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Disguised Writing: Chronic or Acute

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ABSTRACT: Questioned document cases are reviewed wherein reasons for changes in request writings transcend questions of authorship. Disguised writing is subclassified into acute disguised and chronic disguised writing. Expert testimony is critiqued.

KEYWORDS: questioned documents, handwriting, testimony, disguised writing, chronic disguised writing, acute disguised writing

Disguised handwriting is the willful modification of a person's natural writing for the purpose of concealing identity" [1]. "Disguised writing. A writer may deliberately try to alter his usual writing habits in hopes of hiding his identity. The results, regardless of their effectiveness, are termed disguised writing" [2]. "A deliberate departure from normal handwriting habits, generally referred to as "disguise" . . . [3].

Disguise, whether in writing, speech, appearance, or demeanor is *the voluntary departure from normal aimed at reducing identification value.*

The courts will allow expert testimony regarding disguise upon establishment of the proper basis for such testimony [4,5]. Furnishing disguised writing has been held as a failure to provide a sample of writing, as nonwriting, and in certain circumstances, tantamount to a refusal to write [6]. Testimony by an odontologist regarding unnaturally broken teeth patterns occurring before the taking of dentation impressions, for comparison purposes, was allowed in *State v. Turner* [7]. This testimony was combined with the prosecuting attorney's comments to the effect that "His 'spoliation of evidence' (evinced) a consciousness of guilt and (was) admissible for that reason" [8].

Recognition and exposition of disguised writing are both considered well within the purview of the document examiner. Any book on questioned documents is incomplete without a discussion of disguised writing. Harrison [3] points out that the document examiner must acquire the ability to distinguish between those characteristics of a handwriting which are normal and those which are due to disguise. This ability he equates with both being able to distinguish between class and individual characteristics as well as assess the significance of writing characteristics.

Borrowing from well-known medical terminology, disguised writing is subclassified into two separate categories, chronic and acute. Chronic disguise is encountered in questioned writings, specimen writings, and laboratory disguised writing studies. The symptoms of chronic disguise are well documented by previous studies [9-17]. Acute disguise occurs predominantly in the taking of request specimen writings.

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Chronic disguised writing—Writing that is disguised from the outset: planned, premeditated, continuing, constant, and prolonged disguise.

Acute disguised writing—Request specimen writings that are natural at the outset but subsequently become disguised; natural writing that reaches a disguise mode the moment verbatim specimen writings are requested.

In the following cases, the nature of the request writings become more important than the identification of the questioned writing. Full cooperation by each subject during the investigative stages was alleged and evidence of disguised writing was attributed to their lack of cooperation and “spoliation of evidence.”

Case 1

Subject A wrote nine pages of request writing. The first five pages (Fig. 1a, Lines 1 to 5) were written in a normal-natural style (Figs. 1a and 2a) and depict consistent slant, congruous letter forms, good rhythm, speed, and legibility. Beginning with page six (Fig. 1a), when the subject was asked to write the specific material in question, his writing started to deteriorate and underwent drastic changes in slant with its accompanying defects (Figs. 1a, 2b, and 2c).

The opposing expert was asked to examine the nine pages of request writing to determine if there were any indications of disguise. He was given the nine-page exemplar in the wrong sequence of execution (Fig. 1b), a factor which becomes extremely important in the overall analysis of the writing under consideration. In his experience (laboratory disguise studies), for disguise to be a factor, the first page of a request writing has to be distorted. Page one is not distorted; therefore, there are no indications of disguise and the changes in writing habits observed are consistent with the hasty, careless writing of someone who is emotionally upset [18].

