. So your position is you have to know the orientation of
19 the print?

20 A. No, I said it benefits the comparison phase if you are
21 able to orientate the mark.

22 Q. Is it not the case that if you look at the core of the
23 fingerprint you can get a fairly good idea as to the
24 orientation of the mark, the core of it?

25 A. On occasions, yes, you can.

1 Q. You see, again, the difficulty I have is it either is or
2 isn't a match. That's right, isn't it?

3 A. I would agree with that, yes.

4 Q. And taking forward the ridge pattern, even if you get
5 the unknown mark, a photograph of it, you turn it round
6 to a point where it looks broadly similar, just from the
7 photographs, then you would be able to carry out a
8 comparison. That's right, isn't it?

9 A. That's correct, yes.

10 Q. I am going to suggest to you that actually going and
11 visiting the **locus** to see whether it might have been
12 upside down, back to front, inside a locked safe, inside
13 a glass, it doesn't actually matter with regard to the
14 analysis. Is that not right?

15 A. Well, it's not the actual visitation of the **locus**. It's
16 seeing the mark in situ can sometimes benefit your
17 assessment and orientation of the mark. That's your
18 initial step when you first pick up the crime scene mark
19 is to try to ascertain the orientation of the mark. It
20 obviously -- maybe it is me but to me it narrows the
21 parameters of your potential comparison phase. I'm not
22 saying it excludes but when you first sit down to do
23 your comparison it would enable you to narrow the
24 parameters in the first stage.

25 Q. So when you looked at the mark on the doorframe in this

1 case, did you come to a conclusion as to how the --
2 well, first of all, did you have any idea which digit
3 had left it?

4 A. As I said earlier, it gave all indications of
5 potentially being a thumb print but until you actually
6 assign ownership you can't take anything for granted.

7 Q. Is that not doing it round the wrong way? Assigning
8 ownership to see what the orientation is rather than the
9 other way round. I'm having difficulty following why it
10 is that the orientation would be important when you
11 can't really see how it's orientated until you assign
12 ownership. Which comes first?

13 A. Well, you can orientate the print as accurately and as
14 convincingly as you feel, you try to orientate it so
15 you're looking at it like-for-like, potentially, but you
16 can't say with 100 per cent certainty you've got it
17 right until you actually assigned ownership. So then
18 you move to what you were saying earlier on, the level 2
19 detail is where you effect your identification. So you
20 move to Level 2 in ridge characteristics.

21 Q. Having regard to the position of that mark Y7 was, if it
22 had been a right thumb, it would have been easier to
23 position than if it had been a left thumb. That's
24 right, isn't it? Having regard to the position of the
25 doorframe and the door itself.

1 A. Well, as I said earlier, I don't get involved in body
2 alignment or where was what. I'm merely interested in
3 the detail disclosed by the mark itself. Whether
4 someone was looking in the bathroom, looking at the
5 bathroom, coming out the bathroom or whatever, I have no
6 interest in that area. It's merely the detail disclosed
7 by the mark that I am using to try and assign ownership
8 of that mark.

9 Q. All I am trying to get at is this: to have any value
10 orientating the mark you have got to have a reasonably
11 certain view as to which digit had left it. That's
12 right, isn't it?

13 A. Not really because you've got set areas in your print,
14 the delta and the core, which enables you to helpfully
15 orientate the mark. To me it's the first port of call,
16 when you sit down to your crime scene mark. It's how I
17 was trained. It's how I still do it. You try and
18 orientate the mark.

19 Q. All I am trying to put to you is this: we are using the
20 doorframe up there for demonstration purposes. If I
21 want to get my right thumb print on top of Y7 I stand
22 right in front of the door and put my hand like that
23 **(indicated)** extended in front of me, correct?

24 A. If you like, yes.

25 Q. Whereas if I want my left thumb, I have to turn my arm,

1 curl it around the front of me or stand inside beyond
2 the door and put it there, correct?

3 A. I wouldn't say for any degree of definite. I wasn't
4 witnessing what took place. I don't know how it was
5 placed. I'm merely concerned with data disclosed by the
6 crime scene mark.

7 Q. With respect, Mr Geddes, as I understand it, you were
8 going to try and orientate the mark. Now that
9 inevitably must require you to come to some kind of view
10 as to whether it was a left thumb or a right thumb or,
11 indeed, any other digit that was put on the doorframe.
12 That right, isn't it?

