

Name: _____

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Forensic Science Case Study

“Snaggletooth Killer”

The person once erroneously branded as the "snaggletooth killer," convicted of the murder of a Phoenix cocktail waitress in 1991 and sentenced to death, was proved innocent of the crime in the same test that not only established that he was not involved in the fatal stabbing, but that also identified the true perpetrator – a person already incarcerated on another unrelated offense. After being cleared by DNA, Ray Krone walked out of the Arizona State Prison at Yuma on Monday, April 8, 2002, a free man.

The murdered waitress, Kim Ancona, had been cleaning the men's room at the CBS Lounge in Phoenix on the evening of December 28, 1991. Her naked body was found in the restroom the following morning. She had been stabbed eleven times. An examination of the body also revealed that she had been bitten on the left breast through the tank top she was wearing and on her neck. There were no fingerprints, and there was no semen although other evidence indicated she had been sexually assaulted. There was blood, lots of it, but it was typed as being Type O, the same as Ancona, Krone, and some 43% of the population. Forensic DNA technology was not generally available at the time of the prosecution.

Krone, who was a former letter carrier without a criminal record, and honorably discharged from the U.S. Air Force, knew the victim, had socialized with her and he had been a customer of the ABC Lounge to play darts. He also lived close to the bar. Suspicion focused on him and within two days of the commission of the crime, he was arrested. From then on, he was on the fast track to conviction. Yet, there was little evidence that tied Krone to the killing except for evidence of the bite mark on the victim's breast, which a state forensic odontologist said matched the dentition of Krone. Krone had maintained his innocence from the day of his arrest.

Despite strong evidence of his innocence presented at trial, the circumstantial evidence used by the State was very weak. It was bolstered, however, by a type of forensic evidence that still remains highly controversial in its reliability - personal identification by a bite mark inflicted by an assailant upon a victim. In fact, the Arizona Supreme Court's en banc decision said that the physical evidence could neither exclude nor include Krone as the perpetrator, and without the bite mark evidence the State had no case. See, *State v. Krone*, 182 Ariz. 319, 897 P.2d 621 (en banc, 1995).

It was indeed the bite mark testimony of Dr. Raymond Rawson, the State's dental expert, that convinced the jury that Krone was the killer. According to the Arizona Supreme Court's opinion, defense attorneys were not informed until the day before the trial started that the prosecution intended to use a videotape labeled "Bite Mark Evidence Ray Krone." The court said, "The tape attempted to show a match between Krone's teeth and Ancona's wounds by overlaying the two. It took the dental casts, styrofoam impressions, and CAT scans of the casts and overlaid them on the actual wounds. The tape presented evidence in ways that would have been impossible using static exhibits." Dr. Rawson also used the tape "extensively" during his testimony.

After the defense's unsuccessful attempt to exclude the videotape or to obtain a continuance, and its decision not to call a defense expert as a witness, the jury convicted Krone of first degree murder and kidnaping, but acquitted him of sexual assault. The judge sentenced Krone to death, after finding that the murder was committed in an especially "heinous and depraved manner." Krone spent almost three years on death row, watching other condemned inmates being moved out of the cellblock in which the condemned-to-death persons were being held before being conducted to their execution.

Christopher Plourd, a San Diego attorney who is a member of the prestigious American Academy of Forensic Science's Jurisprudence Section and who specializes in crimes that involve complicated forensic issues, appealed on the ground that prosecutors had not only failed to turn over exculpatory evidence – a test done by

Forensic Odontologist Dr. Homer Campbell, also an Academy Fellow, who had concluded that Krone's dentition was inconsistent with the bite marks found on Kim Ancona. but they had also violated the rule requiring them to disclose the State's evidence of Dr. Rawson in a timely manner.

The conviction was reversed and remanded for a new trial on June 22, 1995, but not because of the failure to disclose the exculpatory evidence. Rather, the court reversed because of the importance of the State's expert's video evidence on the bite mark and the tardiness in its disclosure to the defense. The Supreme Court said, "The State's discovery violation related to critical evidence. We cannot say it did not affect the verdict."

On retrial, Ray Krone's hopes that the justice system would prevail were dashed when he was convicted again, despite the fact he presented exculpatory bite mark specialists testimony. The second jury also believed the State's expert, Dr. Rawson. This time, Krone was given a life sentence.

Some time ago, Krone's family, who had continued to believe in his innocence through all of his ordeals, retained another lawyer, Alan M. Simpson of Phoenix, to work with Plourd. By that time DNA testing was being done routinely on behalf of the prosecution. Krone's lawyers asked that the tank top, through which one of the bites had been inflicted, be examined for saliva. Not only was saliva found, but the results showed that Krone could not have been the source of the saliva. Seeking further testing against the DNA database that the State was now maintaining of its inmates, the results were astonishing: the DNA strongly associated the evidence with a 36 year-old inmate of the Florence, Ariz., prison, Kenneth Phillips, who had been convicted of attempted child molestation.

This case is clear proof, again, of the power of DNA. Not only did the DNA test show that Ray Krone was excluded as the perpetrator, it also identified a different individual who was already incarcerated in the penitentiary for an unrelated sex crime. On Monday, April 8, 2002, the Maricopa County attorney's office revealed that the odds were 1.3 quadrillion to 1 that Phillips was the contributor of the DNA found on Kim Ancona's tank top. And, by the way, Phillips, too, had Type O blood. What's more, a state dental expert now also opined that Phillips "could not be excluded" as the person who left the bite marks.

To the credit of the local authorities, Maricopa County Attorney Rick Romley, at a news conference, publicly admitted that a mistake had been made and apologized. He, and Phoenix Police Chief Harold Hurtt announced they would ask for Krone's release pending a hearing to vacate Krone's murder conviction. Superior Court Judge Alfred Fenzel ruled that it would be an injustice to keep Krone in custody any longer and ordered his immediate release, pending the evidentiary hearing scheduled for April 29.

Krone was a proponent of the death penalty before he was sent to prison. He thinks differently now after having lost ten years of his life and sentenced to death as an innocent person, while the guilty perpetrator was at the loose during that decade, free to prey on more victims.

Analysis Questions

1. According to this article, why do you think Ray Krone was the prime suspect?

2. Do you think blood typing (not DNA testing) should be used to convict a suspect? Explain.

3. Explain why bite marks are considered circumstantial evidence and highly controversial.

4. What is the responsibility of a forensic odontologist (Dr. Raymond Rawson)?

5. How did Dr. Rawson convince the jury that Krone was the killer? Explain his methods and procedures.

6. A.) Do you agree or disagree with the death penalty? Why or why not?

B.) Has your opinion changed after reading this article? Explain.

7. What evidence led to the acquittal of all charges for Ray Krone?

8. Based on the information we discussed in class, which type of classification is more important for a prosecutor, class characteristics or individual characteristics? Explain.

9. In addition to bite marks, how else does a forensic dentist identify suspects/victims?

10. After reading this article, do you feel bite mark analysis should ever be used in the court of law? Explain.