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Statement of Nicole SMITH

In the matter of Forensic Case Number 4516981

NSW Police Force
EXPERT CERTIFICATE
 Section 177, Evidence Act 1995 No. 25


In the matter of: Forensic Case Number 4516981
Place Statement Made: Pemulwuy Lab, Crime Scene Services Branch
Date: 7 June, 2023

Name: Nicole SMITH
Work Address: Pemulwuy Lab, Crime Scene Services Branch
Work Telephone: [REDACTED]
Occupation: Detective Sergeant – Fingerprint Expert


STATES:

1. This statement made by me accurately sets out the evidence that I would be prepared, if necessary, to give in court as a witness. The statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I will be liable to prosecution if I have willfully stated in it anything that I know to be false or do not believe to be true.
2. I make the following declarations:
 - I have read the Expert Witness Code of Conduct in Schedule 7 of the NSW Uniform Civil Procedure Rules 2005 and I agree to be bound by the Code.
 - I have made all inquiries that I believe desirable and appropriate, and to the best of my knowledge, no matter of significance that I regard as relevant has been withheld from the court.
3. I hereby certify I am a Fingerprint Expert. I have specialised knowledge based on my training, experience and study of fingerprints since 2003. Refer to **Annexure 1** for a summary of my qualifications and experience.
4. The information I have referred to in reviewing this matter and preparing my statement is listed below:
 - * Annexure 2: Copy of 5 pages of Laboratory Examination Sheet bearing Forensic Case Number (FCN) 4516981.
 - * Annexure 3: EFIMS Check In Receipt CIONTRAN4841070 dated 30 May, 2023.
 - * Annexure 4: EFIMS Check In Receipt CIOTRAN4843898 dated 31 May, 2023.
 - * Annexure 5: Twenty eight (28) photographs.

Witness:


 Katherine KHOR
 7 June, 2023

Signature:


 Nicole SMITH
 7 June, 2023

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Exhibits Receipt, Forensic Case Number 4516981

5. On 30 May, 2023, one exhibit was received from Detective Senior Constable Natalie PAYNE for the purpose of a forensic examination. These exhibits were checked in at the laboratory on the Exhibits, Forensic Information and Miscellaneous Property System (EFIMS) and a Check In Receipt generated, **CIOTRAN4841070** and allocated Forensic Case Number 4516981.

Barcode	EFIMS Description
XF002107424	1 x sealed envelope said to contain 2 pieces of paper from shirt – parent exhibit X0000638079 – for fingerprinting

(See attached copy of EFIMS Check In Receipt CIOTRAN4841070 for details of items received)

Exhibit Examination, Forensic Case Number FCN4516981

6. Records indicate on 30 May, 2023 Crime Scene Officer Katherine KHOR began examining these exhibits using a series of optical, physical and chemical techniques for fingerprints and other forensic evidence. As a result of this examination no fingerprints suitable for search or comparison were developed.
7. Records indicate that CSO KHOR observed a brown stain on the piece of rectangular white card stock with embossed border and writing 'Davidoff Cool Water' in calligraphy font. The stain appeared on the side with embossed writing. The stain was an irregular shape, 9mm x 10mm in size, irregular distribution, with hole cut out of the middle of the stain, and a light brown coloured stain on the top right corner (to writing) 17mm x 19mm in size, roughly quarter circle shape. Records indicate that the red brown stain tested negative for the presence of human blood using an ABACard[®] HemaTrace[®] test kit.

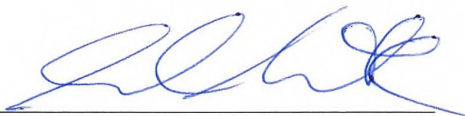
Note: A confirmatory test is one which is highly specific for a particular substance. ABACard[®] HemaTrace[®] tests consist of a small plastic cassette containing a chemically impregnated test strip. A sample of the questioned substance is mixed with a liquid solution; a small amount of the resulting mixture is placed into the ABACard[®] HemaTrace[®] test cassette. A positive test result indicates the presence of human blood. A negative test result indicates either the sample is not human blood or the quantity of human blood in the sample is below the level this test can detect.

