

only by the use of finger-prints. I then rested the case.

The twelve jurors filed out slowly. Fifty hours later they returned and announced themselves as hopelessly deadlocked, standing seven for conviction and five for acquittal. While disappointed, we were not discouraged. The jury was dismissed and February 10th, 1931, fixed as the date for retrial.

I had lost many hours' sleep getting my evidence ready for a sure conviction at this second trial. In order that we might produce in court the opinions of other men who were recognized as authorities, we subpoenaed three experts from various parts of the state. This, we felt, would eliminate all doubt in the minds of the jurors as to the identity of the man who had left the finger-print in the Hatch bungalow.

COPIES of the disputed and acknowledged prints were sent to Mr. Stone of Sacramento, Mr. Macy, of San Diego, and Mr. Bottorff, of San Bernardino. Mr. Stone has had twenty-one years' experience in finger-print work and is at present connected with the State Bureau of Identification. Mr. Macy has been in the work sixteen years, and was formerly with the U. S. Navy Department. At present he is with the police department at San Diego. Mr. Bottorff has had twenty years' experience and is in the sheriff's office at San Bernardino.

Each of these men received subpoenas along with the finger-prints. Each made the comparison in his bureau and formed his opinion independently.

Lieutenant Barlow, as in the first case, spent three days on the witness stand. Mr. Ryan tried to tear his testimony to bits. He fired question after question at him, but never once did he falter in his answers. His words rang true. Never was he compelled to correct or modify one statement.

Then followed Mr. Stone, Mr. Macy and Mr. Bottorff. All were qualified as experts. Then each declared: "There isn't any doubt. It is an absolute identification."

After we had produced these four well known experts, the court, always seeking impartiality, decided to choose an expert—someone whom I did not know—someone whom Joe Ryan did not know—a man who knew nothing about the case. Who would it be? Away up in the extreme northern part of the state, in Arbuckle, California, he found the man—Hart Schrader, formerly with the State Bureau of Identification, working with Clarence Morrill.

The court instructed his clerk to put in

a long distance call for this expert. When the connection was made, Schrader was told to report to the court at his earliest possible convenience. When he arrived in Los Angeles he did just as instructed. He compared samples of the finger-prints. He was shown the door from which the prints had been taken and photographed it. He was then sworn in as a witness.

What would Schrader's testimony be? Would he testify for the people or the defense?

Schrader first set forth his experience. For sixteen years he had followed the science; for years he had been connected with the state bureau; at present he was in business for himself.

The court asked if in his opinion the finger-prints were the same. He replied:

"In my opinion there is no question but that the finger-prints are the same, and where finger-prints have been used in the civilized world, no two finger-prints have been found that were identical unless made by the same finger."

"Do you find any points of dissimilarity?" asked the court.

"I have examined these exhibits thoroughly and find none—not one," said Schrader.

He then said he had examined the door which had been brought into court, and in the area where the finger-print had been photographed he found the identical grain in the wood that appeared in the picture. This showed that the photograph was the original print of the finger and not a photograph of a photograph as claimed by Mr. Carlson.

The defense again called their star witness, Mr. Carlson, who added nothing to the testimony given at the first trial. While he was on the stand the court adjourned for recess.

In my closing arguments I asked but one thing of the jury—to follow the admonition of that immortal English poet, "To thine ownself be true, and it must follow, as the night the day, thou canst not then be false to any man."

All that remained was the court's instruction to the jury. Fifteen minutes later they filed out. After twenty-four hours' deliberation they filed back.

They announced a verdict of "Guilty" with a recommendation of life imprisonment!

Finger-print identification had successfully withstood one more assault against its gates.

On February 27th, 1931, Percy Eberlee was sentenced to life imprisonment in San Quentin on murder charge, and from five years to life on robbery charges, the sentences to run consecutively.

A REAL THRILLER!

The sensational Kiley-Snyder case, in which Herman Snyder, wanted for the murder of Jim Kiley, World War veteran, was captured in Philadelphia, through tip given the police by a jobless sailor who had recognized Snyder from his photograph appearing in TRUE DETECTIVE LINE-UP, is scheduled to appear next month in this magazine. Eleven hundred dollars in rewards were offered for Snyder's capture. The story, as told by Chief of Police Thomas Damery, of Somerville, Massachusetts, is a THRILLER! You can't afford to miss it!

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