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LOS ANGELES, CALIFORNIA 90013
TELEPHONE (213) 624-3451

May 28, 1971

Mrs. Murriel M. Morse General Manager Personnel Dept. Civil Service Commission Room 400, City Hall South Los Angeles, California

Re: Appointment of De Wayne A. Wolfer

Dear Mrs. Morse:

A request is hereby made by the undersigned for a hearing before the Civil Service Commission as to the qualifications of the above named person to act as head of the Los Angeles Police Department Scientific Investigation Division Crime Laboratory.

It is my understanding that Mr. Wolfer is now acting head on a temporary basis for said laboratory, and that his appointment is due to become final July 1st. My belief that Mr. Wolfer is completely unqualified for the position is supported by the following considerations:

(1) There are numerous fundamental precepts upon which the science of firearms identification is based. All criminalists and firearms examiners must abide by the precepts and disciplines of their profession. Six of these precepts, which Mr. Wolfer has violated, are listed below:

Precept (1) The positive identification of an evidence bullet as having been fired from a particular gun and no other must be based on a comparison of the evidence bullet with a test bullet recovered from the same evidence gun and no other.

Precept (2) The most accurate and reliable determination of the approximate distance between muzzle and victim (excluding contact) based on powder pattern distribution must be made with the actual evidence gun and no other. It is also important to use the same make and type of ammunition, preferably from the same batch or lot number. (When the evidence gun is not available, a similar gun may be used but the validity of the test is always more questionable.)

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Mrs. Murriel M. Morse Page Two May 28, 1971

Precept (3) The land and groove dimensions (part of the rifling specifications) may be identical or nearly identical between different firearms manufacturers.

Precept (4) Very similar copper coatings are used on many different makes of lead revolver bullets.

Precept (5) CLASS CHARACTERISTICS as shown by the rifling impressions on a fired bullet play absolutely no role in the identification of such a bullet as having been fired from one particular gun out of the entire world population of guns having the same class characteristics.

Precept (6) A single land of the rifling of a firearm can produce only one land impression on a fired bullet.

These precepts are expressions of basic common sense and are universely accepted. They are truisms in the same sense, for example, that the assertion "a single blade of a plow can cut only one furrow as it moves over the ground" is a truism. The violations of the above precepts by Mr. Wolfer will be pointed out briefly in two of the three cases abstracted herewith.

(2) CASE NO. 1. (SC# A222633) In this case Mr. Wolfer testified he had made a positive identification of the defendant's gun as the murder weapon. In making this identification Mr. Wolfer produced in evidence enlargements of ballistic comparison photomicrographs to support his testimony. A very thorough study of these photographs and the evidence bullets disclosed, however, that Mr. Wolfer had matched a single land impression on the test bullet with TWO different land impressions 120 degrees apart on the fatal bullet. This amounts to saying that a single blade of a plow cuts TWO furrows in the ground over which it moves - an obvious impossibility. His procedure and testimony are thus a clear-cut violation of Precept (6) and completely invalidates the identification of the defendant's gun as the murder weapon.

Mr. Wolfer also violated Precept (5) by indicating certain CLASS CHARACTERISTICS as part of the proof of 'matching' between test and fatal bullets.

His testimony combined with his very esoteric photographic manipulations label his work in this instance nothing but perjury.

Exhibits substantiating these statements are in my possession.

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Mrs. Murriel M. Morse Page Three May 28, 1971

(3) CASE NO. 2. (SC# A233421) In this case Mr. Wolfer violated Precepts (1), (2), (3) and (4). He testified that the defendant's gun (Serial No. H53725) and no other was the single murder weapon which had fired three bullets into the bodies of three of the victims. The physical evidence, however, upon which his testimony was based established that the three above mentioned evidence bullets removed from victims were fired, not from the defendant's gun but in fact from a second similar gun with a Serial No. H18602. The only possible conclusion that must be reached is that two similar guns were being fired at the scene of the crime. Such a conclusion then leads unavoidably to the question: Which of the two guns fired the single fatal bullet? The presence of the second gun is firmly established in Exhibits A and B attached hereto which are photographs of Court Exhibit 55. This court exhibit is an envelope containing the test bullets which Mr. Wolfer matched with the three evidence bullets mentioned previously.. The inscription on the envelope shows that the enclosed test bullets were fired from gun No. H18602 and not from the defendant's gun No. H53725. This is a violation of Precept

No. H18602 was physical evidence in this case on June 6, 1968, the gun was reportedly destroyed by the Los Angeles Police Department roughly one month later in July. 1968. This is shown in the teletype report of Exhibit C attached.

