

1

Wednesday, 21st October 2009

2 (Afternoon session)

3 (1.57 pm)

4

PETER MALCOLM SWANN

5

Examined by MR MOYNIHAN (continued)

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MR MOYNIHAN: Mr Swann, just in relation to the movement of

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the Rosetta and then I'll come on to some other points

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then specific to the Rosetta itself in isolation, it was

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suggested to me over lunch that perhaps I am confusing

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matters by speaking of linear movement and transfers

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round an axis and various things.

12

What we have done is we have taken the images which

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I showed you on the PowerPoint and we have tried to

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simplify them. What I have been asking you about are

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characteristics which, using the Scottish Criminal

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Record Office number, are 9 (which is the banana), 5 and

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4, the two stepped bifurcations and the Rosetta. What I

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have done is taken the same clockface and I have now had

19

put in for me 9, 5, 4 and R.

20

Do you see that?

21

A. Yes, yes.

22

Q. All that I was suggesting was that before movement we

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see that we start at point 9, we move and it was

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suggested it might be helpful to use a geographical

25

reference, one would move north-east to point 5 and

1 further north-east to point 4 and then back R is again
2 still relative to 9 in a north-east position but closer
3 to north. Do you see that?

4 A. Yes, I do, yes.

5 Q. Before I move to the next slide, what I am going to do
6 is do, as you are saying, move the main line, which is
7 9, 5 and 4, from a position at 2 o'clock on the
8 clockface to a position at 12 o'clock on the clockface,
9 which is what has happened to the characters in Y7.

10 If I now move to that next slide, what we now see in
11 the top left is that as the features have moved through
12 60 degrees or thereby, that's from 2 o'clock on the
13 clock to 12 o'clock, what has happened is that 5 that
14 was north-east of 9 is now directly north.

15 Do you see that?

16 A. Yes.

17 Q. Indeed, 4 is also directly north and the R (here assumed
18 to be the Rosetta characteristic) goes from the position
19 in which it is pointing in a north Easterly direction;
20 do you see that?

21 A. Yes.

22 Q. It's now moved position. It's actually pointing
23 north-west. That's what I was trying to depict. If
24 there is rotation around an axis, the points move in a
25 cluster their geographical position relative to the axis

1 alters also.

2 Do you see that?

3 A. Yes, I do see it.

4 Is where point 9 is positioned supposed to be the
5 centre of the fingerprint, Y7?

6 Q. It's the centre of the clock and it's, therefore, the
7 point of the shift in the axis?

8 A. So you've got 4 and R then on the perimeter of the
9 clockface?

10 Q. Yes.

11 A. But the Rosetta characteristic is not there. It's quite
12 low down towards the centre core. The points on the
13 outer surface would be the characteristics at the tip of
14 the thumb.

15 Q. I appreciate that. It's not said to be an accurate
16 representation of points 9, 5 and 4 on Y7. All that it
17 is is a representation of what can happen to points
18 moved through 60 degrees. We could have started
19 anywhere with the points and moved them through
20 60 degrees.

21 All that I was trying to demonstrate was that their
22 geographical position relative to the centre of the axis
23 shifts. It was no more than then to come back and see
24 whether you are in a position to tell me -- because if I
25 complete the account, move to the bottom circles where

1 we put in the same numbers 9, 5, 4 and R, if we want
2 those to end up in the bottom left-hand circle in the
3 same geographical position -- if we now just do that --
4 what we, in fact, do is simply move it directly across.

5 So if we go back one slide, 9, 5, 4, R can move in
6 the left-hand circle to the same position -- move to the
7 next slide -- all that I have actually done is moved the
8 shape directly across. I have not rotated it.

9 Do you see that?

10 A. Yes, I can see what you've done, yes.

11 Q. That is a question I had posed for you: whether, if we
12 go to the end, you find points in different positions in
13 Y7 and Ms McKie. You say they are the same points so
14 you are, therefore, trying to account for how they come
15 to be in different positions and this elaborate
16 PowerPoint was simply asking have you truly found
17 rotation or have you simply found movement across? Do I
18 understand you are not in a position to assist me with
19 that question?

20 A. Well, there's certainly been movement across. That's
21 apparent from the position of the characteristics on Y7
22 but I don't really see how you can associate -- I know
23 what you're saying here and I can follow what you're
24 saying, obviously, but I don't see how this solves the
25 problem, if indeed it is a problem. It isn't a problem

1 as far as I'm concerned. The characteristics are there,
2 I know where they are because I can see them, I know
3 where they are on the fingerprint because we can see
4 them; so, therefore, it's moved. How it's moved:
5 because it's moved round like that **(indicated)**.

6 But, I mean, why the characteristics have fallen in
7 those positions then so be it. That's the way it's
8 happened, and nobody really can, I suppose, give you a
9 more definitive answer than that.

10 Q. What I want to do is move on to a completely different
11 approach to the Rosetta characteristic so I will move
12 away from these images.

13 If I can come back to your chartings and that is
14 TS0004 and go to chart N for Nicholas. Previously, I
15 had asked you about Mr Berry's charting. This is your
16 own charting of the Rosetta characteristic; is that
17 correct?

18 A. Yes.

19 Q. Again, the template is the same. It is the Daily Mail
20 image. On this occasion, there are three lines that
21 might be in the same vicinity of the Rosetta
22 characteristic, 3, 4 and 7. Please look at your
23 original if you wish, either the one that is in the book
24 or if you have an original image with you then, please,
25 just consult whichever.

1 What I was looking for was simply an explanation of
2 what each of the lines is depicting; in other words,
3 what is the feature that is 3? What is the feature that
4 is 4? And what is the feature that is 7?

5 A. Feature 3, having dropped down from the cluster of sweat
6 pores on the left-hand side, the ridge below the
7 bifurcation, travelling along westerly, you come to the
8 point marked at 3 where it dips down at 128 degrees and
9 the end of that tip there, which is probably a
10 millimetre or so long, that's point 7.

11 Point 4 is the little island ridge or dot to the
12 right-hand side of that downward slope of the Rosetta.

13 There are three characteristics at the end where it
14 comes to this downward slope and the small island ridge.

15 Q. Forgive me, I understood and I heard number 3 was where
16 the ridge at its end takes a dip and goes down
17 128 degrees.

18 A. Yes.

19 Q. That's number 3. Number 4 is what you and Mr Leadbetter
20 refer to as the dot; is that correct?

21 A. Yes.

22 Q. Forgive me, I just wasn't listening I was looking for
23 something else. What is the characteristic number 7?

24 A. That is the bottom end. It comes along a characteristic
25 like that and dips down like that with the dot there

1 (indicated). So that is point 3 at the tip where it
2 bends; that one is 4, the dot; and the one down here at
3 the bottom is 7.

4 Q. What is number 7? Is --

5 A. A ridge ending.

6 Q. A ridge ending?

7 A. Yes.

8 Q. I see. If I understand it correctly then, if I am
9 looking, it is simply on my copy that is up on the
10 screen, number 7 seems to be on the lower ridge which
11 runs sort of left to right beneath the Rosetta.

12 A. No. No, it's not, no.

13 Q. So number 3 and number 7 are, in effect, the same
14 characteristic? Number 3 is depicting, if is coming
15 down at angle of 128 degrees and number 7 is the tip of
16 its end?

17 A. Number 7 is the bottom of where the ridge ends, yes.

18 Q. Thank you very much.

19 What I am interested in is the fact that this is
20 taken from an image in the Daily Mail and, therefore,
21 one does not know what generation of copy this actually
22 is?

