

CIRCUIT ATTORNEY'S COMMUNITY NEWSLETTER

To Pursue Justice For All Citizens
Within The Highest Standards Of Ethics And Professionalism



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Help Combat Crimes

- If You See or Hear Suspicious Activity, Call the Police -- Trust Your Instinct!

- If You Witness a Crime, Call 911 Immediately, and Remember Key Details

- Get to Know Your Neighbors

- Get to Know Your Neighborhood Police Officers

- Come to Court and the Warrant Office when You Witness or Are the Victim of a Crime

MESSAGE FROM JENNIFER M. JOYCE

In pursuing justice for all citizens, we partner with the police department to stay up-to-date on recent developments in science and technology as both play a large role in courts today.



Jennifer M. Joyce
Circuit Attorney

“Forensics” means the application of a wide range of different kinds of sciences to the court-

room. Forensic evidence is gathered and analyzed by crime lab professionals we call criminalists- not CSIs. In fact, criminalists are *not* investigators who solve cases, they are scientists who test evidence! Some tests, like DNA, are generally accepted as valid by the scientific community where others, like lie detector tests or hair analysis, are challenged by experts and not allowed in Missouri courts.

Most cases in our City are offenses like car theft, drug possession, or assault where forensics have no role. Still, some jurors and victims have come to expect tv-like investigations and aren't aware of the constraints of cost, time, manpower, and priorities when it comes to using science in court.

Even when tests like DNA might be involved, it can take weeks or months to get results-

not mere hours or days.

Our crime lab doesn't have all the newest and most expensive equipment. Our lab has expert criminalists who work long, long hours in a simple office.

Most importantly, science is not foolproof! Even when the testing is complete, results are not definitive. Unlike on tv, real-life criminalists like Lisa Faber, the supervisor of the N.Y.P.D. Crime Lab's hair and fibre unit, “never use the word ‘match.’ We say ‘similar’ or ‘could have come from.’”

Forensic evidence can be important, but science is not the key to solving every case. Instead, it is consistency, probability, and statistics. Testimony from a witness, a defendant's actions, a confession, and a clear motive are much more effective ways to bring criminals to justice and to keep our city safe.

THE CSI EFFECT: DON'T LET IT FOOL YOU!

“The only thing that matters is the evidence.” Or so says television drama *CSI: Miami*'s investigator Horatio Caine. But bringing forensics into court is not as glamorous as it seems in Hollywood. “The CSI Effect” refers to crime victims' and jury members' unrealistic expectations for the kind of fast and undeniable evidence they see on some of tv's hottest shows. On these programs, gor-

geous criminalists work in high-tech, pricey labs where they solve the whole case in under an hour.

Unfortunately, evidence of DNA or fingerprints rarely exists and can be uncertain. The claim “We have a match!” often repeated by Mr. Caine is never said by real-life experts. But, according to *The Yale Law Journal*, in 72% of criminal cases, jurors who watch shows like CSI claim exper-

tise they don't have.

Some juries think there has to be “scientific” evidence to back up what witnesses see. Don't let this science fiction fool you, too. A case is made up of a motive, a defendant's actions, or a witness's observations. The courtroom is about what a person saw and heard and not which tests were run. When or if we can use science, it is usually just the icing on the cake.

From the Courtroom Central Patrol

ACA Jason Steinmeyer recently secured a victory with the help of Investigator Len Deschler in a case of rehab burglary. A neighbor in Hyde Park observed **Larry Benford** stealing a kitchen sink from a rehab property. Police arrested him on the scene with the sink still in the back of his truck. Benford pled guilty in Division 6 to Burglary 2nd, Stealing over \$500, and Driving with a Suspended License. Judge David handed down a 7 year Suspended Execution of Sentence and 2 years of probation.



Larry Benford Jarvis Bell

North Patrol

The Greater Ville neighborhood is a safer place after ACA Jason Steinmeyer and Investigator Len Deschler successful prosecuted dangerous prior and persistent drug offender **Jarvis Bell**. With a record of drug and gun-related convictions in Illinois, a St. Louis jury in Division 17 convicted Bell of heroin possession and he was sentenced to 18 years by Judge Mason.

South Patrol

Two victims of an armed robbery are finally at peace. After 4 ½ years and 4 trials, a jury convicted **Jhavaunn McCottrell** of 2 counts Robbery 1st and 2 counts Armed Criminal Action in what prosecutors came to refer to as the “déjà vu case.” Four times, the victims pointed to McCottrell as the man who dug through their pockets at gunpoint near the Botanical Gardens. Sentencing is set for November 14 and the defendant faces up to life in prison. ACAs Krista Boston and Brad Elkin handled the case in Division 10. Investigators Terri Canoy and Christine Agnew-Danback helped secure the conviction.

