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JUNK SCIENCE

Dear Readers:

You're going to love the brevity of this posting. State Witness James Pex testified two cartridges allegedly found in my rifle at home had the same tool marks as those found on the murder casings found at the scene. If that was the case, then it means the shooter removed two cartridges from the murder weapon and put them in my rifle at home before going out to shoot my children. The State says that I was that person.

The State also said the markings on the casings and the cartridges could ONLY have come from the same weapon and no other. And that wasn't true either!

In 2005, District Court of Massachusetts Judge Gertner discussed ways in which ballistics evidence fails to meet the criteria necessary inter alia "testability, reliability, and error rates". United States v Green, 405 F.Supp.2d 104, 120-22.

In order to say one ballistic comparison matches another, the weapon must be fired numerous times, the spent casings compared, and error rates examined. In my case, the murder weapon was never found. There was no way to fire it numerous times or compare the results of the spent casings, so it's impossible to say whether or not the marks on one compared to the other. In fact, one test/comparison done between two of the murder casings in the Downs case resulted in those two casings NOT matching.

In 2006, District Court Judge Saris found "there is no reliable scientific methodology which will currently permit the expert to testify that a 'match' to an absolute certainty, or to any arbitrary degree of statistical certainty" exists. United States v Monteiro, 407 F.Supp.2d 351, 355, 372.

In other words, there is no scientific proof that one ballistic mark matches or doesn't match another, even if the casing was ejected from the same weapon.

One of the Judges went so far as to explain that every time a gun is fired and a bullet is expelled, the metal of the gun barrel is worn down, changing the marks that will be left on the bullet.

Experts in the field have added the fact that when a firing pin strikes the base of the cartridge, the powder

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inside explodes. So much heat and pressure is generated that the casing expands and retracts, warping its shape. Depending on the type of metal (quality of metal) used to create the cartridges affects the way/degree in which the casing will reshape itself. That being the facts, there's no expert who can say with certainty that one spent bullet and/or casing will ever compare to an unspent cartridge that hasn't experienced the explosive heat of being fired from a weapon.

Since 2005, the following federal/District Courts have agreed that it's impermissible for a witness to tell the Jury that ONLY one gun ever fired any particular bullet or discharged any particular casing or cartridge. The science just doesn't support the claim.

2007 -- California, US v Diaz, 2007 US Dist. Lexis 131 52  
2008 -- New York, US v Glynn, 578 F.Supp.2d 567, 570-72  
2009 -- New Mexico, US v Taylor, 704 F.Supp.2d 1192, 12090  
2016 -- WA DC, Gardner v US, 140 A3d 1172  
2020 -- US v Adams, 444 F.Supp.2d 1248, 1256, 1261, 1267  
2023 -- Maryland, Abruquah, 2023 Md.Lexis 297 @ 678

And on and on. The one that matters most in my case is the Adams case. It was overturned by the Federal Court in Oregon in 2020.

Then, in 2025, the Oregon Court of Appeals also overturned the same "Adams" in the State case. Oregon v Adams, 340 OrApp 661, 663; 572 P3d 291, 292 (2025).

The Courts have decided it is an invasion of the Jury's right to decide a case when an "expert" tells them something that isn't true.

In my case, Jim Pex, without testing the evidence, told the Jury the cartridges allegedly found in my apartment, could only have been removed from the murder weapon and left in my apartment before my children were shot. There is no scientific proof to support that "certainty" and, in fact, science says that statement is false.

It's called JUNK SCIENCE and my attorney is asking the Lane County Oregon Court to vacate judgment against me because Jim Pex had no right to say the things he said to the Jury. Remove his JUNK SCIENCE and his "string theory" (click on ROCK PANEL DNA) and Christie's manufactured "memory"; then test the CHEWED GUM AND BEER CANS for DNA, and the Jury will finally be left with the truth. Only then will the Jury's verdict be trusted.