23 A. This is a first generation from the Daily Mail
24 publication but how many down the line that is I've no
25 idea.

1 Q. Do you even know what the ultimate source is of this
2 particular fingerprint?

3 A. I understand it's one that Mr Wertheim took -- I
4 understand that, I don't know that for a fact but I'm
5 told.

6 Q. So it's a Wertheim image but, as you say, how many
7 removed from the original we do not know?

8 A. Well, it can't be many from its clarity. It must be
9 pretty close to the original.

10 Q. Forgive me, because I am not qualified in English law
11 and you may primarily practice in England. From an
12 evidential point of view, can you just reason through
13 for me what the justification is for using, on an
14 essential detail, an image that's in a newspaper as
15 opposed to using a primary source of a fingerprint,
16 either the inked original or a first generation
17 photograph of the inked original? What's the
18 justification for using the Daily Mail?

19 A. The justification for using this is nothing more than
20 simply its clarity and it shows the detail I want to
21 show. I mean, it's fact, it's there. We know whose it
22 is because it's the same. If you compare it with the
23 rolled impression, it's exactly the same. So we know
24 whose fingerprint it is. I mean, what the reproduction
25 proves or disproves I don't know.

1 Q. This is where -- it is one of the themes I asked you
2 about earlier on, the building up an argument for an
3 identification by using different images, whether of Y7
4 or the fingerprint. On this occasion we're talking
5 about the fingerprint.

6 If I take you to what is on the screen and we can
7 look again at the original, the Daily Mail original,
8 just to make sure I have not distorted in any way on the
9 screen here. **(Handed)**

10 What I am interested in is if I can show you, the
11 Rosetta characteristic we know is the ridge that runs
12 along to the point 3 and 4 and down. I'm interested in
13 the ridge below the Rosetta characteristic, the one that
14 I mistook for 7.

15 I am interested in that at a point which I will
16 indicate by the tip of the pen just now **(indicated)**.

17 A. Yes, I see it.

18 Q. So there are two points. What I want to do is just put
19 my arrow -- I will have to come below so I don't obscure
20 the detail. My arrow is actually on the ridge even
21 below that **(indicated)**. The arrow is intended to point
22 to a gap in the ridge above the arrow with, to its left,
23 some feature and then of course to get us back to the
24 Rosetta what we can see is I'm interested in the
25 configuration of the ridge immediately below the Rosetta

1 characteristic. Is that correct?

2 A. Yes, I can see what you're talking about, yes.

3 Q. Can you confirm that in the Daily Mail, the original,
4 there is indeed that gap that I pointed to?

5 A. Yes, I can see it quite clearly, yes.

6 Q. Secondly, is the feature that is immediately adjacent
7 and to the left in the Daily Mail?

8 A. The feature immediately ...?

9 Q. There is a gap.

10 A. Yes.

11 Q. And then immediately to the left there is a feature
12 almost like a claw. Is that feature in the newspaper?

13 A. Yes, it is, yes.

14 Q. If people don't hear you then they will let me know.

15 What would your interpretation be of, first of all,
16 that gap in the ridge? From a fingerprint point of
17 view, what is the interpretation?

18 A. When the fingerprint had been taken then perhaps a bit
19 of ink has not hit that point so therefore it's not been
20 passed on. If you look over the print there's gaps all
21 over the place. I mean, it's a phenomenon in
22 fingerprints.

23 Q. So you think that that's simply an artefact of the
24 manner in which the fingerprint has been taken?

25 A. It could be, it could be, or it could be -- I don't

1 know -- the ink hasn't adhered to -- well, yes, the way
2 it's been taken.

3 Q. Because one alternative interpretation is that it is a
4 ridge ending?

5 A. It's someone's interpretation --

6 Q. No, one alternative interpretation is that it could be a
7 ridge ending?

8 A. Well, I wouldn't go along with that because the ridge
9 carries straight on. It doesn't carry straight on.

10 There is a small gap, certainly. I mean, if you come
11 down another ridge slightly to the right there's another
12 gap. If you keep coming down you'll see further gaps.
13 There's gaps all over the place.

14 Q. The feature that I've describe as the claw, what would
15 your interpretation be of that feature? In other words,
16 whatever the characteristic is immediately to the left
17 of the gap.

18 A. Did you mention you went to the centre core?

19 Q. No, no, sorry. The gap where the tip of my pen is just
20 now, immediately to the left there is some form of
21 feature. I've just described as that a claw. I don't
22 want to assume the answer to the question.

23 What would your interpretation be of that? Is that
24 a fingerprint characteristic?

25 A. No, it's ridge phenomena. It's just something that

1 happened on the ridge. It could be an enlarged -- it's
2 like a little white circle to me, is that what you're
3 looking at?

4 Q. Yes.

5 A. Well, it could be an enlarged sweat pore.

6 Q. So you could construe that as an enlarged sweat pore?

7 A. It could be.

8 Q. It could be?

9 A. It could be. I don't know.

10 Q. If we look again at the images that the Fingerprint
11 Inquiry has itself been using, if I bring up
12 Mr Zeelenberg's image again, it is just on a standard
13 photograph that we have used, Mr Zeelenberg is FI0170A,
14 if you allow me just a second. The Daily Mail is TS0004
15 and it was chart N I am looking for.

16 So what I am going to do is enlarge the fingerprint
17 and I will again reinstate the arrow (**indicated**). So I
18 have reinstated the arrow so that we know the point we
19 are looking at. The only reason for using Mr Zeelenberg
20 is his number actually helps me immediately because the
21 Rosetta characteristic he has numbered 14.

22 A. That's correct, yes.

23 Q. The ridge below number 14, which is the one I am
24 interested in, does not have in this impression the gap?

25 A. No, it doesn't, no.

1 Q. Nor does it have the appearance of an enlarged pore?

2 A. True.

3 Q. Equally, if I look to the precise nature of point 14,
4 you may want to look at the photographic original to
5 satisfy yourself, Mr Swann. It can again be made
6 available to you, if you don't already have it.

7 In the original that you have -- and it is simply
8 Mr Zeelenberg has used one of our standard images -- the
9 Rosetta characteristic itself, does it have the point
10 that you had in your drawing, your point immediately
11 adjacent to the Rosetta characteristic, the dot?

12 A. Well, there's something very faint to the side of it but
13 I take the point you're making, but you get these
14 differences on -- when I say differences I'm not talking
15 about different ridge characteristics, I'm talking about
16 the different, you know, gaps, closures, call them what
17 you will, all over a print.

18 If you look on here, if you want to look and mark
19 all the differences, compare that with that with another
20 one, you will probably find hundreds. But that's not
21 ridge characteristic detail used for making an
22 identification.

23 Q. If I show you, for example -- my reason for asking this
24 is if I look at Mr Berry's article, which is SG0093,
25 this is Mr Berry, and it is his journal, Strabismus

1 2002, where he is talking about the Rosetta
2 characteristic.

3 If I move you to page 6, do we see in fact what he
4 has worked from is a copy of Y7 and a copy of Ms McKie's
5 print, both apparently published on an Internet site by
6 Ed German?

7 A. Yes.

8 Q. So he is looking at two Internet copies and the one
9 particular feature which he highlights is the dot
10 adjacent to the Rosetta characteristic?

11 A. Yes.

12 Q. So he is trying to locate the dot immediately adjacent
13 to the Rosetta characteristic as well as the Rosetta
14 characteristic itself; is that correct?

15 A. Yes, that would appear to be the case.

16 Q. If I take you then to page 10 of his article -- and we
17 will come back to another point in a moment -- he ends
18 at page 10, at the foot immediately above his name, if I
19 just highlight it. He says this:

20 "I will only make a definitive statement as to the
21 identity for any possible future inquiry or other
22 judicial proceedings upon receipt and study of sets of
23 the original marks as used by SCRO for their chart
24 production at Shirley McKie's trial."