TOP TEN MYTHS ABOUT FORENSICS

from the Missouri State Highway Patrol Crime Lab

10. Lab criminalists do not personally interview witnesses, suspects, or get into power plays with the detectives at a crime scene.

9. Criminalists NEVER use the phrases: “You are contaminating my crime scene” or “Gotcha!”

8. Criminalists don’t hang around outside the courtroom to tell the suspect “We’ll get you next time” as he walks out of an acquittal.

7. Criminalists don’t talk to our evidence.

6. Criminalists never take our nieces, cousins, or friends to a crime scene to “re-enact” what we think might have happened.

5. Criminalists drive Chrysler minivans and Impalas-- not Hummers!

4. The crime lab does not have databases for everything ranging from motor vehicles to audio sounds, face structures, and crocodile DNA.

3. The crime lab does not have a database of the world’s ten most poisonous snakes, spiders, or scorpions.

2. Our crime lab has white walls and florescent lights, not neon glowing blue, red, and purple illuminations.

1. And the number one reason why the criminalists are NOT like CSI... Criminalists don’t carry guns!

GOOD NEIGHBOR REPORT

The Circuit Attorney’s Office would like to recognize local good neighbor **Myron Miller**. While driving on N. Grand, Mr. Miller saw a woman walking alone who seemed out of place. After his offer of assistance was refused, Mr. Miller quietly persisted to keep an eye on her in his rearview mirror. His concern was warranted. Seeing a man approach her, Miller quickly pulled a U-turn and returned to see the man violently beating his victim. He sprang into action and ran from his car to chase the perpetrator with a tire iron. His testimony in court was instrumental in convicting **Everett Washington** of 2nd degree robbery.

DNA EVIDENCE: Fact vs. Fiction

DNA is a staple in *CSI* plots, but in real life it is only available in a few cases. Simply, DNA is just not always there. On tv “you never see a case where the sample is degraded or the lab work is faulty or the test results don’t solve the crime,” reports Dan Krane, president of Forensic Bioinformatics in Ohio. “These things happen all the time in the real world.”



Two “criminalists” examine evidence in a scene from *CSI*.

DNA testing is extremely expensive and in most cases it’s just unnecessary. Another popular belief is that DNA tests takes mere seconds- in reality, they can take weeks or even months!

For Your Info: Additional Reading

The Reality of Science

1. “DNA Crime Lab Analysis,” LiveScience report. <http://www.livescience.com/technology/080303-real-dna.html>.

Online News Sources

1. Lhotka, William and O’Neill, Tim. “DNA Evidence Alone May Not Be Enough,” *St. Louis Post-Dispatch*. Feb. 13, 2003. www.stltoday.com.

2. Toobin, Jeffrey. “The CSI Effect: The Truth About Forensic Science,” *The New Yorker*. May 7, 2007. www.newyorker.com.

3. Willing, Richard. “CSI Effect Has Juries Wanting More Evidence,” *USA Today*. Aug. 5, 2004. www.usatoday.com.

ST. LOUIS CITY PRINCIPAL FAILS TO REPORT CHILD SEXUAL ABUSE

Recognition is truly in order for **ACA Liz Ahsmuhs and Investigator John Grana**, who successfully prosecuted a St. Louis city school principal, Richard Sirna, who failed to report a teacher for suspected sexually abuse of his 10 year-old student.

In September of 2007, authorities suspect that computer teacher John Bender* sexually assaulted a 10 year-old female in a closet at Gateway Elementary School in the Carr Square neighborhood. Although he had cause to suspect abuse, now former principal Richard Sirna did not report the crime to the

Missouri Department of Social Services Children's Division. Under Missouri law, adults who have regular contact with children are required to report any suspected abuse to authorities.

"Principals and teachers have a responsibility to children and to the community," Ahsmuhs contends. "When they fail, it can be devastating."

A jury convicted Sirna of "failure of a mandated reporter to report child abuse" and he was sentenced on 10/16/2008 by Judge Barbara Peebles in Div. 24. Sirna



Richard Sirna

was handed the prosecutor's recommended Suspended Imposition of Sentence and 200 hours of community service with 2 years probation.

Teacher John A. Bender* is charged with 1st degree statutory sodomy and 1st degree child molestation. His trial date is set for June 1, 2009.