13 A. It would merely be what was considered. You can't say
14 for definite. You can't just look at a mark in situ and
15 say, "Oh that's going to be ..." Unless it's an
16 enormously clear print, unless all detail is there,
17 delta's, cores, patterns, if everything is there you
18 might be able to come to a conclusion, particularly if
19 you have a sequence of fingers placed down, utilising
20 the loops and the whorls, et cetera, you might be able
21 then to say it's a left middle or it's a right fore.
22 But a mark in isolation, particularly one that I, on
23 initial analysis, recognised movement or distortion to
24 some degree in that mark, I'm not going to say for
25 definite. I said potentially it could be a thumb print.

1 I couldn't say whether it was going to be a left or a
2 right. That's where Level 2 detail comes in. When I
3 start my comparison phase and I start to compare
4 the ridge characteristics against the known prints.

5 Q. Can I ask you what led you to the conclusion it may be a
6 thumb print?

7 A. Merely the area disclosed. I mean, just basically
8 looking at your hand, a thumb print's far larger than
9 every other so there was a vast area of the friction
10 ridge detail disclosed in that. It indicated that is
11 normally indicative of it potentially being a thumb
12 print.

13 But again, as I explained earlier to Mr Moynihan,
14 there are certain articles or ways, excessive pressure,
15 you can have a middle finger resembling a thumb print.
16 You can't take anything for granted. I wasn't being
17 definite at the **locus**. I was looking at potential.
18 That doesn't mean I was excluding anything from my
19 potential comparison phase.

20 Q. Could I move on to something slightly different and that
21 is the attitudes of SCRO officers in general about the
22 quality of their work.

23 I think you've been here when it was suggested that
24 SCRO officers were told, I think was suggested that they
25 were about or along with the best in the world. We

1 heard something to that effect.

2 A. Well, I heard it here in the evidence, yes.

3 Q. Is that something you had heard before?

4 A. No, definitely not.

5 Q. It wasn't a matter of discussion within the office?

6 A. No, I can't say I was ever involved in any discussion
7 like that. In my experience, my limited experience as
8 it may be, is solely based in Glasgow. We've had inter
9 bureaux meetings with Aberdeen and Tayside, et cetera,
10 and we've had presentations by other experts from other
11 bureaux throughout the world and to say that you're the
12 best in the world is, frankly, a ridiculous statement to
13 make.

14 Q. I would like to ask you now two further matters: one
15 area is a question of Mr Les Brown and the last one is
16 the one that Mr Moynihan raised with me.

17 As far as Mr Brown is concerned, can I ask you this:
18 first of all, did you have direct contact with Mr Brown
19 at any time?

20 A. Yes. I went to meet him ... it would have been maybe
21 February 2006.

22 Q. Can I ask --

23 A. I'm not sure. I'm not sure, sorry. I did meet him. I
24 have went to meet him.

25 Q. Can I ask why was it you were going to meet him?

1 A. Fiona McBride phoned me to say she was going to meet
2 with Les Brown and at the time didn't know who he was.
3 She explained who he was and what he was proposing to do
4 in relation to investigating the murder of Marion Ross.
5 I said I would accompany her to meet with him and we
6 went to his house. I met with him and his wife, Sheila.
7 We had a long talk about the case and then he said
8 there's a journalist who's interested in coming along,
9 she's expressed an interest on hearing our side of the
10 story and she joined us at some point in the afternoon,
11 if I remember correctly.

12 Q. I am not particularly interested in the question of
13 journalists and so on, as I think there is evidence
14 about that, but what I am interested in is this: you
15 said something about Mr Brown to investigate the murder
16 of Marion Ross.

17 A. Yes.

18 Q. I take it you would agree with me your interest in it
19 was really actually down to the issue of Y7 at that
20 time, wasn't it?

21 A. Well, I was exploring potential avenues to get my
22 evidence out because, as I said earlier, I been cited by
23 yourselves and by the Scottish Executive to appear at
24 the civil hearing and I was hoping to get a chance to
25 give my evidence. I was presented in -- again, dates

1 might be a bit sketchy-- but 2003, the averments for
2 that particular civil hearing and the averments, I
3 believe, placed by yourself relating to my involvement,
4 I didn't recognise, I have to say, and I wanted an
5 opportunity to speak to them and, as I said, you cited
6 me and the Scottish Executive cited me so I was hopeful
7 that I would get the opportunity to speak.