25 Do you see that?

1 A. Yes, indeed, yes.

2 Q. So, in fact, what I would suggest he is conscious of is
3 the fact that if he is studying Internet copies he does
4 not know the provenance of any of the copies.

5 Would that be correct?

6 A. It's only the mark that's the Internet copy. The
7 fingerprint on the other side is the same one that we
8 have here.

9 Q. On that particular page, perhaps, but if I move back to
10 page 6, what he has on page 6 is a left thumb impression
11 of Shirley McKie I would suggest to you is not the
12 Daily Mail?

13 A. No, it's not, certainly not, no.

14 Q. So he started out by looking at two Internet images, Y7
15 and an Internet image by Mr German of Ms McKie's print?

16 A. Yes.

17 Q. What he has, in fact, done ultimately is substituted for
18 Mr German's print of Ms McKie a Daily Mail print?

19 A. Yes.

20 Q. He has found in the Daily Mail print a feature, not just
21 the Rosetta but the dot that matches the Rosetta plus
22 dot that Mr German has on his Internet site?

23 A. Yes.

24 Q. I would suggest to you that what his ending comment
25 would be consistent with is that he would need to look

1 at original -- that's first generation -- material to
2 satisfy himself, first of all, that Y7 itself does,
3 indeed, possess that dot, yes?

4 A. I don't know what's on his mind but certainly I'm not
5 going to dispute what you're saying. But the point is
6 there's not just the dot at the end of that downward
7 slope on the mark, there's all the other characteristics
8 as well. I mean, where you get the print from, as far
9 as I'm concerned, doesn't really matter. It might
10 matter to some but certainly if you can make the
11 identification from a fingerprint, whether it be on a
12 fingerprint form or in the daily newspaper, it's
13 irrelevant.

14 Q. Mr Swann, all that I will do is just put this for your
15 comment to finish this particular point: when it comes
16 to the Daily Mail image, the one that is on the
17 right-hand side of the screen just now, what you were
18 doing is attaching significance to the shape of the
19 Rosetta characteristic and the dot immediately adjacent
20 to it.

21 A. Yes.

22 Q. But not attaching weight to what is seen here as
23 potentially a gap in the ridge below with an enlarged
24 pore to its left because those are not the features that
25 you are trying to match up with Y7.

1 A. Well, as far as I'm concerned, they're just -- I mean,
2 there's marks like that or there's gaps like that,
3 there's sweat pores like that, all over the print. Why
4 pick those two? I mean, there's some down at the bottom
5 here that I can see staring me in the face. I mean,
6 they're all over the place. They don't make any
7 difference, Mr Moynihan, at all -- to the
8 identification, that is.

9 Q. If I move then to some other aspects of this particular,
10 the same topic in relation to the chartings that there
11 have been of Y7 by yourself, if I go back to the Kent
12 charting, which is HO104 -- before we do, if we save the
13 red arrow which I have lost once already.

14 MISS BAHRAMI: That's saved as FI2110.07.

15 MR MOYNIHAN: If I could bring up a copy on one side of the
16 screen, please, of HO0104 and also a copy of FI0167A.

17 What I am going to do, Mr Swann, is to compare your
18 charting that you did and sent to Mr Kent with a SCRO
19 charting that has been done for us.

20 Do you have the original with you?

21 A. No, they've all gone back.

22 Q. You have handed it back. That's fine. **(Handed)**

23 THE CHAIRMAN: Perhaps you will just explain what Mr Swann
24 now has been given so that we can follow it.

25 MR MOYNIHAN: What I have on the screen, Mr Swann, is

1 firstly on the right-hand side I have highlighted the
2 charting of Y7 that has been done by the members of
3 staff at the Scottish Criminal Record Office and you
4 have been given the photographic original of that.

5 A. Yes.

6 Q. I have also brought up on the left the charting of Y7
7 that you did and sent to Mr Kent and you have also been
8 given Mr Kent's photograph of that charting?

9 A. Yes.

10 Q. The final thing I have done is I have given you the
11 original unmarked Kent photograph so that you can use
12 that as well.

13 What I want to do is to ask you -- we touched on
14 this earlier -- about features that are on the edges of
15 the impression and on your charting that was sent to
16 Mr Kent -- I will call it the Kent charting, if you
17 don't mind -- I am interested in the points that are 8,
18 9 and 10.

19 The reason I brought up the Scottish Criminal Record
20 Office charting is that of those three points only one
21 seems to me -- and I stress seems to me -- only one
22 seems to be common to you and to the Scottish Criminal
23 Record Office and the point that I think is in common is
24 your 10 is the same as their 7.

25 A. Correct.

1 Q. But otherwise they have not marked your 9 or your 8?

2 A. That's true. No, they haven't.

3 Q. So far as the Scottish Criminal Record Office number 7

4 is concerned -- perhaps, if I could save that image and

5 we will come back to it.

6 MISS BAHRAMI: That's saved as FI2110.08.

7 MR MOYNIHAN: Just to assist me so that I know what I am

8 looking for, I would understand point 10 to be on the

9 left, descending ridge, forming part of the banana.

10 A. Are you talking about my point 10 now?

11 Q. Your point number 10, yes.

12 A. Yes.

13 Q. So it is the left side of the banana.

14 A. My point 10 is their point 7. It's on the left-hand

15 limb of the --

16 Q. Of the banana. That's right. Again, just for clarity

17 because we will look at it in a slightly different way,

18 number 9, which is unique, your number 9 is on the right

19 side of the banana, the right limb of the banana.

20 A. My number 9 is on the right of the right limb coming

21 down.

22 Q. So it's to the right of the right side of the banana?

23 A. Yes.

24 Q. That's fine.

25 A. If you look at the two -- sorry, the right ridge of the

1 banana one coming down and the one next to it going to
2 the right coming down, you'll see mine coming up in the
3 middle. It's faint but it's there coming up.

4 Q. First of all, I want to just keep those two in mind. If
5 I could then bring up FI0164A and if I can also bring up
6 to its side FI0145 and move to page 4, what I have
7 brought up, Mr Swann, is Mr Wertheim's charting of Y7
8 and I am interested in an area that is Mr Wertheim's
9 difference number 4. So his difference number 4 is
10 being shown by me in a circle (**indicated**).

11 A. Yes, I see it.

12 Q. Does that circle embrace the two sides of the banana?

13 A. Yes.

14 Q. At the lower ends?

15 A. Yes.

16 Q. What you say, if I can enlarge number 4 as your phase 2
17 comments -- I don't know if it can be enlarged ... can
18 we enlarge line number 4, please.

19 What you have, in fact, said about Mr Wertheim who I
20 may say is saying there is no bifurcation to be seen on
21 either leg of the banana as it descends, you say:

22 "Both bifurcations are present if clear mark is
23 examined -- I cannot see them on this copy of Y7."

24 Do you see that?

25 A. Yes.

1 Q. Again, it is the same theme I am running that perhaps
2 different images might disclose different detail. Is
3 that what your view is, that on the images that the
4 Inquiry has been using the bifurcations on the lower
5 edges of the two sides of the banana are not to be seen?

6 A. Well, I can't see them with any degree of clarity, I
7 must admit. I can see them on this one here
8 **(indicated)**.

9 Q. You said you can see them on this one here?

10 A. Oh sorry, the SCRO enlargement you have given me.

11 Q. You can see them on the enlargement itself?

12 A. One is marked anyway, number 7. I can see where the
13 next one is, which I have as number 9.

14 Q. If you give me just a second, if I go back then to the
15 saved image number 8 from today, what I have done is
16 brought back up on the right-hand side a digital copy of
17 the SCRO charting. You have the photographic original.