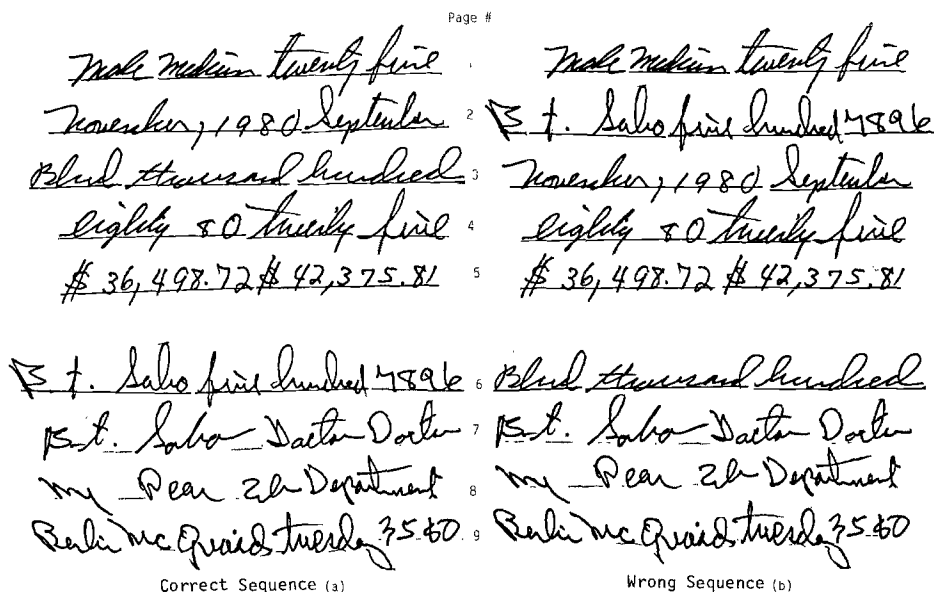


FIG. 1—Subject A's request writing.

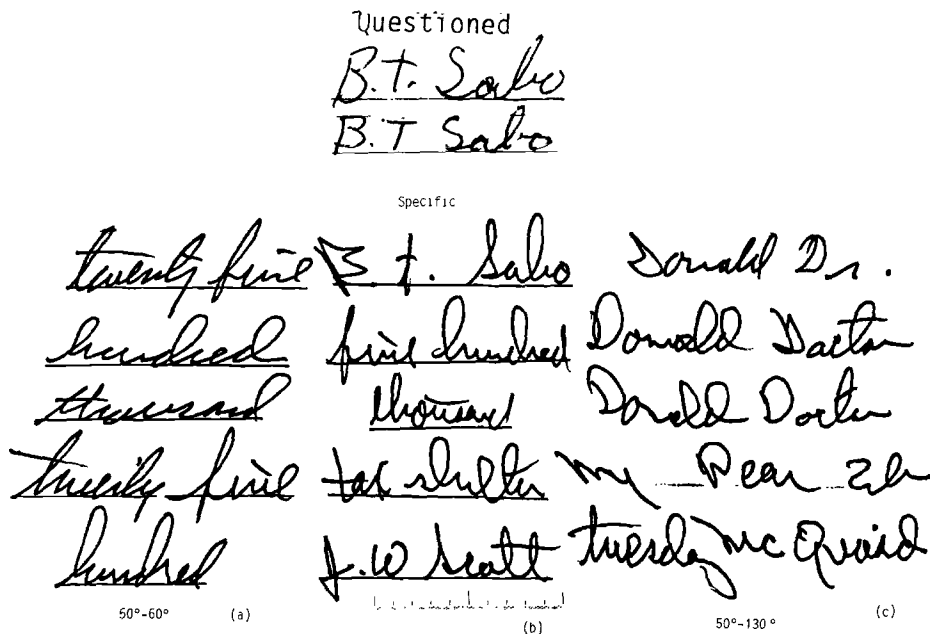


FIG. 2.—Subject A's writing as it started to deteriorate and underwent drastic changes in slant.

Case 2

Subject B was asked to fill out, in cursive writing, page one of a two-sided standard exemplar. The result was a sample of normal, natural writing (Fig. 3). Four minutes later, under the same conditions, he was asked to print page two (questioned material was handprinted), but the result was abnormal writing (Fig. 4). Disguise in the handprinted request specimen was corroborated by a sample of nonrequest handprinting (Fig. 5). The opposing expert testified that there was no attempt in the handprinted sample "to deceive" (attorney's terminology) or disguise and that the changes in slant were variations as a result of the style of handprinting, that is, uppercase letters versus a mix of uppercase and lowercase letters [19].

Tests of Logic

Three tests of logic can be applied to help demonstrate acute disguised writing. These tests can be made the brunt of cross-examination by an astute trial attorney.

Method of Exclusion

If all the alternative possibilities are listed and exhausted except one, we can conclude that the one remaining is the right answer. If either "p" or "q" or "r" are the only possibilities and "p" and "r" are impossible, then "q" must be true [20]. In both cases, nonvoluntary reasons for the change in writing habits (position, circumstances, conditions, instrument, drugs, alcohol, and mental and physical infirmities) were eliminated, leaving only the possibility that changes were voluntary, hence as a result of disguise.