Substantiating details of the other violations by Mr. Wolfer can be made available.

I find it very hard to believe that a man of the professed expertise of Mr. Wolfer could violate four of the basic precepts of his profession in a single case by sheer accident. I am more inclined to believe that these violations were made in response to an overzealous desire to help the cause of the prosecution. The choice seems to be rank incompetence on the one hand or morbid motivation on the other.

(4) CASE NO. 3. (SC# A234557) While Mr. Wolfer did not violate any of the above cited Precepts, his handling of the physical evidence amounted to scurrilous tampering. In a vain attempt to make the physical evidence support the prosecution's theory of the murder, he made physical alterations of certain inscriptions on three rifle cartridge cases which were items of prosecution evidence. Please see

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Mrs. Murriel M. Morse Page Four May 28, 1971

Exhibits D, E and F, attached herewith. These photographs show that a total of 15 characters have been altered on the three cartridge cases. Some of these alterations were made during the course of the trial. Mr. Wolfer admitted that he had made alterations on one of the cartridge cases but denied making any other alterations.

The undersigned has in her possession the documentary evidence to support the above. In addition, attached hereto are three affidavits of criminalists supporting the fundamental precepts as set forth in the above.

Very truly yours,

BARBARA WARNER BLEHR

BWB:sl

cc: Edward Davis, Chief of Police, Los Angeles

Los Angeles Times

Robert L. Meyer, United States Attorney

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FEB 24 1989

William G. SHARP, County Clerk

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LAPD Form 15.02.1 Rev. April 1960

## INTRA-DEPARTMENTAL CORRESPONDENCE

June 9, 1971

from Robert F. Kennedy Serhon Evedence Report HAB E emelope report

TO:

Commander George N. Beck

Commanding Officer, Tactical Operations Group

FROM:

Sergeant K. L. Woodward

Officer-in-Charge, Questioned Documents Section

Scientific Investigation Division

SUBJECT:

S. B. SIRHAN INVESTIGATION

On June 7, 1971, I received from Captain Richard W. Sandstrom, Commanding Officer of the Scientific Investigation Division, a 7" x 10" photograph showing hand printing interspersed with a stamped form. The printing reads as follows:

SIRHAN, S. B. - 6-6-68 - I & J

22 - Rev. - H18602 - 68-521 466

187 P.C. H18602 - Cadet Model

I was asked by Captain Sandstrom to obtain printing from Mr. DeWayne Wolfer and to determine if Mr. Wolfer had or had not placed the hand printing on the envelope depicted in the photograph, paying particular attention to the bottom line of printing and resolve, if possible, two questions - (1) Did the person that printed the bottom line also print the rest of the material in question? (2) Did Mr. Wolfer write any or all of the material in question?

On June 8, 1971, I asked Mr. Wolfer for two pages of printing to be made by him for my examination and he complied. I then made a detailed examination of the known printing of Mr. Wolfer and compared said printing against the printing depicted in the photograph. As a result of this examination, it is my unqualified opinion that Mr. Wolfer did in fact place all of the printing on the envelope depicted in the photograph.

The photograph is marked with a "55" near the top edge and also has a printed letter "B" in the lower right-hand corner.

The exemplar of Mr. Wolfer's hand printing is available, if needed.

A. Measure

K. L. WOODWARD, Sergeant Officer-in-Charge, Questioned Documents Section

Scientific Investigation Division

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Letter from Blehr to Murriel Morse Appointment of Wolfer Letter from Attorney James Schwartz to Civil Service Commission Re: Dewayne Wolfer From Chief Davis to Asst. Chief 6-1-71 Collins Subject Precept for a Board of Inquiry into allegations made against Wolfer's qualifications Letter from Luke McKissack to Chief Davis Subject: Sirhan Evidence 6 - 7 - 71From Comdr. Beck to Asst. Chief Collins Subject Suggested factors of study for Board of Inquiry into Wolfer's qualifications 6 - 7 - 71From Dewayne Wolfer to Asst. Chief Collins Subject: Transcripts and Photos 6 - 9 - 71From Sgt. Woodward to Comdr. Beck Subject: Sirhan Investigation Wolfer's Handwriting Resume of Wolfer's statement before 6-16-71 the Board of Inquiry Board of Inquiry Testimony 6-16-71 Re: Dewayne Wolfer 0945 Hours 1130 Hours 1330 Hours Letter from Marshall Houts to Attorney General Evelle Younger' 7-1-71 Letter from Attorney General Younger to Marshall Houts Letter from Blehr to District Attorney 7-11-71 Busch Re: Wolfer Civil Service Matter Letter from Deputy Attorney General 7-27-71 Ronald George to Comdr Beck Re: Lewis Terry, Jr. with appellant's (Terry) opening brief attached Personnel ratings of Dewayne Wolfer Barbara Warner Blehr background investigation