18 A. Yes.

19 Q. Their point 7 is intended to point to the same feature
20 as your point 10. Are you indicating that on the
21 photographic original that you have before you that you
22 can see the bifurcation that's indicated by number 7?

23 A. I can, yes.

24 Q. Can you indicate to us what there is to be seen that
25 would indicate a bifurcation in that location?

1 A. Because there's a faint ridge coming up between the two
2 limbs of the banana bifurcation.

3 Q. You will need to assist me, plainly. I can try to
4 enlarge the image on the right a little bit more. I
5 have enlarged it. Can you assist by showing what it is
6 that you regard as that feature?

7 A. The one that's marked 7 by SCRO.

8 Q. The one that's marked 7 by SCRO is where my cursor is
9 just now.

10 What is it that you see that would be consistent
11 with a bifurcation in that position?

12 A. Well, I can see a ridge coming up, ending where the dot
13 is, in the middle of the two limbs of the bifurcation.

14 Q. So are you indicating what I am demonstrating just now,
15 that mark (**indicated**), that feature?

16 A. Yes.

17 Q. What I will do is I will put a circle over the area
18 (**indicated**). So within the red oval, immediately to the
19 right and descending from the spot which was marked as
20 number 7 you see evidence of a bifurcation; is that
21 correct?

22 A. Yes, I do, yes.

23 Q. What is being suggested by some other experts who have
24 looked at this is that they do not see divergence of the
25 next ridge, which is the right limb of the banana. What

1 comment do you have in relation to that?

2 A. They don't see a divergence of the right limb?

3 Q. A divergence that would occur to accommodate a
4 bifurcation in that location?

5 A. Well, I can see sufficient room for the bifurcation
6 because I can see the bifurcation between the two limbs.
7 So obviously there's room because it's there.

8 Q. So far as moving then and just using the image that's on
9 screen just now -- it happens to be the Inquiry's
10 image -- in the Kent charting that you did, immediately
11 adjacent to your 10, off from the right-hand limb of the
12 banana you have marked another fingerprint
13 characteristic.

14 Is that to be seen or is there any evidence of that
15 in this photograph?

16 A. Yes, indeed.

17 Q. Where is that?

18 A. If you look to the right of your downward stroke of the
19 circle you have put on there, you've got the black ridge
20 of the right limb of the bifurcation coming down. Then
21 if you move that key or that indicator there, just a --
22 that's it, hold it there, perhaps a little bit higher
23 probably ... that's it (**indicated**). Now immediately
24 beneath the, if it is the handle of the key, you can see
25 the ridge coming down quite clear.

1 Q. So where would it be? Would it be positioned just as
2 the pen is coming just now?

3 A. Somewhere just there, yes.

4 Q. It is there?

5 A. Yes.

6 Q. So if I now mark it so that **(indicated)** -- we can always
7 look at an unmarked copy later -- you are seeing a line
8 in the vicinity of where I have drawn in green?

9 A. The bulk of it tends to finish just at the bottom of
10 that green line. It probably goes on a fraction more
11 but not too high.

12 Q. We will finish with the next point, your point 8, the
13 final of these points that you chart, point number 8.

14 You may have to look at the photograph that Mr Kent has
15 in his charting.

16 What is point number 8 on this image? Where is it?

17 A. It's covered mostly by the red line -- I don't know what
18 number it is ... it's covered mostly by the point number
19 6, the line indicating point number 6 on this chart.

20 Q. So the line coming down --

21 A. Yes, that's the one, yes. It's in there, a bit further
22 down perhaps. Somewhere there **(indicated)**.

23 Q. It's about there?

24 A. I think so, yes.

25 Q. So what I will do is put ... **(pause)**

1 So it's in the area, roughly, of my blue circle?

2 A. Yes.

3 Q. Perhaps more to the left than my blue circle than the
4 centre?

5 A. It's in that area there, yes.

6 Q. Could we save that image then.

7 MISS BAHRAMI: That's saved as FI2110.09.

8 MR MOYNIHAN: What I want to do is to give you your own
9 image that is the unmarked Kent photograph, TS0006.

10 That gives you an image to work with that has no lines
11 on it to disturb you. Could we enlarge the fingerprint,
12 please. On this enlarged image, can you point me to the
13 feature which is feature number 8, please?

14 A. **(Pause)** Yes.

15 Q. What is it, Mr Swann, that you see in that position?

16 A. A ridge ending -- a ridge ending upwards -- very, very
17 faint indeed.

18 Q. When you say "very, very faint", is it the black dot?

19 A. No.

20 Q. What is it?

21 A. It's just to the side of the black dot.

22 Q. So you see something to the side of the black dot?

23 A. Yes.

24 Q. Can you describe to me what the shape is that you're
25 actually seeing?

1 A. It's a ridge ending upwards, a line.

2 THE CHAIRMAN: Is it to the right of the black dot?

3 A. No, to the left of the black dot.

4 THE CHAIRMAN: So the arrow is covering it slightly, is it?

5 A. The arrow's probably slightly -- well, the arrow head is
6 pretty well on where the ridge ends.

7 THE CHAIRMAN: I see.

8 MR MOYNIHAN: What I have done is brought up a tool to draw
9 a line.

10 A. Sorry?

11 Q. I have brought up the tool that enables you to draw a
12 line. Can you draw for me, please, where the ridge ends
13 and where it runs, if it's a ridge ending where the
14 remainder of the ridge is actually to be seen. Can you
15 draw me the line?

16 A. **(Pause)**

17 THE CHAIRMAN: Would it help if we take the short break now?
18 Normally we rise for ten minutes at this stage and I was
19 going to say if I do that now, which is the time we
20 normally rise, then you could mark it at your own
21 convenience.

22 A. Thank you.

23 THE CHAIRMAN: We will sit again at 3.00.

24 **(2.50 pm)**

25 **(A short break)**

1 (3.06 pm)

2 MR MOYNIHAN: Sorry, sir. I had asked Mr Swann just to
3 check something for me. There is on screen just now a
4 marking on a photograph Mr Swann has done of his feature
5 at number 8. We will obviously retain the photographic
6 original. (TS2110)

7 First of all, you have marked a dot which, I
8 understand the lower of the three dots would be the
9 ridge ending; is that correct?

10 A. It's a ridge ending bordering on a bifurcation.

11 Q. The red line, is that indicated to show the approximate
12 direction of the ridge which ends in that position?

13 A. Yes.

14 Q. Thank you very much. In that case what I want to do is,
15 rather than go through all the points of similarity with
16 you, I have two particular points I want to pick up.

17 Firstly, I had circulated at the end of last week or
18 over the weekend a list of points which I had studied in
19 your what I call Kent charting, comparing those with the
20 SCRO charting for this Inquiry and I produced a table.

21 I was going to ask you simply to tell me if my
22 understanding is correct or not in the table that was
23 produced.

24 A. This is SCRO FI0167A and Swann HO104?

25 Q. That's correct.

1 A. Point number 1 is a dash. It isn't marked. Point
2 number 2, I've put no. Put number 2 SCRO is my point
3 number 15.

4 Q. Your point number 15, thank you.

5 A. 3 and 5 correct; 4 and 6 -- well, going down the
6 left-hand column, 3 correct as marked, 4 correct, 5, 6,
7 7 correct, 8 is not marked, 9 is correct, 10 is not
8 marked, 11 is correct, 12 and 13 not marked, 14, you've
9 got "16?", I've put "no 15".

