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Re: Fingerprints are not unique; get the expert to admit that.

Dear Fellow Attorney:

In a federal criminal case out of Alabama, I was recently able to establish at a bond hearing substantial doubt as to the accuracy of a fingerprint on a bag of cocaine, which was the only credible evidence connecting my client to the offense.

On cross-examination of the fingerprint expert, I was able to get the expert to admit that, despite popular opinion, fingerprints are not completely unique to each person; that the average "latent" fingerprint is only 20% of a complete fingerprint; that when an unknown print is submitted to the FBI and run through its computer, which contains over 20 million known fingerprints, the computer comes up with several possible "matches" that are so close to the unknown print that the computer cannot tell them apart; and that, ultimately, the opinion of the expert (usually a local deputy sheriff) is a subjective opinion based on his knowledge and experience.

I was able to overcome the legal presumption, strongly argued for by the Assistant U.S. Attorney, of "no bond" for my 25-year-old client, from a good family, with no prior criminal record, who had allegedly gotten into a huge drug deal and was looking at a draconian, minimum ten-year sentence. Because of the expert's concessions and the Court's ruling, I was able to settle the case for a very reasonable and appropriate sentence. The client was very happy.

I am available for consultation in criminal cases. For my professional information, including information about my extensive experience in white-collar crime cases, see www.mcmclaw.com.

Cordially,


Arch C. McColl, III

ACM/gap