From the Courtroom Central Patrol

Sexual predator **Steven Boesing** was brought to justice and convicted of 17 counts of child sexual abuse involving three of his young stepchildren over a course of 8 years in the Carondelet neighborhood. Boesing's convictions ranged from Statutory Rape to Sodomy and Molestation and he was sentenced to 30 years. **Bob Glynn** served as investigator and **ACA Szczucinski** handled the case in Division 7 with Judge Riley.

North Patrol

ACA Jennifer Matthew worked with **Investigator Wendy Nienhaus** to take a dangerous criminal in Walnut Park West who threatened two police officers off the streets. **Jerome Morris**, previously convicted for a string of non-violent crimes, pointed a gun at the officers before pretending to comply with their request to put his weapon down. As they approached him, Morris suddenly began to struggle and kicked one officer repeatedly before he was restrained. A jury found Morris guilty of Unlawful Use of a Weapon and Resisting Arrest and Judge David sentenced him to 8 years in Division 6.

South Patrol

Burglar **Frank Zdanowski** pled guilty to vandalizing and stealing from numerous South Side churches over a month long stretch between December 2005 and January 2006. A fire he started at St. Andrews Presbyterian Church caused over \$500,000 in damages. The prior offender claimed he stole to support his crack habit but refrained from breaking into Catholic churches because he is Catholic. He was sentenced to 15 years, 10 years, and 1 year on Burglary 1st, Burglary 2nd, and Arson 2nd, respectively. **ACA Tanja Englehart** handled the case in Division 4 with Judge Bush.

CHILD SUPPORT UPDATE

The drug money seized and re-allocated by the Child Support Unit so far this year is an incredible \$343,919! **That's \$343,919 taken out of the hands of drug dealers and given to needy families instead.**

DID YOU KNOW? ABOUT FINGERPRINTS

Most people assume that fingerprints are one of the fastest and easiest ways to find victims and criminals. When detectives do find them at a scene, they are great evidence.

But did you know that fingerprints are actually rarely present at crime scenes? Even

when fingerprints *are* found, they are usually smudged, indistinct, or unclear. A whole fingerprint, like the "rolled" prints taken at police stations, is truly rare. Most prints found on crime scenes show only part of the fingertip. This makes it even more difficult for us to match them to any one person!

POLICE OFFICER OF THE QUARTER: DETECTIVE RICHARD METZ

We are extremely pleased to announce that the Fall 2008 Police Officer of the Quarter is **Detective Richard Metz**. Numerous individuals in the Circuit Attorney's staff endorsed this selection.

This past summer, Det. Metz's dedicated work ensured another conviction by ACA Erin Granger in an especially harrowing case where the defendant broke into two homes and sexually assaulted the inhabitants,

including a mother and son. "This was an extremely violent crime that shook the city," Granger recalls. In both cases, the defendant carefully cleaned the scene to destroy possible trace DNA evidence. But, according to Granger, "Detective Metz left no stone unturned." After identifying the defendant, Metz's bold questions elicited incriminating statements that placed the predator inside both homes. Granger maintains that

Metz's riveting testimony in front of the jury "tied the whole case together" and she recognizes him as "one of the most dedicated officers I have ever worked with." Det. Richard Metz is an asset to the Department and to this community, and we commend him as the Circuit Attorney's Office Police Officer of the Quarter.

*Ethics Obligation

These charges are merely accusations and the defendant is presumed innocent until and unless proven guilty.

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Jennifer M. Joyce,
 Circuit Attorney

OFFICE INFORMATION AND IMPORTANT PHONE NUMBERS

The Circuit Attorney is the prosecutor for state-level criminal cases in the City of St. Louis. The Circuit Attorney's Office stands against those who break the law by holding them accountable for their actions. The Circuit Attorney is elected by the citizens of the City of St. Louis. The current Circuit Attorney, Jennifer M. Joyce, works with a staff of lawyers, investigators, and other professionals to protect the public by pursuing justice for all.



Mel Carnahan Courthouse

The Office is one of the largest law firms in the St. Louis region. It has more than 60 attorneys, 30 investigators, 11 victim professionals, and 20 support professionals. The Office handles approximately 4000 felonies and 8000 misdemeanors per year; and has a remarkable 98 percent over all conviction rate.

Fire, Police & Ambulance -----	911
Victim Services -----	(314) 622-4373
Child Abuse Hotline -----	1-800-392-3738
Circuit Clerk -----	(314) 641-8622
Orders of Protection/Adult Abuse Hotline -----	(314) 622-4434
City Hall -----	(314) 622-4000
Sexual Abuse Response Team (SART) -----	(314) 531-7273
Neighborhood Stabilization Office -----	(314) 622-4628
Fraud Assistance Line -----	(314) 612-1412