Questioned

Robert Walls
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Request Handwriting

<small>MARKET BASKET</small> Market Basket	<small>MAYFAIR MARKET</small> Mayfair Market	<small>MCDANIEL'S</small> McDaniel's	<small>VONS</small> Vons
<small>19 MAY CO.</small> May Co.	<small>RALPH S MKT</small> Ralph's Mkt.	<small>ROBERT HALL</small> Robert Hall	<small>SAFEWAY</small> Safeway
<small>40 SEARS</small> Sears	<small>SHOPPING BAG</small> Shopping Bag	<small>LOS ANGELES, CALIFORNIA</small> Los Angeles, California	<small>WRITE "DOLLAR" WRITE "A" (S)</small> Write "Dollar" Write "A" (S)

41 WRITE THE WORDS DICTATED TO YOU BY THE OFFICER

42

Tuesday Wednesday Thursday
 Saturday Sunday Cash Cents

March 21 19 83 NO. 1
 PAY TO THE ORDER OF San Clemente Honda \$ 50.00
 FIFTY DOLLARS and $\frac{00}{100}$ (PAYEE'S NAME) (NUMERICAL AMOUNT)
 (WRITTEN AMOUNT OF CHECK)

March 21 19 83 NO. 2
 PAY TO THE ORDER OF Robert Walls \$ 58.00
 FIFTY EIGHT DOLLARS and $\frac{00}{100}$ (PAYEE'S NAME) (NUMERICAL AMOUNT)
 (WRITTEN AMOUNT OF CHECK)

February	March	April	<small>WITNESSING OFFICER, CHECK APPROPRIATE COMMENTS ABOUT WRITER OF THIS SPECIMEN</small> <input checked="" type="checkbox"/> RIGHT-HANDED WRITER <input type="checkbox"/> LEFT-HANDED WRITER <input type="checkbox"/> CAN WRITE WITH EITHER HAND <input checked="" type="checkbox"/> WAS SITTING <input type="checkbox"/> WAS STANDING <input type="checkbox"/> SUBJECT WAS NERVOUS <input type="checkbox"/> SUBJECT WAS INJURED <input type="checkbox"/> SUBJECT PHYSICALLY DISABLED <input type="checkbox"/> SLOW WRITING SPEED <input checked="" type="checkbox"/> MEDIUM WRITING SPEED <input checked="" type="checkbox"/> FAST WRITING SPEED <input type="checkbox"/> CLAIMS TO BE ILLITERATE <input type="checkbox"/> INTOXICATED H B O
June	July	August	
October	November	December	

40°-60° DATE 3/21/83 TIME 10:35P

FIG. 3—A sample of normal, natural writing from Subject B.

Method of Agreement

Seek a common factor in the conditions that precede the effect that is of interest [20]. In both cases at hand and in one reported by Alford and Dick [15], the common factor that preceded the change in writing habits was that the subjects were asked to write specifically the words in question. In all three instances, specific focus preceded the writing changes. To quote Alford and Dick,

When asked to write a name not connected with the case the writer furnished a smooth and natural writing. When asked to repeat the name related to the investigation the writer furnished tremulous slow and inconsistent writing, finally the writer resorted to writing extremes. The intentions of the writer are clearly evident in the material which he produced, and to assume that deliberate deception was not intended defies the limits of logic [15].

Questioned

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Request Handprinting

Beta Cash Dollars Food Giant Hiram's
 arbet Basket Mayfair Market McDaniel's Von's
 Co. Ralph's Mkt. Robert Hall Safeway
 Shopping Bag Los Angeles, California Sign Wallor Sign

Robert O. Anderson
 Robert A. Walls

Monday Tuesday Wednesday Thursday
 Friday Saturday Sunday Cash Cent

March 21 19 83
 San Clemente Honda
 Fifty Dollars and ¹⁰/₁₀₀
 Robert Walls
 Fifty Eight Dollars and ¹⁰/₁₀₀

WITNESSING OFFICER: APPROPRIATE COMMENTS ABOUT WRITER OF THIS SPECIMEN
 RIGHT-HANDED WRITER
 LEFT-HANDED WRITER
 CAN WRITE WITH EITHER HAND
 WAS SITTING
 WAS STANDING
 SUBJECT WAS NERVOUS
 SUBJECT WAS INJURED
 SUBJECT PHYSICALLY DISABLED
 SLOW WRITING SPEED
 MEDIUM WRITING SPEED
 FAST WRITING SPEED
 CLAIMS TO BE ILLITERATE
 INTOXICATED H B D

January February March April
 May June July August
 September October November December

60°-110°
 DATE: 3-21-83 TIME: 12:47P

FIG. 4—Abnormal writing by Subject B.

Negative Test

A method of eliminating "false causes," to wit: nothing can be the cause of an effect if the effect fails to occur in its presence [21]. In Case one, assuming the wrong sequence (Fig. 1b), the subject was emotionally upset when he wrote pages two and seven through nine, and in a normal state when he wrote pages one and three through six. In Case two, changes in slant were not evident in the writer's nonrequest handprinting (depicts a mix); therefore, the handprinting style cannot be the cause for the change in slant.

In cases involving disguised writing, document examiners should remember that:

- It is part of their expertise to be able to recognize disguised writing.
- Disguise attempts do not have to begin on page one of a multiple-page exemplar.

