

1 JUDGE OZBURN: Yes, I'm not sure what the
2 relevance of that is to the voir dire to qualify this
3 person as an expert.

4 MR. HOFFMAN: It may be Doctor Brunelle
5 just simply has got a second business here.

6 JUDGE OZBURN: I still don't see that as
7 being relevant.

8 MR. HOFFMAN: Okay. But I think we have
9 probably gone as far as we can.

10 A (Mr. Hoffman continuing) Now just specifically, if I
11 understood your direct testimony, you have never
12 testified as to ink dating in any court, is that
13 correct?

14 A (By Mr. Speckin) Correct.

15 Q But you did say you thought you had been qualified as in
16 ink dating analysis in a court, correct?

17 A No, I said I don't know. The testimony that I gave on
18 ink identification.

19 Q Sure.

20 A I don't know what—I don't remember what I was qualified
21 as, whether it was a forensic ink chemist dealing with
22 all these problems or just ink indentification or, I
23 don't remember what, what it was. I was appointed by the
24 Judge so I don't recall.

25 Q Okay, well when you get appointed by the Judge you can

1 do anything.

2 What court was this?

3 A It was in Genesee County and the Judge, it was a woman,
4 Fullerton.

5 MS. ROSENBERG: Circuit.

6 Q (Mr. Hoffman continuing) When?

7 A (By Mr. Speckin) I think I testified-- I testified
8 during salmon season that's all I can recall, probably
9 during August, I don't recall exactly.

10 Q That's good enough for me. Is it fair to say that no
11 court in Michigan has ever accepted you as an expert in
12 ink dating?

13 A Again, I don't recall if I was but relative to my
14 testimony that I--I never gave testimony and was
15 qualified as an expert at the same time that I can
16 recall.

17 MR. HOFFMAN: Your Honor, under Davis Fry
18 I think that we haven't get the criteria of showing that
19 the science is within an accepted scientific community,
20 which takes a disinterested observer to do that.

21 And number two, that there is no proof
22 under 702 that this is a generally accepted science as
23 to which an expert can provide some help to you and to
24 the decision maker.

25 Mr. Speckin may be along the road, which

1 may lead someday to acceptance within his community and
2 therefore, through further development and testing
3 reliability, but at this point I would ask that he not
4 be admitted to testify as an expert on ink dating for
5 the two reasons I've given.

6 JUDGE OZBURN: I think he's given enough
7 foundational information to testify in this matter. For
8 one thing, as he just referred to, not knowing exactly
9 what he was qualified for in another case, his
10 description of the different processes would indicate
11 that there may be some mix of these processes given, I
12 don't know what exactly he reviewed for this case. I
13 think he's given foundational information about his
14 experience, skill and knowledge to be qualified as an
15 expert in this area that I would say covers being a
16 Forensic Document Analyst and a Forensic Chemist, and
17 these different processes that fall under those titles,
18 I think he is qualified to testify to, so I am
19 qualifying him as an expert under 702.

20 MS. ROSENBERG: Thank you, your Honor.

21 DIRECT EXAMINATION CONTINUING

22 BY MS. ROSENBERG:

23 Q What is the American Academy of Forensic Sciences?

24 A (By Mr. Speckin) It's an organization that involves
25 many different fields of which questioned documents is