6-15-71

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Photographs: Lewis Case

- 1. Exhibits 6-7 and 9
- 2. Evidence Envelope
  Exhibit 5B Dated 6-5-68
  (Sirhan Case)
- 3. Grand Jury Exhibit 5B #A233421

Magazine article "Unusual Bullet Finger Prints" The American Rifleman, March 1967

Firearms identification by J. Howard Mathews Page 50-57

6-15-71 From Comdr McTighe to Asst.
Chief Collins Subj. Statements
of Various People Re: Wolfer's
Qualifications

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## Memorandum

Raymond J. Stonehouse Assistant Director Date 1 June 10, 1971

From: Bureau of Criminal Identification & Investigation
Criminalistics Laboratory

Subject De Wayne A. Wolfer

Precept (1) The positive identification of an evidence bullet as having been fired from a particular gun and no other must be based on a comparison of the evidence bullet with a test bullet recovered from the same evidence gun and no other.

As stated, this precept is correct. When a bullet is fired from a weapon microscopic impressions are imparted by the barrel. These striations are a result of the manufacturing process and are individual for each barrel made. Therefore, a microscopic comparison of these striations or other unique mark from the questioned bullet to the test bullet is the basis for a positive identification.

Precept (2) The most accurate and reliable determination of the approximate distance between muzzle and victim (excluding contact) based on powder pattern distribution must be made with the actual evidence gun and no other. It is also important to use the same make and type of ammunition, preferably from the same batch or lot number. (When the evidence gun is not available, a similar gun may be used but the validity of the test is always more questionable.)

This precept is correct and reflects a situation where there is powder distributed on a surface. A gun when fired emits the projectile, smoke and burnt and unburnt powder. At times, pieces of lead may also be seen and reproduced with subsequent firings. The material deposited is very dense when the muzzle is held in close proximity to the surface into which it is fired and if close enough will also deposit smoke. As the weapon is moved away from the surface the pattern becomes increasingly sparce until none is deposited. Beyond the point where the pattern disappears there is no method of estimating the distance from the muzzle to the surface of the object fired upon.

It is always best to use the same ammunition and questioned weapon for the comparison. Of course, any diviations from this tends to make the test questionable.

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mond J. Stonehouse -2- June 10, 197

Precept (3) The land and groove dimensions (part of the rifling specifications) may be identical or nearly identical between different firearms manufacturers.

Precept (5) Class characteristics as shown by the rifling impressions on a fired bullet play absolutely no role in the identification of such a bullet as having been fired from one particular gun out of the entire world population of guns having the same class characteristics.

The numbers of lands and grooves, direction of twist, degree of twist, depth of impression and caliber are all class characteristics of a gun. It is possible for one or more manufacturers to produce a large number of weapons containing the same class characteristics. From a microscopic evaluation of the bullets it may be difficult to ascertain the specific manufacturer based upon class characteristics. The identification of a specific weapon is accomplished by the microscopic comparison of the striations in the land and groove impressions or a unique mark. The class characteristics must, of course, coincide but do not constitute a match. If a conclusive comparison can not be made, it is reasonable to state that a weapon may have fired the questioned bullet based upon class characteristics, though this can not be conclusively established.

Precept (4) Very similar copper coatings are used on many different makes of lead revolver bullets.

This precept is true. Similar coatings are used by different arms manufacturers.

Precept (6) A single land of the rifling of a firearm can produce only one land impression on a fired bullet.

Though a weapon will have multiple lands and grooves only one impression of each is produced on the projectile as it proceeds down the barrel. The lands and grooves of the barrel impart torque to the projectile to give it stability in flight. This is accomplished by the explosion forcing the bullet into the barrel where the lands and grooves cut into the projectile, initiating the torque action.

In cases of worn barrels there is a degree of slippage which may increase the width of the land impression. However, only a single impression from each land (and groove) would be imparted to the projectile.

Continued.

In summary, the precepts as given are basic concepts used by all firearm examiners. The only variations would be the language used. Though they may be stated in a different fashion they are valid, accurate and should be acceptable to all qualified firearm examiners. FRED H. WYNBRANDT Supervising Criminalist FHW: fc

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BUR FILES REVEAL A .22 CAL IVER JOHNSON SERIAL H18602 REPORTED DESTROYED 7-00-68 BY PD LOS ANGELES CR 67 021065 NO WANTS

CII PROPERTY IDENT UNIT MC GILLIVARY AM/RM