8 That didn't happen. So -- the Parliamentary Inquiry
9 was just a wish at this moment in time, nobody was
10 committing to it and I took the opportunity to meet with
11 Les Brown in the hope that if he would if he would
12 investigate the murder of Marion Ross it would raise the
13 profile again and maybe get another inquiry into it.

14 Q. You know, of course, Mr Geddes, that those within SCRO
15 were invited to give statements to those acting for
16 Shirley McKie. You know that, don't you?

17 A. I was asked to attend a UNISON meeting with Kath
18 Rylle(?) who said that she had received notification,
19 well, from yourselves, I would assume, wishing to
20 precognosce certain officers and at that time, well, we
21 said yes and she said she would deal with that. I never
22 heard any more about that. So I can't say that I ...

23 Q. So a request came from me to give a statement to give
24 you a chance to explain your position but that was, you
25 say, that was headed off at the pass by Kath Rylle.

1 A. I have no ideas what happened to it afterwards. She
2 said it was an initial approach. As to whether it was
3 an official approach I'm not sure. I never saw the
4 actual documentation. It was merely a point of
5 discussion. Would we discuss -- would we engage in a
6 precognition with representatives from yourself and,
7 after discussion, it was agreed, yes, if that was a way
8 to get the evidence out we would do that and never heard
9 anything more about it.

10 Q. Did you ask any more about it?

11 A. Yes, we certainly asked. You never gave us any answers.
12 It sounds ridiculous, I know, but when I received the
13 citation and I received the citation from the Scottish
14 Executive I was happy with that. I had one in either
15 hand. I was going to be called at some point as far as
16 I was concerned, so I was content with that.

17 Q. I just want to be absolutely clear about this. You
18 are saying that Kath Rylle of UNISON, effectively -- the
19 thing hit the buffers at her hand?

20 A. I couldn't say for definite. All I can say is it was --
21 as far as she put it across to us it was an initial
22 approach from yourselves. It was a matter of discussion
23 at this meeting. She asked if we'd be willing to be
24 precognosed by yourselves and at the end of the meeting
25 it was decided, yes, if that was the only way to get the

1 evidence out ... there was a feeling at the time this
2 could be the only way to get the evidence out so this
3 was going to be our opportunity to speak. So, as I say,
4 when the citations came in I was perfectly content with
5 that.

6 Q. Coming back to Mr Les Brown, again, I ask you this: it
7 was Y7 that was your interest in Les Brown picking up
8 the investigation, if that's what he was going to do,
9 wasn't it?

10 A. It was my involvement in Y7 that I wished to get out
11 there that I wished -- I mean, your averments as far as
12 I recall said along the lines of: I expressed doubt, I
13 refused to sign the relevant documentation, I
14 refused ... basically, insinuating that I had not
15 verified identification, I had expressed doubt and was
16 refusing to take part in any further process of that
17 mark, which, as I've said today, was not correct. So it
18 was that particular aspect of it that I wished an
19 opportunity to address.

20 Q. Mr Geddes, you have already told us that you weren't
21 able to identify to the 16-point standard. You know
22 that, don't you?

23 A. I never expressed any doubt. I never refused to sign
24 any documentation.

25 Q. I think you have already given an answer to that

1 question. You did not get up to the 16 points that were
2 then required for criminal court purposes; that's right,
3 isn't it?

4 A. I never express any doubt. You said I expressed doubt?
5 I didn't express any doubt. As to whether it achieved
6 the 16-point standard, that has no reflection on whether
7 I say it's an identification or not.

8 Q. Can I ask you what information was provided, either by
9 you or Ms McBride at the first meeting with Les Brown as
10 to your involvement?

11 A. The particular information that I gave was in
12 relation -- just a factual account of my involvement.
13 That's, as far as I'm aware, the only information I
14 gave.

15 Q. Just to be clear about this, Mr Brown you knew to be a
16 retired police officer. You knew that, didn't you?

17 A. Yes, it was explained to me, yes.

18 Q. You were discussing with him certain matters in
19 connection with an investigation into a murder. That's
20 right, isn't it?