Questioned

^{PRINT}
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Non Request Handprinting

Nov/Dec	TELEPHONE CALLS FROM RESIDENCE / DEPART
12	5:15 AM DEPART 10-42 ENROUTE PALM SPRINGS 1410 ADDRESS - CHECKS, THOMAS GARI-82-4037 BREAKFAST EXPENSE LUNCH EXPENSE
	DEPART PALM SPRINGS @ 4:30 PM ENROUTE SURVEILLANCE DET G44 VANDER AUS ANGLES @
15	FLASHLIGHT BATTERIES 2 TRACS @ 2:15 PM TRAC CAR WASH 76 Union BL TORO @ 5:00 @ 6:02

ENROUTE! PALM
CAR WASH
Telephone
Union

FIG. 5—Nonrequest handprinting from Subject B.

- Sequence of execution may become important. Ascertain the order of execution of a multipage exemplar.
- They should not become euphemistic and substitute an inoffensive term for one considered offensively explicit. "Distorted," although more agreeable to the ear, is not specific. "Disguised" is specific.

Summary

Changes in request specimen writings, occurring upon request for verbatim exemplars and unaccountable for by nonvoluntary factors, necessarily are voluntary and a result of acute disguise.

References

[1] Harris, J. J., "Disguised Handwriting," *Journal of Criminal Law, Criminology and Police Science*, Vol. 43, p. 685.
 [2] Hilton, O., *Scientific Examination of Questioned Documents*, revised edition, Elsevier N. Holland, Inc., New York, 1982, p. 19.
 [3] Harrison, W. R., *Suspect Documents Their Scientific Examination*, Frederic A. Praeger, New York, 1982, p. 349.

- [4] Webb, F. E., "The Question of Disguise in Handwriting," *Journal of Forensic Sciences*, Vol. 23, No. 1, Jan. 1978, pp. 149-154.
- [5] Hart, L. J., "Illusion of Disguise," paper presented at the Joint Meeting of the Canadian Society of Forensic Sciences and the American Society of Questioned Document Examiners, Montreal, Canada, Sept. 1985.
- [6] Major, F. J., "Proving Disguise in Handwriting," paper presented at the Annual American Society of Questioned Document Examiners Meeting, year and location unknown.
- [7] *State v. Turner*, 633, S.W., 2d 421 (MO App. 1982).
- [8] *Science in Criminal Law Newsletter*, Vol. 6, No. 4, Dec. 1982, p. 7.
- [9] McNally, J. P., "Disguised Handwriting Characteristics and Proof," paper presented at the Annual Meeting of the American Society of Questioned Document Examiners, Toronto, Canada, 1969.
- [10] McNally, J. P., "Intentional Disguise in Handwriting," paper presented at the Annual Meeting of the American Society of Questioned Document Examiners, Chicago, IL, 1972.
- [11] Jamieson, J. A., "Effects of Slope Change in Handwriting," *Canadian Society of Forensic Science Journal*, Vol. 16, No. 3, 1983, pp. 117-123.
- [12] Regent, J., "Change in Slant is it the Only Change," *Journal of Forensic Sciences*, Vol. 22, No. 1, Jan. 1977, pp. 216-221.
- [13] McKasson, S. C. and Lesk, J. J., "Habit Patterns in Disguised Writing," paper presented at the 25th Annual Meeting of the American Academy of Forensic Sciences, Las Vegas, NV, Feb. 1973.
- [14] Alford, E. F., Jr., "Disguise Handwriting a Statistical Survey of How Handwriting is Most Frequently Disguised," *Journal of Forensic Sciences*, Vol. 15, No. 4, Oct. 1970, pp. 476-488.
- [15] Alford, E. F., Jr. and Dick, R. M., "Intentional Disguise in Court Ordered Handwriting Specimens," *Journal of Police Science and Administration*, Vol. 6, No. 4, Dec. 1978, pp. 419-423.
- [16] Galbraith, N. G., "Another Look at Disguised Handwriting," paper presented at the Annual Meeting of the American Society of Questioned Document Examiners, Rochester, NY, 1979.
- [17] Davidson, J. M. and Keckler, J. A., "A Study of Disguised Handwriting, Handprinting and Numerals," paper presented at the 33rd Annual Meeting of the American Academy of Forensic Sciences, Los Angeles, CA, 17-20 Feb. 1981.
- [18] *U.S. v. Gary P. Mason et al.*, District of Idaho, 85-40004 (1985).
- [19] *U.S. v. Hoelker and Linn*, CR 83- 154-A-TJH.
- [20] Ruby, L., *The Art of Making Sense a Guide to Logical Thinking*, J. P. Lippicott Co., Philadelphia and New York, 1954.
- [21] Arnauld, A., *The Art of Thinking*, The Bobbs-Merrill Co., Inc., IN, NY, KS.

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