

every criminal act described in the diary is accompanied by the phrase 'stalked the night'). Secondly, his claim that he decided not to 'stalk the night' anymore is, like the claim relating to 'no tyres tonight', a negative: it describes an intention not to do something. Again, if the incriminating diary entries were about incriminating himself, there would be no reason for Mr Barley to deny an intention to commit a crime. Since we often find the phrase 'stalked the night' occurring in otherwise non-incriminating entries, I suggest that there is no reason to believe that entries containing 'stalked the night' were not contemporaneous with the non-incriminating entries.

As a result of my analysis I could not find anything in the diary entries for the year 2003 to suggest Mr Barley did not record the events as they occurred. Thus I concluded that there was nothing to support the contention that the incriminating material was added later. For this reason little credence could be given to the claim that there was an earlier diary which had been destroyed by Mr Barley. It seemed that Mr Barley had written his diary entries as one production: nothing had been added later, as he had claimed.

Eventually, Mr Barley 'came clean' and admitted to 35 incidents of tyre slashing and 19 incidents of arson, in addition to sundry other criminal acts, such as destroying a van by throwing a tin of house paint over it. Lincoln Crown Court had no hesitation in finding him guilty, but to date sentencing has been held up because of his claimed medical condition, which is why I have had to use a pseudonym for him here.

## Note

1. In the case of Carl Bridgewater, murdered in 1978. One of the suspects, Pat Molloy, claimed he did not dictate his statement but parts of it were 'fed' to him and he was also asked questions. Later, ESDA analysis confirmed that the notes had followed, rather than preceded, the statement. See *Times Law Report*, 22 February 1997.

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## THE MAN WITH THE BASEBALL BAT

Imagine you are about 17 years old and someone threatens you with a baseball bat. If this were not bad enough, imagine also that you are blind. One morning your mobile phone rings. You answer it and this is what you hear: 'I have a baseball bat for your kneecaps,' the voice at the other end says.

The background to the case was that two youths at a blind school in the south of England got into an argument with each other about a girl. Angry words were exchanged between the boys and there was a lot of bad feeling between them. The school did its best to sort the problem out but nothing was resolved and eventually one of the boys left the school. The boy who remained at the school was the one who received the threatening call. He believed that the voice belonged to the father of the other boy. The police were called and interviewed the suspect.

The boy who made the complaint had had the presence of mind to record the conversation as it took place. He had previously received an anonymous call and was almost ready for it. Being able to do this when you are blind takes not only ingenuity but a cool head as well, especially if you are being threatened at the same time.

The telephone call had also been made on a mobile phone, with the caller's number being suppressed. This is something you can do on a phone in the United Kingdom quite easily. However, in some countries it is not possible. The fact that the recording was from a mobile phone onto a mobile phone meant that the sound quality of the call was poorer than it would probably have been had the call been placed from a landline. My instructions from the police force<sup>1</sup> where the offence took place were straightforward: was the anonymous caller the same person as the known speaker?

For the reader who is interested in how this kind of inquiry is handled, you can break a voice identification down into a number of separate headings:

- First, are the two samples apparently of the same dialect/accent?
- Secondly, are the voices of the same type?

- Thirdly, if we look at pronunciation of certain speech sounds (called 'phonemes') are they similar across the known and questioned voices?

As regards the first point, the voices both shared the same dialect, actually from the North West of Wales. One feature of this dialect is the way many speakers pronounce the sound 'k'. It is not unlike the way some Scottish speakers pronounce the last sound in the word 'loch'. It is partly produced towards the back of the mouth in an area known as the velum, hence the term 'velar sound'. This sound appeared in the word 'kneecaps', 'college', and also in the word 'got'. The 'g' sound in 'got' is similar to 'k', except that when you say 'g' you actually vibrate your vocal cords, but when you say 'k' you do not. Try it and see. As you can hear, aside from the presence or absence of the vocal cords, it is the same sound. In the interview the suspect, referring to his son, said 'he doesn't know whether he's coming or going'. The velar sound appeared in both these words in the 'k' and the 'g'. However, although we find the velar 'k' and 'g' in this speaker's dialect, in the case of this speaker it was particularly strong. In my view it was much stronger than is usually the case. I felt this was distinctive.

Another interesting feature of this speaker was the way he pronounced words like 'speak'. At one point in the phone call he taunts the blind boy by saying 'Speak to me'. When he says 'speak' he actually says 'sbeak'. On listening to the word 'kneecaps' I noticed the same phenomenon, 'kneecabs'. In the course of his police interview the suspect said, again referring to the time period of which his son and the other boy had been at loggerheads with each other, 'over a period of years'. Here, the word 'period' sounded more like 'beriod'.