10 15 on the left is number 2, 16 not marked, 17 is 13
11 correct.

12 Q. If you give me just a second. So you have made three
13 changes then to my list. SCRO number 2 I have down as
14 your number 2 but you say, no, that's your number 15?

15 A. Yes. I don't know where ...

16 Q. Mr Swann, just before we check that, the three things
17 that you have changed: SCRO 14, I had "16?" and you have
18 told me number 15?

19 A. Yes.

20 Q. Then SCRO number 15 you have told me your number 2?

21 A. Yes.

22 Q. The only query I then have is that you have given me
23 your 15 twice. You have given me your 15 against SCRO
24 number 2 and also against SCRO number 14.

25 THE CHAIRMAN: It may be just a reversal. I am wondering is

1 it a reversal because SCRO 15 is your 2.

2 MR MOYNIHAN: I see the point, sir, yes.

3 A. And 2 is 15.

4 MR MOYNIHAN: In that case the only issue is for SCRO number

5 2, am I to put in your 15?

6 A. I don't have the appropriate --

7 Q. Mr Swann --

8 A. -- things in front of me. I'll check that one out.

9 Q. What I would like you to check out is you have given me

10 your number 15 for two SCRO points, number 2 and number

11 14. I take his Lordship's point about the reversal of 2

12 and 15. I will ask you just to check that for me.

13 The table though also helps me to identify four

14 characteristics that I would like to talk to you about

15 just now without going over the list. They are SCRO 10,

16 11, 12 and 13.

17 10 and 11 we have discussed so far as a lake that's

18 above the point that we have been referring to as the

19 banana and 12 and 13 are an incipient ridge adjacent to

20 the lake.

21 If I am correct -- and it seems that I am correct --

22 of those four only one was picked up in your Kent

23 charting that was one of the two bifurcations in the

24 lake, number 11. Is that correct? Perhaps I should

25 show you the -- if I show you the SCRO --

1 A. Number 11 on mine is the top of the banana bifurcation.

2 Q. Yes, but number 12 on yours will be one of the
3 bifurcations in the lake.

4 A. Correct.

5 Q. But in your Kent charting you have not pinpointed the
6 second bifurcation that completes that lake.

7 A. No. Well, I just didn't use that characteristic.

8 Q. That's fine. Nor did you use the characteristics 12 and
9 13, which are the adjacent incipient ridge.

10 A. No, I didn't.

11 Q. What I want to do is simply to discuss those with you.

12 As I understand it, if I look at that as a group of
13 four points and look at your charts, if I begin in
14 TS0004 and I will work backwards from charts that do not
15 seem to use these to one that perhaps does, if I go to
16 chart O.

17 A. What letter?

18 Q. O.

19 THE CHAIRMAN: O for Oscar.

20 A. Yes.

21 MR MOYNIHAN: Simply by looking at -- it is now a rolled
22 impression of Ms McKie -- but simply by looking at the
23 rolled impression, I don't see -- I may be wrong -- that
24 you have picked up any of the points of the lake or the
25 incipient ridge in that charting?

1 A. No, I haven't, no.

2 Q. Then the other one that I had not seen evidence of you
3 using any of these four points is chart D for delta.

4 A. No, I haven't.

5 Q. And no one of those charts uses these features?

6 A. No.

7 Q. The one that may use them is chart B for bravo.

8 Again, please, you tell me whether any of the points
9 that are marked here are indeed intended to pick up
10 either the lake or the incipient ridge that SCRO rely
11 on. We will just put that one to the side and bring up
12 the SCRO charting which is FI0167A and I will highlight
13 just now the Ms McKie fingerprint so we see clearly the
14 features that I am referring to as the lake and the
15 incipient.

16 In the SCRO charting, the lake has a bifurcation 10
17 to the left and a bifurcation 11 to the right; do you
18 see that?

19 A. Yes, I do.

20 Q. With above the right bifurcation (that's above 11)
21 marked an incipient ridge 12 and 13?

22 A. Yes.

23 Q. So that is what we are referring to. On the left-hand
24 image -- that is your own charting B, if I highlight
25 that -- can you tell me if there are any of the points

1 you have highlighted that correspond to any one of 10 to
2 13?

3 A. Yes, number 13, the left-hand point of the oval-shaped
4 bifurcation.

5 Q. But is that all?

6 A. Sorry?

7 Q. Is that all?

8 THE CHAIRMAN: That's the only one?

9 MR MOYNIHAN: Is that the only one?

10 A. Yes.

11 Q. We have gone through a number of charts. Is that a fair
12 representation that you have not yourself highlighted
13 anything other than one of these 4 features as a point
14 of significance to you?

15 A. Yes, fair comment.

16 Q. What I would like to do is to see whether that is a
17 point of difference between you and SCRO or rather all
18 you've done is looked at a limited number of
19 characteristics and highlighted the most obvious ones.

20 You have looked at the SCRO charting yourself. Are
21 you content with their marking of points 10, 11, 12 and
22 13 as being points that are in common between Y7 and
23 Ms McKie?

24 A. Yes, yes.

25 Q. Perhaps what I should do is I will take down your image

1 on the left. I will give us a second image of FI0167A
2 on the left instead.

3 What I will do, Mr Swann, is I will enlarge Y7 so
4 that we now have two enlarged copies, one of Ms McKie's
5 print and one of Y7 now with the markings.

6 What is it that you see in Y7 that persuades you
7 that there is, indeed, a lake at the positions 10 and 11
8 marked by SCRO? You can either use that -- you have the
9 original of the SCRO charting. You also have available
10 to you the Kent photograph if you wish, the unmarked
11 Kent photograph.

12 A. Sorry, the question was again?

13 Q. Can you explain to us what you observe in Y7 that is
14 consistent with the presence of a lake in the position
15 of 10 and 11?

16 A. Well, I can see where it's marked at either end, the
17 lake formation. The upper rim of it is probably
18 stronger than the lower one because the lower one
19 probably tends to merge into the ridge below it if
20 you're not careful but you can see where it is.

21 Q. I have now enlarged the image to come in closer. 10 is
22 where my cursor is just now **(indicated)**?

23 A. Yes.

24 Q. 11, 12 and 13 above?

25 A. I can see 12 and 13 are quite clear. 10 and 11 you can

1 see where the ends of each elongated bifurcation is or
2 are.

3 Q. Are those simply features that are to be observed at the
4 points where the lines end?

5 A. Yes.

6 Q. So far as the incipient ridge, is that again where my
7 cursor is (**indicated**), the black line that's between the
8 two descending red lines?

9 A. It is, yes.

10 Q. In relation to the incipient ridge, what I'd put to you
11 was that the incipient is adjacent to the SCRO point 11.

12 In fact, on this fingerprint image the incipient is in
13 very close contact, if not actually in contact, with
14 ridge which is the upper ridge of the lake?

15 A. Well, I can see where it's marked and it's quite close
16 to both the upper and the lower ridges but it neatly
17 runs parallel between the two and you can see a gap both
18 above and below. It's an independent ridge.

19 Q. Using your phrase, it's an independent ridge, what I
20 would ask you to comment on is the fact that in Y7 the
21 feature that is marked is, in relative terms, relatively
22 more distant from point 11 and, in fact, closer to the
23 ridge above than would be the corresponding feature in
24 Ms McKie?

25 A. Well, yes, I can see what you're saying but this is

1 something which happens with all fingerprints. It
2 doesn't look quite to be in the same position on one as
3 it is with the other because of -- I don't know --
4 variations of pressure, this is taken on -- well, this
5 is taken under good solid conditions, probably in a
6 police station, I don't know, whereas this one's a crime
7 scene mark left by chance inadvertently and, you know,
8 with all the things against it as opposed to this one,
9 so you do see differences.

