



DPS TRAINING BULLETIN

LEGAL BULLETIN NO. 231

March 24, 1999

**ADMISSIBILITY OF VOICE SPECTROGRAPHIC
ANALYSIS (VOICEPRINTS) EVIDENCE**

Reference: State of Alaska
v.
George L. Coon

Alaska Supreme Court
Opinion No. 5091
 P.2d
March 5, 1999

FACTS:

Three messages threatening David Rudolph's life were left on Deborah Rudolph's answering machine. Deborah, George Coon's former daughter-in-law, recognized the recorded voice as Coon's. Coon was charged with terroristic threatening. A voice analysis expert, Steve Cain, compared the voice on the answering machine with verbatim voice examples provided by Coon. Cain testified as an expert and expressed his opinions that Coon made the first telephone call and there was a high probability that Coon also made the second and third calls. Coon argued that the court should not have admitted into evidence the opinions and results of Cain's testimony.

ISSUE:

Did the Superior Court commit an error by admitting opinion evidence based on a voice spectrographic analysis that Coon made the calls?

HELD: No.

REASONING:

1. In determining whether evidence is generally accepted within the scientific community, courts have generally looked to three sources for guidance: (a) judicial opinions; (b) scientific literature; and (c) expert testimony presented at an evidentiary hearing.

2. Cain qualified as a voice spectrographic expert in this case.

3. The trial court found that the technique of spectrographic voice identification, commonly known as voiceprints, had been empirically tested "on numerous occasions by many scientists during approximately the past twenty years."

4. When properly performed under the "stringent standards" of the International Association for Identification by a qualified, trained scientist or technician, voice spectrography has a known error rate of less than one percent.

NOTES:

When obtaining samples from a suspect, with consent or a court order, the exemplars must be as accurate as possible. Numerous exemplars should be taken and the conditions under which the suspect's recorded message was made should be duplicated. For instance, the same answering machine or other recording device on which the message was left should be used. The suspect should repeat the exact words.

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