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SENTINEL EXCLUSIVE

Seminole print-ID scandal widens

A 3rd expert faces scrutiny, boosting the total cases to review to more than 1,200.

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SANFORD -- The fingerprint scandal at the Seminole County Sheriff's Office expanded to a third expert, pushing to 1,200 the number of cases that prosecutors must now review to make sure innocent people were not sent to prison.

The latest problem involves Bill McQuay, a sheriff's print examiner from 1998 to 2005. He "verified" three botched calls by Donna Birks, 49, the examiner at the center of the investigation, Chris White, chief assistant state attorney in Seminole, said Thursday.

Among them is a bloody fingerprint on the blade of a knife used to stab a wheelchair-bound mother and her adult daughter three years ago. Clemente Javier "Shorty" Aguirre, 27, is now on death row.

The Aguirre case is one of four known bad calls by Birks, according to the Florida Department of Law Enforcement, which is reworking about 300 of her analyses. In three of the problem cases, including the bloody knife, she identified a suspect when the prints were inconclusive, the FDLE says. In the fourth, she pegged a print to the wrong person, a read that McQuay "verified," White said.

The Sheriff's Office launched an investigation March 26. Birks was suspended with pay last month. She was unavailable for comment Thursday. So was McQuay.

In a memo to a supervisor that launched the probe, a co-worker portrayed Birks as unethical and a rule breaker.

"She shows significant bias and cannot accept when she is wrong," according to the memo, written by fingerprint examiner Tara Williamson, 31, whose print work also is under investigation.

At times, Birks insisted on working by herself without having a second expert verify her findings, according to the memo. Having a second reader is not an agency policy, but it is standard practice in criminal labs.

In one case, a November homicide, Birks looked at the murder weapon -- a wooden-handle knife -- and mistook a line of wood grain for a fingerprint ridge, the memo said.

In another case -- one that FDLE concluded Birks botched -- two co-workers told her that she got it wrong, according to the memo. She then asked Williamson "what would it take for me to identify it . . .," Williamson wrote.

Williamson would not confirm the identification, and Birks then sent it to McQuay, who had retired from the agency, and McQuay verified the ID, but got it wrong. Williamson also is accused of verifying a bad call by Birks. Prosecutors remedied that last week by dropping the burglary case against the suspect, White said.

Every state attorney's case that included print work by Birks, Williamson or McQuay is being reviewed by prosecutors, White said. That's more than 1,200. Birks handled 870 of them, he said.

But she worked many more that never resulted in charges, an additional 600 or so, according to sheriff's Lt. Dennis Lemma.

Birks is an 11-year department veteran and has nearly 25 years' experience as a print examiner, he said.

Many of the problems cited in the memo were about print verification.

During one three-month stretch in 2005, none of the prints that Birks matched was verified, Williamson wrote.

During that period, Birks identified two prints in an illegal-firearms case that went unverified for 18 months, until the defendant was about to go on trial, according to the memo.

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She also broke the rules by having a fingerprint trainee, on the job just three weeks, verify a print identification. That's a job restricted to employees with a year or more of training, according to professional standards.

Williamson said Thursday that she would not comment because of the investigation.

Lemma also would not respond to many of the memo's allegations, writing in an e-mail that they are part of an ongoing internal investigation.

The probe has come close to shutting down the office's fingerprint section.

In early April, the agency had three full-time and one part-time print readers. Now, only the part-timer is doing that job.

Birks is suspended; Williamson has been banned at least temporarily from print work, as is the other full-timer, Christine Narkiewitz, a trainee hired in January. It was not clear why department managers put restrictions on Narkiewitz.

Lemma said Wednesday that the office plans to hire more print analysts and will continue to handle the county's biggest cases in-house. It may farm out lower-priority cases to other agencies, including the FDLE, he said.

"We have nothing to hide," Lemma said.

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