

# A Dentist Takes the Stand

A top expert witness in grisly murder cases, Dr. Michael West has helped put dozens of people behind bars. Prosecutors love him, but many lawyers say he confuses jurors with 'junk science.'

**The Expert:** West with ultraviolet lamp he uses on evidence

BY ANDREW MURR

**W**HEN A 3-YEAR-OLD GIRL named Christine Jackson was found raped and strangled near Brooksville, Miss., sheriff's investigators focused on Kennedy Brewer, 21. Brewer looked like the right guy. He was Christine's mother's boyfriend, and he was at home alone with Christine and his own two children on the night the little girl disappeared. But there was no hard evidence. Trace amounts of semen were recovered from Christine's body, but the sample was too small for a DNA match under the lab techniques available back in 1992. So prosecutors called Dr. Michael West, an affable and supremely confident forensic dentist from Hattiesburg. West testified that he had examined 19 mysterious wounds on Christine's body and decided they were bite marks. He also said five of the marks matched Brewer's teeth "with reasonable medical certainty." Jurors took only 95 minutes to convict Brewer, and they gave him the death penalty the next day. He is now on death row at Parchman State Penitentiary.

West has been saving tough cases for police and prosecutors for more than 15 years—a much-sought-after clutch witness

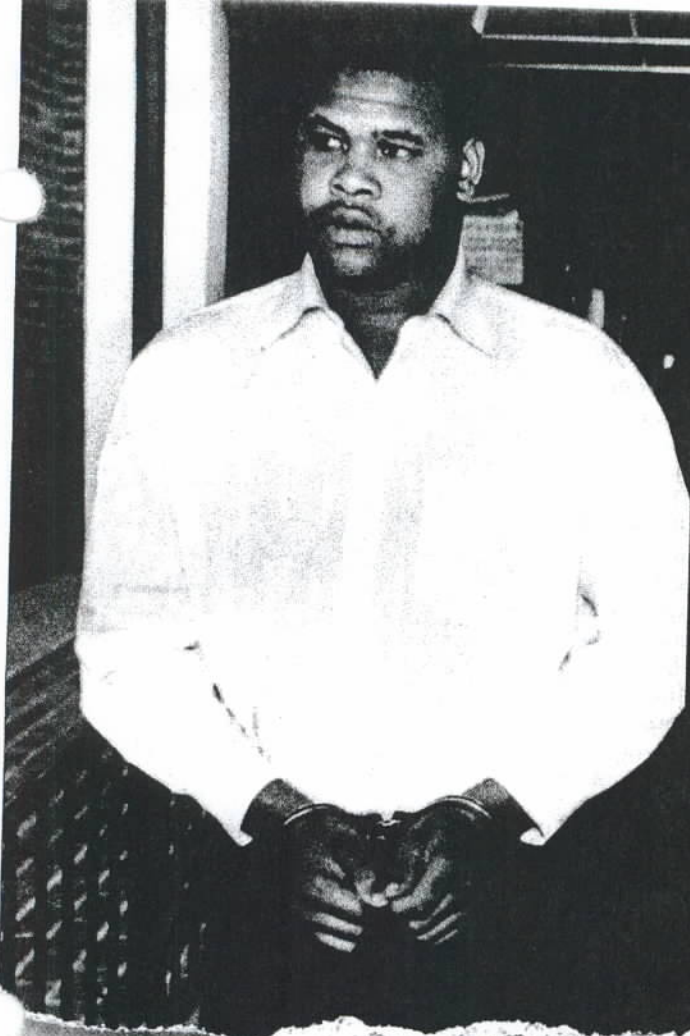
who, by testifying in 71 trials in nine states, has helped send dozens of defendants away. But his performance as an expert witness has long been controversial. Defense lawyers call him a "snake-oil salesman" peddling "junk science" to credulous judges and juries. West has been criticized repeatedly for overstating the value of his findings and for testifying on scientific subjects in which he has little expertise—including bloodstains and wound analysis. Facing ethics investigations by his peers, he resigned from the International Association of Identification in 1993 and the American Academy of Forensic Sciences in 1994. He was investigated by the American Board of Forensic Odontology and became the only member ever suspended by the group, although he was later reinstated. "His results are beyond outrageous," says Dr. Richard Souviron, a Miami forensic dentist who is one of West's sharpest critics. "He has hurt a lot of people." Kennedy Brewer, it turns out, may be one of them. Despite West's absolute confidence on the stand, new DNA tests show that two other men raped Christine Jackson, and Brewer's lawyers—hoping for a new trial—are directly challenging West's testimony in the case.

In the past, West has attributed criticism

of his work to "ignorance" and "personal jealousy." He has described himself as an "expert for the truth" who has exonerated more suspects than he helped to convict. He has also modified his style. In years past, West routinely told juries his forensic findings were "indeed and without doubt" correct. But when professional groups attacked the phrase as misleading, he dropped it. Contacted by NEWSWEEK for this article, West declined to be interviewed at length and said the magazine should "stop bothering me."

