

ANN MAHONY
COURT QUALIFIED DOCUMENT EXAMINER

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HANDLING EVIDENCE



The *most important factor* in any document examination is the quality of the standards.

What you should NOT do with Questioned Documents & Handwriting Exemplars

1. Do NOT underline, circle, highlight or mark the document.
2. Do NOT fold staple, cut, or stain the document.
3. Do NOT expose the document to heat, sunlight or moisture.
4. Do NOT perform any destructive tests or attempt to restore obliterated items on the document.
5. Do NOT mail original Questioned Documents unregistered and unprotected to an unverified address.
6. Do NOT blindly accept statements of authenticity from clients.
“We’re pretty sure it’s his” means...? We found it in his house, so who else’s could it be? In one case the checks had been signed by the faithful housekeeper. Family members who are geographically distant may be unaware of how much a relative’s writing may have changed. Don’t assume because a signature is on a check, it’s genuine.

If you are in doubt as to the authenticity of exemplars provided, please call our office for help.

What you should DO with Questioned Documents and Handwriting Exemplars

1. DO Photocopy everything and keep a set of documents for yourself.
(When no original is available, please provide the first generation photocopy to the examiner, not a copy of a copy. The further removed from the original, the more detail is lost.)
2. DO protect the document from theft, alteration, loss or harm.
3. DO control the transfer of the document between various individuals or agencies.
(chain of evidence)
4. DO record and maintain any information regarding the circumstances surrounding the origin of the Questioned documents (bedridden signature, etc.)
5. DO store the document in a protective envelop or folder to prevent over-handling, damage or alteration.
6. DO contact a qualified Document Examiner if you question the genuineness of a document.

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A final word:

Or as Jerry McGuire said “Help me help you.”



Years ago Victor Lamps & Lighting in San Francisco posted this sign for their customers:

Repairs:

\$25 per hour

\$35 per hour if you watch

\$45 per hour if you help

\$75 per hour if you worked on it first

Although your examiner appreciates any help you can provide, every now and then a client takes it upon himself to emphasize material he thinks is most germane to the case. In doing so, he may compromise or damage evidence. The most common mistake people make is to redact - with black marker or whatever is at hand – evidence they do not want the expert to see – bank account numbers, amounts on checks, etc. Document Examiners are not in the business of running off with other people’s bank accounts or other personal information. We’re too busy just trying to get the job done. When you eliminate information on a document, you may be obscuring valuable evidence (misplaced staple holes, change in type font, substituted page). An examiner who has access to the entire document, may find discrepancies that were not even considered in the preliminary request.

In one case I worked on, the daughter had traced over her father’s signature on his will to “help me”, because “Dad was weak and he couldn’t draw a dark line.”

In another case, involving checks, everything has been redacted (blacked out) except the signatures, even the check numbers. This made keeping track of the documents quite challenging, particularly since the signatures had all been traced from a single master. Yes, I could prove the signatures were traced, but nothing more. I asked the attorney to request another copy of the checks from the bank. The perpetrator had a very unique numeral “5” as well as numeral “8” which could be attributed to him. With this evidence, formerly unavailable to me, we were able to pinpoint the culprit.

Another time, a notary redacted signatures around the questioned signature and overwrote material that was needed. Time and energy was wasted to procure an adequate exemplar.

One attorney cut “windows” into overlay paper, so that I could only see certain parts of a will. Was the will prepared from a single computer? Were there substituted pages? We’ll never know.... I was not allowed to see anything but the signature, which in fact, proved to be genuine. This is not to say the entire document was genuine. I rendered a qualified opinion that the signature was genuine, but I did not know if the entire document was.