The next question to consider was whether the voices were of the same type. Phoneticians use a number of descriptors for voice types. At one end of the spectrum you have a voice like Marilyn Monroe – especially when at its most persuasive. Listening to a voice like this you have the overwhelming impression of being 'soft-soaped' or seduced by the speaker. What you are listening to, for the most part, is simply breath. The vocal cords are wide open and the breath is continuous. It's like a constant rush of air. Hence phoneticians talk about a 'breathy' voice. At the opposite end of the spectrum you have a voice which sounds not unlike a door creaking. You may remember Dr Kissinger, the globetrotting Secretary of State for the United States of America back in the 1970s. His voice would literally creak as he talked. Try it yourself. How you do it, is to lower your voice as much as possible and say 'aah'. Listen

to the creak in the voice. Not surprisingly, such a voice is known as a 'creaky' voice. Here the vocal cords are almost completely closed off at one end. The actor Humphrey Bogart tended to have a creaky voice, and you will often hear media pundits with such a voice. It is also known as the 'expert's' voice. Do not imagine, however, that only men have a voice like this: women can also have creaky voices. In the same way, you will also find men with breathy voices. A good example was the actor Derek Nimmo. In case these names are unfamiliar to you, if you are near a computer, do a search on Youtube. You will find many references to each of the people I have named here and you will be able to listen to the voices for yourself.

Right in the middle of *breathy* and *creaky* you have the normal, modal voice. This is what our suspect had: a completely middle of the road way of producing his voice – with, however, one exception. The voice was very tense, perhaps even stressed. This did not appear to be just because he was in a stressful situation, either on the phone or in the police interview room. It seemed to be a quality that was always there.

In the police interview he repeatedly denied having made the threatening phone call. However, based on the number of similarities across the known and questioned voices, I felt there was a high probability that it was him, and said so in my report. He continued to deny responsibility for a while, but then – as sometimes happens – changed his mind when he got to court, and decided to plead. The court found him guilty of sending a malicious communication, which is a serious offence and he was fined heavily. The magistrate said that had it not been for his age and health, the consequences for him might have been more serious.

At about the same time I began another voice identification from North Wales. A couple had been burgled at about 2 a.m. near Wrexham. Raiders had stolen credit cards, mobile phones and the couple's car. High on a cocktail of drinks and drugs the perpetrators had driven the car recklessly through the town, throwing out personal possessions they had found in the vehicle, including the male victim's work uniform. They then trashed the couple's car and left it on a housing estate. A little later the burglars received a phone call. The voice at the other end appeared to be the female victim, but what the burglars did not know was that they were actually speaking to a police officer. She very cleverly constructed the conversation to get the maximum amount of conversation out of the two young men. This is very helpful in voice identification cases, where you need as wide a range of speech sounds, indications of vocal expression and voice dynamic as possible.

Based on knowledge of the local criminal fraternity police officers thought they recognized the voices and the following morning several homes were raided in the Wrexham vicinity, including that of Andrew Caveney, aged 23 and Daniel Roberts, aged 21. Along with the conversation with the burglars in the car, I also received the interview tapes, one with each of the suspects.

The sound quality on interview tapes differs greatly from that found in phone calls, especially mobile phone calls. Interviews are conducted in what are known as PACE rooms. PACE stands for the Police And Criminal Evidence Act. It was introduced in 1985 to regulate, amongst other things, the way suspects and witnesses are interviewed by police in criminal cases. Prior to this, PACE interviews were not taped, but were written down in note form and then compiled into statements. This caused many suspects to claim that they had been 'verballed' by officers. Verballing is the process whereby a statement is altered to 'fit' someone up. The tape-recording of interviews has put a stop to most verballing claims since, if the quality of the sound on the tape is clear enough, usually there is no dispute as to what was said.

In contrast to the quality found on most interview tapes, mobile phones usually present the voice analyst with problems of clarity, signal interference and environmental noise. In the present instance the suspects were talking while driving. A moving vehicle is not the best place to try to identify a voice, especially if the car is being driven with the windows open.

Both of the voices appeared to be from the Wrexham area. The elder male's voice was particularly distinctive when pronouncing words like 'back' and 'smack'. At one point he tells the caller that she is lucky he did not come upstairs to her bedroom and wake her up. He says he often does this and enjoys giving his female victims a good 'smack' or 'slap'. I found this speaker's voice very distinctive: he had a loud, harsh voice with a nasal quality, which was evident both in the tape and the police interview.

The second voice was also very distinctive. The speaker appeared to have a stammer and often garbled his sentences in particular ways. Only about 3 per cent of the population have any kind of stammer, and it is not always accompanied by grammatical problems, which was the case here. Evidently, this was a very nervous speaker who, once he began to stammer, would then mangle up his grammar by putting in words which did not belong, and even inventing words on occasion.

Had the crime not been so serious the PACE interviews with the two perpetrators would have been amusing. Their efforts to deny their

crime bordered on the inventively pathological. They fabricated the most marvellous excuses as to their whereabouts. However, their voices betrayed them completely. They finally admitted to their crimes when presented with the voice evidence and were sentenced to 3 years' imprisonment.

## Note

1. To protect the victim in this instance I am not revealing any identifiable details of this case.