10 But the point is at that point there there is an
11 independent ridge which is nestling between the two
12 ridges and just above point number 11 marked by SCRO.

13 Q. So, in short, what you say is, because of the different
14 circumstances in which the two impressions are formed,
15 there will be variations in detail but the essential
16 character of the features is the same?

17 A. Correct, yes.

18 Q. That took me through the points I wanted to ask you
19 about in relation to Y7. I now want to turn to Q12.

20 In relation to Q12, first of all, this is not a
21 matter on which you were ever instructed by Ms McKie
22 because it did not form part of your instructions?

23 A. No, it didn't, no.

24 Q. But you did at some stage come, obviously, because you
25 have chartings in relation to Q12.

1 Do you recollect how it came about that you had any
2 involvement in relation to Q12?

3 A. I suppose, strictly speaking, I've had no official --
4 I've never been instructed in Q12, no. I think it came
5 about really out of interest. I was totally involved of
6 course in Y7 and this one was always there at the time
7 and, for the sake of completeness, I did both and I
8 eventually did the lot -- to include them all in the
9 chart anyway, in the albums.

10 Q. So obviously you took an interest in the matter. You
11 have some chartings and, indeed, you produced to the
12 Scottish Parliament some chartings of Q12.

13 A. Yes.

14 Q. What I was going to ask you about was the source of the
15 charting and, therefore, the type of image that you
16 actually had.

17 If I bring up TS0004, chart H, this is one of the
18 charts that you used. So far as these images of Q12 are
19 concerned, do you know anything about the source of the
20 images that you have used in this; in other words, do
21 you know where you got them from?

22 A. It's some considerable time ago now. I think they were
23 sent down to me from Scotland.

24 Q. Sorry?

25 A. They were sent down to me from Scotland. Exactly by

1 whom and when I can't tell you. Well, I don't know. I
2 would tell you if I knew but I don't know.

3 Q. That's okay because when it comes ultimately to a study
4 of Q12 there's a question that you raise in your
5 comparative exercise material about the quality of the
6 images --

7 A. Yes.

8 Q. -- that the Inquiry has been using.

9 What I was just wondering was what the source was
10 and, therefore, the quality of the image that you have
11 been working from.

12 If I tell you that, at least looking at these
13 images, what I note is the one on the left of Q12, first
14 of all, has a border to it so it looks as if it's a
15 photograph of a photograph.

16 Do you see that, the border around the image?

17 A. Yes, I do, yes.

18 Q. It is in landscape, which I would know is a type of
19 image that Mr Mackenzie used for one of his chartings.
20 Is it possible that is a source, that you have used
21 images that SCRO have used themselves in relation to
22 this matter?

23 A. Well, that's possible, yes.

24 Q. If I show by comparison with that landscape Q12, if I
25 look to your other chart which is chart P (for Peter),

1 so far as P is concerned it seems at least to my naked
2 eye, but I may be wrong, that they are different images?

3 A. Pardon?

4 Q. It looks to my naked eye as if they are different images
5 but I may be wrong. Do you know?

6 A. Well, they've certainly been done at different times.
7 Whether they are different images I don't know. I know
8 at one stage I did have a negative which was sent to me
9 again by whom ... I had this reproduced at the West
10 Yorkshire Police Imaging Unit and they prepared these
11 photographs for me, not the album. Well, they did the
12 album eventually but when I worked with the photos they
13 produced that's where I got them from.

14 Q. When you say you got a negative and then produced an
15 image, is that true of the two Q12 images we have here
16 or is it true of only one of them? Do you know?

17 A. No, I don't know. I don't.

18 Q. You don't know.

19 I do actually notice that perhaps there are some
20 artefacts in the image. I am looking in the top right.
21 There's a bubble feature -- I'll put a blue arrow round
22 it (**indicated**) -- in the bottom right, a similar sort of
23 feature that, in fact, if one looks closely, is present
24 certainly in this image, I'm not sure in the bottom. So
25 it may be that they derive from the same negative?

1 A. Indeed, yes, possibly.

2 MR MOYNIHAN: What we will do is just save that and then get
3 down to the detail.

4 MISS BAHRAMI: That's saved as FI2110.10.

5 MR MOYNIHAN: What I was going to do, Mr Swann, my own notes
6 have in fact been primarily prepared by reference to
7 your chart P (for Peter) because that is the one I
8 seemed to find more references to in your statement but
9 if you prefer to use the other one then just indicate
10 but --

11 A. No, no --

12 Q. In that case, if we take down what is currently there
13 and bring up just a fresh clean copy of TS0004, slide
14 17. Sorry, if we bring up just one copy of TS0004.017.

15 Again, Mr Swann, what I did was circulated a list, a
16 table, another table, because I tried to compare your
17 charting with the SCRO charting. On this occasion, it's
18 SCRO FI0166A.

19 Again, before we go too far in the conversation, if
20 you can just tell me if there are any corrections to be
21 made to my list? For some reason, confusingly, I've
22 started on this occasion with your numbers on the left
23 column and SCRO numbers on the right.

24 A. Looking at what homework I did on this: point number 6
25 on mine, you've got number 2, I've ticked that; 7 I've

1 ticked, you have got "10?", I've ticked that; 8, 3 tick;
2 9, 9, tick; 15, well all correct, 15 to 14, then 16, 15.
3 Yes.

4 Q. You have not observed any other points that are in
5 common between your charting and the SCRO charting for
6 QI2?

7 A. No.

8 Q. So the lists which are available to others on this
9 occasion are correct?

10 A. Yes.

11 Q. So that assists me greatly because then I know what is
12 common to you and SCRO and where they differ.

13 If I can start then, first of all, do I take it in
14 relation to the quality of the images, because there's a
15 criticism of the quality of the image that the Inquiry
16 had used in the comparative exercise, are you content
17 with the quality of the image that you yourself used as
18 the basis for chart P?

19 A. Yes, indeed, yes.

20 Q. The alternative which I have, and I can show you, also
21 taken at the Inquiry's request from a negative by
22 Dr Bleay at the Home Office, if I show you EA0029, what
23 we have to do is to rotate it anticlockwise. This is an
24 image that we have and I think we have the photographic
25 original for you. **(Handed)**

1 Just check that marked on the back I think should
2 be, in pencil, is probably marked on the back "normal"?

3 A. Yes, normal colour, yes.

4 Q. Normal?

5 A. Yes.

6 Q. I am quite happy to use your own original in P, I will
7 also use Dr Bleay's from time to time.

8 Do you have any comment on the quality of the Bleay
9 image that I have just handed you, the photographic
10 form? How do you find the clarity of that image?

11 A. It seemed to have a brown tinge with it to me. I don't
12 know whether that's normal but ... it's okay to work
13 with but I wouldn't change it.

14 Q. You wouldn't change from your own one?

15 A. No.

16 Q. Just while we are on though, when we have been looking
17 at the Dr Bleay one, I have come to realise that the
18 larger photograph does indeed enable one to see a little
19 bit more clearly what is going on in the background and
20 in the vicinity. For example, we have Q12 as broadly --
21 that's an underestimate. It goes a little bit further
22 to the left. We have Q12 within the blue oval, very
23 roughly?

24 A. Yes. Well, roughly, yes. There's a bit missing on the
25 left.

1 Q. But also on the left we have to be conscious of the fact
2 that there is, would you accept there is a separate
3 mark?

4 A. Yes.

5 Q. What about the area that I'm indicating (**indicated**),
6 roughly about the green? Is that the same mark as Q12
7 or a different one?