*[*Publications have indicated there may be possible cross-reactivity of this test in samples from higher order primate (chimpanzees and great apes) and ferret blood.]*

Witness:


Katherine KHOR
7 June, 2023

Signature:


Nicole SMITH
7 June, 2023

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8. On 31 May, 2023, I continued examining these exhibits using a series of optical, physical and chemical techniques for fingerprints and other forensic evidence. As a result of this examination no fingerprints suitable for search or comparison were developed.
9. I also tape lifted one item for trace DNA analysis, which I packaged, sealed and labelled as follows (refer to table):

Label	Description of Item
ITEM 1 XF000872666	Tape lift of front of post it note XF002107424 on 31/5/23 at 6.30pm <i>Exhibit XF002107424 - 1 x sealed envelope said to contain 2 pieces of paper from shirt – parent exhibit X0000638079 – for fingerprinting“</i>
ITEM 2 XF000872667	Tape lift of rear of post it note XF002107424 on 31/5/23 at 6.38pm <i>Exhibit XF002107424 - 1 x sealed envelope said to contain 2 pieces of paper from shirt – parent exhibit X0000638079 – for fingerprinting“</i>

Exhibit Movement

10. At the conclusion of my examination, I entered items **XF000872666** and **XF000872667** onto EFIMS and deposited them into the freezer in the exhibit storage area of the laboratory. I also arranged for these items to be sent to the Forensic and Analytical Science Services laboratories, Lidcombe, for DNA analysis.

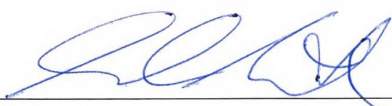
(See attached copy of Laboratory Examination sheet bearing FCN 4516981 for complete details and results for the item examined and the fingerprint detection procedures used)

11. When preparing this statement, I have referred to notes and photographs from NSWPF Forensic Case File Number 4516981 prepared in relation to this matter. All unused documents and photographs relating to this matter have been retained in NSWPF Forensic Case File Number 4516981, supplied to Senior Crime Scene Officer Kate REID, and are available to be viewed or supplied if required.
12. I hereby give notice under the Criminal Procedure Act 1986, that the proposed exhibits, which have been indicated in this Certificate, may be inspected at Fingerprint Operations, Forensic Evidence and Technical Services Command, NSW Police Headquarters, Level 4B, 1 Charles Street, Parramatta at a mutually agreeable time.

Witness:


Katherine KHOR
7 June, 2023

Signature:


Nicole SMITH
7 June, 2023

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Statement of Nicole SMITH

In the matter of Forensic Case Number 4516981

ANNEXURE 1

EXPERT QUALIFICATIONS IN THE SCIENCE OF FINGERPRINTS

Nicole SMITH

I have been attached to New South Wales Police Force, Forensic Evidence and Technical Services Command since 2003. During this time I have acquired extensive training, knowledge and practical experience in the Science of Fingerprints.

Formal Qualifications/Courses/Accreditations

- *Certificate of Expertise in the Science of Fingerprints issued and accredited by the Australasian Forensic Field Sciences Accreditation Board (AFFSAB);*
- *Diploma of Public Safety (Forensic Investigation) - Fingerprint Identification, from the Canberra Institute of Technology;*
- *Certificate IV Scene Of Crime Officer, from the Canberra Institute of Technology;*
- *Certificate of Achievement, Palm Print Analysis;*
- *Certificate of Achievement, Advanced chemical detection techniques;*
- *Bachelor of Policing, from the Charles Sturt University;*
- *Forensic Investigator II, facilitated by NSW Police Force.*

Practical Experience in the Science of Fingerprints


I have also gained extensive practical experience in the Science of Fingerprints while performing duties within Fingerprint Operations, where I have:

- (a) classified, searched, compared and identified many thousands of latent finger and palm prints developed at crime scenes. I have also passed an annual latent print identification proficiency test in accordance with the standards set by the National Association of Testing Authorities of Australia (NATA);
- (b) classified, searched, compared and identified many thousands of inked and livescan finger and palm print impressions on fingerprint ten print forms, utilising both computerised and manual classification systems;
- (c) examined and managed thousands of crime scenes, and have developed numerous finger and palm prints that have been positively identified. I have also examined many deceased persons to obtain finger and palm prints for the purposes of identification, and have passed a bi-annual crime scene examination proficiency test in accordance with standards set by the National Association of Testing Authorities of Australia (NATA).

Witness:


Katherine KHOR
7 June, 2023

Signature:


Nicole SMITH
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I have also gained practical experience performing duties at the Fingerprint Laboratory (responsible for the laboratory examinations of evidence for fingerprints using chemical development and enhancement techniques) where I have examined hundreds of items of evidence and developed numerous finger and palm prints that have been positively identified.

Maintenance of Expertise/Professional Knowledge

I have read and studied many books and manuals pertaining to the Science of Fingerprints, and I maintain an up to date knowledge of current issues and new developments within the fingerprint science by reading articles and journals concerned with the field of forensic fingerprint identification.

Witness:

Katherine KHOR
7 June, 2023

Signature:

Nicole SMITH
7 June, 2023

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