

## Unconvincing Circumstantial Evidence

On the evening of May 21, 1939 the dead body of a widowed 64-year-old man named Walter Dinivan was found in his living room. The murderer had attempted to strangle Walter, but when this failed they killed him by crushing his skull with a hammer.

Investigation of the crime scene revealed that a large sum of money had been stolen from a small safe owned by the victim. In the victim's kitchen, an unknown fingerprint was found on a drinking glass. In the victim's living room, a crumpled brown paper bag was found on the floor soaked in the victim's blood. As well, numerous cigarette butts found in the living room were collected and analyzed since it was determined Walter Dinivan did not smoke. Tests upon the cigarette butts revealed that the smoker had blood type AB+.

When family and acquaintances of the victim's were interviewed <sup>a man</sup> by the name of Joseph Williams came to the interest of police. Williams had told police that he had been angry with Dinivan as he had refused to give him a small loan of cash. Interestingly, a background check on Williams revealed that days after Walter Dinivan had been murdered, Williams had paid off part of a debt he owed the bank. Williams refused to provide a sample of his fingerprints and since there was no solid evidence against Joseph Williams he could not be forced to cooperate.

Without any other suspects, police decided to keep Joseph Williams under surveillance. One night when Williams went into a pub the police investigator who had asked him for his fingerprints went into the pub to speak to him. The police officer gave Williams the impression that he was there for a social call as he bought him a drink and some cigarettes. At the end of the evening, the investigating officer gathered the ashtray containing all of Williams's cigarette butts. Analysis of these butts indicated that Williams was blood type AB+.

Joseph Williams was brought in for questioning in the hopes that the evidence that they had collected thus far would lead Williams to confess. Williams did not confess, however he did allow police to search his home. The only thing that investigators found of significance was a large stash of brown paper bags that were identical to the bag found in the victim's home. When Williams was confronted with this, he angrily denied the allegation that he murdered Walter Dinivan and offered to give police his fingerprints. Williams right thumbprint matched the unknown print found in Dinivan's home.

Joseph Williams was finally arrested and put on trial for the murder of Walter Dinivan. Williams pleaded not guilty and his defense lawyer convinced the jury all the evidence found was purely circumstantial (identified evidence). The jury found John Williams not guilty of the murder charge.

Sadly, shortly after the verdict was announced, a drunken Joseph Williams confessed to a local reporter he had in fact murdered Walter Dinivan. The reporter did not reveal this confession until after Joseph Williams had died in 1951.

## Unconvincing Circumstantial Evidence: Related Questions

21

### Multiple Choice: 5 marks

1. The blood type of the killer could be determined from the cigarette butts found at the crime scene because the
  - A. blood found was a very rare blood type
  - B. saliva found indicated the killer was a secretor
  - C. blood from the killer was found upon the victim
  - D. DNA from both the killer and victim was present
  
2. Why was the determination that the killer of Walter Dinivan had blood type AB+ an important piece of evidence?
  - A. No other blood type could be determined.
  - B. Only 3% of the population has this blood type.
  - C. No fingerprints were found at the crime scene.
  - D. Over 42% of the population has this blood type.
  
3. The police were able to prove that Joseph Williams had type AB+ blood from the
  - A. saliva on his used cigarette butts
  - B. DNA sample he was required to give
  - C. fingerprint found upon a drinking glass
  - D. blood sample he voluntarily gave police
  
4. After Joseph Williams initially denied any wrongdoing, what did he volunteer to give police investigators?
  - A. His blood.
  - B. His fingerprints.
  - C. A polygraph exam.
  - D. A psychological exam.
  
5. Who revealed that Joseph Williams confessed to the murder after he was acquitted in court?
  - A. A reporter.
  - B. His lawyer.
  - C. His mother.
  - D. An ex-girlfriend.

Numeric Response: 4 marks

Use the following information to answer the next question.

Types of Physical Evidence

- 1. Identified
- 2. Individualized

6. Identify the type of physical evidence from above, with the crime scene evidence found at Walter Dinivan's home, as given below. (4 marks)

Type of Evidence: \_\_\_\_\_

Evidence:      Brown paper bag      Cigarette butts      Payment on bank loan      Fingerprint on glass



Written Response: 2 marks

7. a) If this crime had occurred today explain what technology could have been utilized to prove that Williams was guilty? (1 mark)

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b) Identify the piece of evidence this technology could have used upon. (1 mark)

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