West's real strength, critics and defenders agree, is his ability to convince a jury, even when the evidence seems thin. In a Louisiana case, West testified that he could match the bruise on a dead boy's stomach to a hiking boot owned by his mother—a remarkable feat even for a trauma specialist, which West is not. The defense lawyer in the case, Robert Toale, says West charmed the jurors. "It's like you're in his living room and he's saying, 'Who would ever disagree with me, because I'm so smart and such a nice guy?'" Toale says. But when Toale asked West on the stand what his error rate was, West responded with a stunning bit of arrogance. "Something less than my Savior, Jesus Christ," he said.





**THE VICTIM:** *Christine Jackson (above) was only 3 when she was raped and killed near Brooksville, Miss.*

**THE CONVICT:** *Brewer (left) may get a new trial now that DNA tests show two other men raped Christine Jackson*

viron testified that the 19 wounds on Christine's body weren't human bite marks at all—they were probably only insect bites, he told NEWSWEEK. Souviron and other experts dispute the whole idea that bite marks can even be used to identify a suspect. "It's not the same as fingerprints or DNA," he says. "You cannot make a positive ID from a bite mark." Criminal lawyer Barry Scheck, whose Innocence Project promotes the use of DNA evidence to exonerate convicted criminals, goes further. To Scheck, bite-mark analysis is "junk science" that should be excluded by the courts. The lawyers working on Brewer's appeal, Carrie Jourdan and Charlie Press, cite a new study to substantiate the point. Twenty-five forensic odontologists tried to match four sets of bite marks with seven sets of plaster teeth. In those instances where the experts made a positive match, their error rate was 63.5 percent—proof enough, Press says, that bite-mark identifications are worthless.

Brewer's appeal is now pending before the Mississippi Supreme Court—and if the challenge to West's testimony were its only argument, he would probably lose. But more sophisticated lab methods allowed DNA testing of the minuscule semen sample collected from Christine's body. In June a lab found DNA from two unknown men—but none from Brewer. He is now one of only 11 death-row inmates in the nation to be cleared by DNA analysis. Forrest Allgood, the district attorney who prosecuted Brewer in 1995, concedes that the DNA results have changed the case. Although he hasn't ruled out prosecuting Brewer again, Allgood says, "Nobody wants to execute the wrong guy." Court papers say investigators have already ordered DNA testing on blood samples taken in 1992 from two local youths, Leshone Williams and Dwayne Graham, who were briefly regarded as possible targets of the investigation. (Both told NEWSWEEK they had no involvement in the crime.) West, meanwhile, says he sees no reason to change his mind about the marks on Christine's body. "Just because the DNA isn't his doesn't mean the bite marks aren't his," he told NEWSWEEK. "It's not an exoneration." But if the Brewer case is reopened, West's controversial forensics will be on trial as well.

As a forensic dentist, West specializes in teeth and bite-mark analysis—but he has been accepted by judges as an expert in crime-scene investigation, forensic photography, video enhancement, gunshot residue, wound patterns, bloodstain analysis and the use of ultraviolet light for detecting evidence. His experience as county coroner—the position is elective in Mississippi, and he served five years—may impress judges. In a 1993 Ohio case he testified about a burn pattern caused by chlorine bleach on the victim's skin, arguing that it showed the burn had been deliberate. In a single case in Mississippi this year he testified about a bite mark, a head injury and a cigarette burn; he also electronically enhanced a hotel security video that helped win the case.

Testifying in a murder case against a Louisiana oysterman named Anthony Keko, West said his use of ultraviolet light allowed him to identify Keko's bite marks on the shoulder of a corpse that had been exhumed 14 months after burial. The skin tissue was preserved as evidence, but the marks had disappeared. West testified anyway. In a Mississippi case, West used ultraviolet light to examine the suspect's hand for metal fragments from a butcher knife al-

legedly used to kill three elderly people. He found no fragments, but West said he saw faint indentations on the suspect's palm that matched the rivet heads on the knife handle. Proudly naming this novel use of ultraviolet light "the West phenomenon," he tried to photograph the results. When the film failed to show the indentations, West made a photocopy of the suspect's hand and sketched in the rivet pattern. (That case was later thrown out.)

In a 1995 Mississippi case, *State v. Banks*, West was asked to analyze the only piece of physical evidence placing the suspect, Calvin Banks, inside the house of a murdered woman—a half-eaten bologna sandwich. West measured the bite marks against a plaster model of the suspect's teeth and found a pattern he said was "consistent." He took photographs of the sandwich and then simply threw it out because, he said later, it would have changed shape as it spoiled. The jury convicted Banks, but the case was overturned on appeal. "The admission of evidence about the bologna sandwich rendered the trial fundamentally unfair," the state Supreme Court decided. "Dr. West's destruction of the sandwich was unnecessary and inexcusable."

In the case of Kennedy Brewer, Dr. Sou-

FROM LEFT: SCOTT BOYD—MACON BEACON. COURTESY OF GLORIA JACKSON—MACON BEACON