8 A. Is it what, sorry?

9 Q. The area that I've got in the green oval, is that the
10 same mark or a different one?

11 A. No, they're two different marks, aren't they?

12 Q. A different mark?

13 A. Well, there's this mark, Q12, and -- well, it's all Q12,
14 I presume, and the one with the green ring round.

15 Q. But they appear to be separate fingerprints?

16 A. Yes, indeed, yes.

17 Q. Also the final piece, when I am looking at the overall
18 picture, literally, is that coming through, even in the
19 blue oval areas of smearing, would that be correct,
20 coming from the top down?

21 A. Yes, yes -- smudging, smearing.

22 Q. Is there any significance in the fact that a part --
23 indeed, perhaps even I might suggest, a large part to
24 the right of the core has superimposed upon it, it would
25 seem, some smudging?

1 A. It's probably the smudging that's superimposed on mark,
2 is it?

3 Q. Sorry, yes.

4 A. Yes, yes.

5 Q. Is that something that one has to be very conscious of
6 when trying to interpret the underlying fingerprint
7 features?

8 A. Oh, yes, indeed, yes.

9 Q. What was your view about, just looking again at the
10 larger picture before we turn to your mark or your chart
11 P, what was your overall conclusion about the clarity of
12 QI2 as an image that would be capable of comparison?

13 A. Well, it's certainly clear enough for comparison
14 purposes. I mean, obviously at a glance you can see
15 quite a number of characteristics. At a glance you can
16 see quite a few ridge characteristics for comparison
17 purposes -- quite a number actually.

18 Q. So it's sufficient clarity for comparison purposes?

19 A. Oh, yes.

20 Q. Even though it's got smudges and other prints in the
21 vicinity?

22 A. Well, often fingerprints do have smudges, yes.

23 MR MOYNIHAN: What we will do is save that particular image,
24 please, of QI2.

25 MISS BAHRAMI: That's saved as FI2110.11.

1 MR MOYNIHAN: If I could go back, please, to your chart P
2 (for Peter), TS0004, chart P. In fact, could I have it
3 twice over.

4 I will explain to you, Mr Swann, I put things up
5 twice because it gives me an opportunity to enlarge both
6 the crime scene mark and the fingerprint.

7 Having established what is common between you and
8 SCRO, where I thought we should start is to work through
9 the points in common so that you can explain where you
10 see the particular features and how you interpret them.
11 Then we will look at some, not of the points where you
12 differ from SCRO but rather where you have differed from
13 some of the others like Mr Zeelenberg, Mr Wertheim and
14 Mr Grigg.

15 A. Right.

16 Q. So what I want to do then is to start and I am going to
17 do them, in fact, in the numerical order of SCRO's
18 points but I will convert them for you as well. I am
19 going to start with your point 6, which for SCRO is
20 their point 2.

21 Can you tell me what your interpretation is of your
22 point 6?

23 A. It's a ridge ending up.

24 Q. Why do you describe it as a ridge ending up? As opposed
25 to, if I can be a bit more clear, describing it as a

1 bifurcation?

2 A. Yes, sorry.

3 Q. Can you explain why you describe it as a ridge ending up
4 as opposed to a bifurcation, point number 6?

5 A. Well, it doesn't quite, in my opinion, make contact with
6 the ridge on its right. It's more of a ridge ending to
7 me than a bifurcation, definitely looks like a ridge
8 ending up in the crime scene mark, Q12. Probably the
9 ridge ending up part at the top on the fingerprint form
10 is a little bit closer to the ridge to its right. So
11 it's a bit borderline, shall we say. So certainly I
12 would say a ridge ending.

13 Q. In relation to this, you will know from the comparative
14 exercise material that -- I will come back to this
15 question of a ridge ending up in a moment. We will come
16 back to that later.

17 One of the main points of argument is that in Q12 it
18 is said that the two descending ridges are of equal
19 width; whereas in Marion Ross there is one thick ridge
20 to the right and a thin ridge to the left.

21 Do you see that?

22 A. What, at either side of --

23 Q. Without wishing to quarrel with your description of a
24 ridge ending, it's easier if I just explain it as a
25 bifurcation. If number 6 was the point of a

1 bifurcation, there would be then two ridges descending
2 or, as they ascend, they form the bifurcation. The one
3 my cursor is on just now to the right (**indicated**) is a
4 relatively thick ridge?

5 A. Yes.

6 Q. The one that is on the left is a relatively thin ridge,
7 yes?

8 A. Thinner than the one on the right, yes.

9 Q. Yes, relative terms, one thinner than the one on the
10 right?

11 A. Yes.

12 Q. Those who say these points do not match say that when
13 one looks at QI2 that there's two descending ridges of
14 equal thickness, whereas in Marion Ross one is
15 relatively thinner or thicker than the other.

16 Do you have any comment, first of all, as a matter
17 of observation, that that difference in thickness is
18 present between the two? As a matter of observation is
19 it present?

20 A. Well, I would agree that the ridge on the left which I
21 have marked at the end of number 6, it is slightly
22 thinner than the ridge on the right, yes.

23 Q. What explanation would you give for that difference in
24 appearance as between QI2 and Marion Ross?

25 A. It may have been a result of the sweat content of that

1 ridge in that area which has not reacted quite as fully
2 with the I believe it was the superglue process that was
3 applied to this particular tin and the development
4 hasn't been quite as strong. Lack of sweat, well, it
5 won't be quite as strong. I don't know what other
6 reason I can give really.

7 Q. I am keen that his Lordship gets a range of view in
8 relation to this. Those who have said it is not the
9 same have said that if it were due to any sort of
10 development process or pressure such is the proximity --
11 what is suggested is that such is the proximity of these
12 two ridges that, if it were due to difference in
13 pressure or if there were pressure or chemical issues
14 involved, it would be unlikely to impact adversely on
15 one and not the other in such a close proximity.

16 Do you have any comment on that?

17 A. I suppose that's fair comment. It's difficult to give a
18 definite answer. You won't be able to give a definite
19 answer because, I suppose, if you look elsewhere on the
20 mark, you'll probably find similar areas where you've
21 got thick ridges and thin ridges. It happens all the
22 time but it still doesn't detract from the fact that
23 there's certainly definitely a characteristic there,
24 whether it's a thin ridge or a thick ridge or two, one
25 of each. There's certainly a characteristic at the

1 point where they nearly meet or ridge ending.

2 Q. One other --

3 THE CHAIRMAN: Sorry, just --

4 A. Sorry, there's definitely a ridge characteristic at the
5 point where the thin ridge ends, whether it actually
6 ends there or touches the adjacent ridge and forms a
7 bifurcation. That's -- well, it may or may not.

8 MR MOYNIHAN: One other point I would ask you to comment on
9 is this and, again, it's common to people on both sides
10 of the argument about the identification of Q12: you
11 have on the Marion Ross chart indicated that the
12 ascending thinner ridge ends at the point that you have
13 marked as number 6.

14 A. Yes.

15 Q. Which is at a point where it's almost close to being a
16 bifurcation with the adjacent ridge. Some have noted
17 that it's possible that that ridge continues further up
18 to a point that I am now going to indicate with a
19 turquoise arrow (**indicated**), that thin ridge carries on
20 up.

21 A. I can see where you're pointing to, yes.

22 Q. That is obviously in Marion Ross's print where there is
23 a degree more clarity.

24 What is your observation on using a point such as
25 that as a characteristic of sufficient clarity in Q12

1 itself. Do you see it?

2 A. I can see it. I didn't entertain it as a ridge in that
3 respect from a characteristic point of view. I can see
4 the mark you are indicating. I've seen it as well.
5 Maybe it's a small part of an incipient ridge. I don't
6 know. It could be.