21 A. Well, I was giving him a factual account of my
22 involvement in that particular fingerprint case.

23 Q. So the answer is, yes, you were giving information that
24 was related to the investigation of a murder, connected
25 with the investigation of a murder?

1 A. Yes, technically speaking, yes, it was related to my
2 involvement, yes.

3 Q. Did you see anything untoward about the fact that
4 somebody who is employed as a Fingerprint Examiner is
5 imparting information to someone who is not in the law
6 enforcement business and not acting under the authority
7 of a court action?

8 A. That information was well-known. It was out there so I
9 just wanted to make sure that it was being heard.

10 Q. So just to be clear, you passed him only information
11 that was already known; is that right?

12 A. Well, information that was factually relevant to myself.

13 Q. I will ask you again, did you pass him any information,
14 any information, that was not already known outside in
15 the general public, as it were?

16 A. I shouldn't think so, no. I gave him my factual
17 involvement in the case.

18 Q. So why would you need to tell him what was already
19 well-known?

20 A. Need to tell him what?

21 Q. Well, anything. Why would you have to impart to him any
22 information, unless it was not already known?

23 A. Well, he was taking an interest in the case. He'd asked
24 particular questions relating to my involvement and I
25 gave it. As far as I'm aware, all the information

1 relating to my involvement was already known. Whether

2 Les Brown was aware of it, I don't know.

3 MR SMITH: Sir, I see the time.

4 THE CHAIRMAN: Yes, we are reassuming on my Wednesday.

5 MR MOYNIHAN: I am afraid I was involved in conversations on

6 other matters. I didn't have the conversation with

7 Mr Geddes or, indeed, with Mr Holmes.

8 THE CHAIRMAN: Well, perhaps the first thing, I take it that

9 you will be a little time with the witness.

10 MR SMITH: Yes, sir.

11 THE CHAIRMAN: And there will be other applications. Just

12 give me an idea of how long the witness might be

13 required for?

14 MR SMITH: I think, sir, I may be another 15/20 minutes, I

15 would think.

16 THE CHAIRMAN: Do you know yet whether you would wish to ...

17 MR HOLMES: As matters presently stand, sir, I don't intend

18 to make an application.

19 THE CHAIRMAN: Mr Macpherson, have you ...?

20 MR MACPHERSON: I don't anticipate making an application,

21 sir.

22 THE CHAIRMAN: I am not committing anybody. Miss Grahame,

23 are you ...?

24 MISS GRAHAME: Nor would I anticipate making any

25 application.

1 THE CHAIRMAN: So it is just unfortunate having to stop now.

2 When would you be available again, Mr Geddes? I

3 know you have other commitments in the High Court coming

4 up.

5 A. The High Court for Monday I've actually been excused

6 from but I was, as I informed the Inquiry, due to go on

7 holiday.

8 THE CHAIRMAN: We understand that. So you are going on

9 holiday.

10 A. Well, if it aids the Inquiry, I would be happy to come

11 back on Wednesday, if that's --

12 THE CHAIRMAN: Is it convenient for you because I know

13 you --

14 A. Well, it's not particularly convenient. I might get

15 divorced but ...

16 THE CHAIRMAN: It's not too inconvenient. If you could come

17 on Wednesday morning we can immediately complete your

18 evidence.

19 A. Okay.

20 THE CHAIRMAN: I am grateful to you.

21 A. Okay.

22 MR MOYNIHAN: Sir, if I may just ask: I don't know how long

23 Mr Geddes is away for because plainly if it's a balance

24 then we could take him some time later, perhaps, if that

25 suits.

1 A. It's inconvenient to finish today? If Mr Smith is
2 anticipating 15/20 minutes, is that ...?

3 THE CHAIRMAN: Unfortunately, my problem is I have a flight
4 to catch which if I don't catch I'm here for the
5 weekend, much as I would enjoy that but I think I had
6 better not.

7 MR MOYNIHAN: What I would suggest is we will have a
8 conversation, sir, amongst ourselves and find when we
9 can get too point that least inconveniences Mr Geddes.

10 THE CHAIRMAN: Whenever is convenient we will fit you in.
11 So Wednesday then at 10.15.

12 **(3.20 pm)**

13 **(Adjourned until Wednesday, 1st July 2009 at 10.15 am)**

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