7 Q. When you say you can see it, is that you using the
8 Dr Bleay image just now? When you say you can see it,
9 what are you looking at? Are you looking at the
10 Dr Bleay image?

11 A. No, no, I'm looking at my own.

12 Q. I apologise, I didn't know what you were looking at.

13 THE CHAIRMAN: On the copy P, you can see it; is that right?

14 A. On my copy, yes. It's not very strong but it's
15 certainly there but I wouldn't count it as a ridge
16 structure from a characteristic point of view.

17 MR MOYNIHAN: Why not?

18 A. Well, I'm not sure really what it is. I mean it might
19 even be a bit of dirt or something like that on the tin.
20 I don't know. I mean, there's all sorts of things, you
21 know, happen which you have to take into consideration
22 but at the end of the day it's difficult to be sure
23 about any of them sometimes.

24 MR MOYNIHAN: If I can save the image that we have on the
25 screen just now.

1 MISS BAHRAMI: That's saved as FI2110.12.

2 MR MOYNIHAN: If on the right-hand side we bring up again a
3 clean image of TS0004.17.

4 I am now going to move on, Mr Swann, to your point
5 number 8, which is similar to the SCRO point number 3,
6 so your 8, their 3. I'll use your numbering. Your
7 point number 8: what characteristic is point number 8?

8 A. It's probably a bifurcation as opposed to a ridge
9 ending.

10 Q. In relation to point number 8, one of my reasons for
11 asking you about this is having observed in the larger
12 image by Dr Bleay, just simply for context, the swipe or
13 smear that is coming from the top into the features of
14 QI2 superimposed over QI2, as you say, your point number
15 8, it would seem, is at the lower end but if one is
16 looking at it left to right, it's central. So the
17 central lower end of that smear.

18 First of all, do you accept that, that it is in the
19 area of the smear?

20 A. At the lower end of it, yes. I wouldn't say it was in
21 the smear because I can see it quite clearly and you can
22 see the two ridges on either side going up. But, yes,
23 there's a smear up there which descends to roughly that
24 point.

25 Q. So are you saying that in that vicinity you can clearly

1 observe the particular feature?

2 A. Clearly observe ...?

3 Q. The particular feature?

4 A. Yes, quite clearly.

5 Q. So if you were analysing Q12 before looking at the

6 Marion Ross, would you have picked out in isolation on

7 Q12 a fingerprint characteristic in that area?

8 A. Well, I think it's very strong. It's a very strong

9 characteristic. It's quite clear.

10 Q. Similarly --

11 A. The answer is yes, I would, yes.

12 Q. Similarly, point number 9 which is, by coincidence, the

13 same as the SCRO point number 9 --

14 A. Yes.

15 Q. Point number 9, first of all, the description of that:

16 is that a ridge ending or bifurcation?

17 A. Probably a bifurcation.

18 Q. Again, are you indicating that in Q12 there is, readily

19 observable, a feature in that area?

20 A. Yes.

21 Q. We can go back now really from 9, then we will go back

22 to 8. Can you draw on the picture, please, of Q12 the

23 particular characteristic that you see?

24 A. At number 8?

25 Q. It's the same question for 8 and 9 so do them in the

1 order that is most convenient for you. On Q12 if you
2 can simply draw the features, 8 and 9, just draw on
3 there the features that you observe.

4 A. You want a line drawing over the actual ridge?

5 Q. Yes, please.

6 A. **(Pause)** Is that sufficient? **(Indicated)**

7 Q. Again, what you have told me is that one or both of them
8 are possible bifurcations so, therefore, one is looking
9 for two ridges.

10 A. Oh, right.

11 Q. Again, do not let me mislead you. Just be satisfied
12 that 8 and 9 are indeed bifurcations that one is looking
13 for, two ridges.

14 A. **(Pause)** Is that okay? **(Indicated)**

15 MR MOYNIHAN: That's fine, thank you very much.

16 Can we save that, please?

17 MISS BAHRAMI: That's saved as FI2110.13.

18 MR MOYNIHAN: It may be worth, sir, just completing this
19 particular part if there is time to look at the common
20 points, complete the common points for Mr Swann. They
21 are points 15 and 16 so if I could bring up again on the
22 left a fresh copy of TS0004.17.

23 I think we get the picture. The numbers are so
24 close to the edge it is actually quite difficult to
25 enlarge them. The 'teens are on the left-hand edge so I

1 am looking at points 15 and 16.

2 A. Yes.

3 Q. Again, let us take them in numerical order, your

4 description of point 15 would be what?

5 A. That's a ridge ending.

6 Q. And number 16?

7 A. A bifurcation.

8 Q. In fact, have you used in your own charting a black spot

9 to highlight the location of these features?

10 A. Yes.

11 Q. So you are satisfied in relation to the location of

12 point number 15 that the black spot marks the end of a

13 ridge that descends from there?

14 A. Correct.

15 Q. So far as point number 16 is concerned -- and this will

16 be a suitable point, perhaps, to end for today and will

17 indicate to you how much more I have to go -- point

18 number 16, can you mark for me, because it is a

19 bifurcation, just the two limbs of that bifurcation?

20 A. **(Pause)** Is that all right? **(Indicated)**

21 MR MOYNIHAN: Again, if you are satisfied with that as the

22 representation of the ridges then that is sufficient for

23 my purposes.

24 If I can indicate to you, so that others can see

25 where we're going for tomorrow, in relation to Q12 we

1 will come to -- first of all, we should save this image,
2 just in case.

3 MISS BAHRAMI: That's FI2110.14.

4 MR MOYNIHAN: I have two particular points that I will take
5 up with you tomorrow in relation to Q12. Firstly, in
6 relation to your points 12, 13 and 14, you have an
7 observation in the comparative charting about the
8 clarity in the adjacent area used by the Scottish
9 Criminal Record Office for their points 11 to 13. So
10 SCRO 11 to 13 and your points 12, 13 and 14, now they
11 are not the same points --

12 A. No they're not.

13 MR MOYNIHAN: -- they're just in the area. What I want to
14 do is discuss with you whether, if there be a problem of
15 clarity in the area of SCRO 11 to 13, if that lack of
16 clarity is also present in the areas that you have as
17 12, 13 and 14. So that is the first point.

18 The second point I want to ask you about moves away
19 from Scottish Criminal Record Office and moves into an
20 area that you have picked up yourself as an area of
21 dispute between you on the one hand and Mr Wertheim, for
22 example, and Mr Grigg on the other and it concerns your
23 points 1, 2, 3, 4 and 10. Those are the points
24 immediately above the core. So those are the points I
25 want to discuss with you tomorrow morning: 12, 13, 14

1 taken as one group; 1, 2, 3, 4 and 10 taken as a second
2 group. That ought to complete Q12. I don't then have
3 too many more questions beyond that.

4 Sir, this would be an appropriate point to adjourn.

5 THE CHAIRMAN: If it would not be an inconvenience, I
6 wonder, if you were given a clean copy, could you mark
7 the Y7 comparisons? You know, the chart, this document,
8 where there was some difference. It's very useful to me
9 because I can then follow, when we're talking about your
10 point 4 I can see whether Scottish Criminal Record
11 Office, there is their point 6 and so on. So if we give
12 you a clean copy maybe at your convenience --

13 A. Certainly, I'll bring it tomorrow.

14 THE CHAIRMAN: -- you would do that for me, please. Thank
15 you very much.

16 We will sit then at 10.00 tomorrow.

17 **(4.05 pm)**

18 **(Adjourned until 10.00 am the following morning)**

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