

From: MathiesonG
To: London - UK
Cc: Rag Chand
Sent: Friday, August 31, 2012 9:04 AM
Subject: RE: Omar Benguit - Location of clump of hair discovered-3

* * NOT PROTECTIVELY MARKED * *

John/Rag,

Further to our previous discussions, I have revisited the report provided to us by Caroline Crawford, following her examination of the hair. Which I can summarise as follows:

- 1) "...the clump was not such that that it specifically indicated the hairs had been pulled from the head as a single clump. It may be that the hairs had been removed from the head in a single action but have since been redistributed, or that the hairs were removed from the head separately but have since clumped."
- 2) "Three of the hairs were measured as 12, 14 and 27cm long; however, it was difficult to measure the length of all of the hairs due to the nature of the clump."
- 3) "Some of the hairs were stained with dirt."
- 4) "Fifty four of the hairs were examined. None contained significant cellular material surrounding the root [as would be expected if the hair had been forcibly pulled from the head] and only five appeared to have cut ends. 22 of the hairs had a small bulbous root which is often present when hairs have been lost naturally..."
- 5) "...in my opinion there was no indication that these hairs had been forcibly pulled from a head or cut from the head."
- 6) "Hairs are regularly lost from the head, although not usually in such numbers in a single event. Naturally lost hair can build up on items such as hairbrushes however."

From this, there is little or no support for a contention that the hair had been either cut from the head, or forcibly pulled. The appearance of the clump would tend to indicate accumulation, rather than 'single event' removal, not least bearing in mind the necessity for the hairs to have 'redistributed' into another clump if removed as a single clump in the first place. It is also of note that Ms Crawford refers to certain of the hairs being 'stained with dirt', which goes some way to calling into question the stridency with which it has been asserted that the hairs could only have got to their location in very short time indeed before the incident.

I trust this is informative.

Thanks

Glenn

----- Original Message -----

From: MathiesonG

To: London - UK

Sent: Thursday, September 06, 2012 8:25 AM

Subject: RE: Witness living on Malmesbury Park road and Larkin's hair examination

*** * NOT PROTECTIVELY MARKED * ***

John,

I did, of course, investigate the matter of the provenance of the hair, and whether the woman was a 'hair cutting victim'. She was not.

As for the examination at the time, there was no DNA profile, either partial or otherwise, though I must say that I am fairly confident that this was because it was not examined for such at the time. But, whether it was or not, there was nothing arising.

Thanks

Glenn

From: London - UK [mailto:londonlinks2@gmail.com]
Sent: 07 September 2012 12:12
To: MathiesonG
Subject: Clump of hair-conclusion-2

7th September 2012

Hello Glenn

Of the possible 700 hairs (my estimate) in the clump, only 54 were examined. 5 of them had evidence of being cut, 22 had hair roots (indicating that they had fallen from the head) and 27 had no roots (indicating that they had either been "broken", pulled or actually cut, but Ms Crawford could not say for sure). In conclusion 32 out of 54 hairs (60%) had no roots. I cannot therefore see any scientific basis for suggesting that there is no evidence of the appearance of cut hair and this says nothing of the remaining hairs which if examined could increase the proportion of rootless hairs even more.

[.....]

John Aidiniantz

from: London UK <londonlinks4@gmail.com>
reply-to: London UK <londonlinks4@gmail.com>
to: MathiesonG <Glenn.Mathieson@ccrc.x.gsi.gov.uk>
cc: James.Robertson@canberra.edu.au
date: 27 Nov 2012, 01:49
subject: Omar Benguit 27-11-12 0031 - Clump of Hair

Tuesday 27th November 2012

Hello Glenn,

We understand that the clump of hair has now been returned to the laboratory for further examination and I therefore attach the CV of the expert James Robertson whom we wish to instruct for the further examination subject to the CCRC agreeing to his appointment.

We will fund his trip to England and pay for the examination as he currently resides in Australia. He will need access to the laboratory and to the scientist who can arrange between them the examination.

He is the author of the following book:

ROBERTSON, J., 1999 (ed.),

The Forensic Examination of Human Hair, London: Taylor & Francis.

I attach as promised a colour photo of a clump of hair found at the Elisa Claps murder scene, although it does not have any direct comparison to the Benguit case as the hair is apparently the victim's hair cut from her head at the scene of the crime, whereas the hair found at the Ok-shin crime scene is not that of the victim. The hair fetish however of Danilo Restivo is a linking factor because non-victim hair was found at the Ok-Shin murder in July 2002 and non-victim hair was found at the Heather Barnett murder in November 2002.

You have confirmed without providing further background information that the clump of hair belonged to a local resident who lived close enough to the scene of the Ok-shin murder to provide an innocent explanation of the presence of the clump being found outside 223 Malmesbury Park Road at 7 am on the morning of the crime (12th July 2002) - at the spot where the victim had earlier been stabbed at 2.50 am before walking on and collapsing on the pavement. You have confirmed that the owner of the hair was not a reported victim of one of Restivo's attacks which he carried out against young women

travelling on buses etc in Bournemouth and which enabled him to obtain the hair which comprised his collection.

The possible nexus between the attack on the victim and the presence of the clump of hair is something which I am glad to see the CCRC has agreed to explore.

It is possible that the clump of hair was blown onto the spot on the pavement where the victim was stabbed because the local resident had plucked the hair from a hairbrush and thrown it out with the rubbish on the night of the murder and the lid of the rubbish bin not being secured properly, the hair had been blown as a clump towards where the victim had been stabbed. Unusual coincidences like this do sometimes occur.

Our hunch however is that the hair which as you say belonged to a local resident was not deposited on the pavement innocently, but was left there by Danilo Restivo as part of his hair fetish of leaving a clump of foreign hair at the scene of a crime and that it was Danilo Restivo who murdered Jong Ok-Shin and not Omar Benguit who had nothing to do with the crime. It is feasible that Restivo (who lived nearby) was lurking outside the house of his intended victim before coming across Ok-shin as she walked home during the early hours of the morning, although I do find it a coincidence that the owner of the hair is apparently on the NDNAD, as there is no other way I can conceive of how the owner of the hair has been located if not via the DNA of the hair itself.

Mr Robertson will be instructed to determine if a proportion of the hair in the clump has been cut /forcibly pulled from the head or whether it has fallen away naturally as a result of brushing. He will be asked to report on the proportion of cut hairs in the clump and those with damaged roots/no roots which may lend support for the contention that the clump consists of hairs which have been cut or forcibly pulled from the scalp and which may disprove the contention that the hair is simply a clump of hair brushed from the head as one might expect to find on a hairbrush.

One can note from the photograph of the hair shown on www.OmarBenguit.co.uk that it is a fairly compact clump indicative of the fact that it has been compressed into a confined space such as a bag before being deposited on the pavement.

We would also like to test the hair for the presence of male DNA although we are mindful of the fact that Restivo did not leave his DNA on the hair found at the Heather Barnett murder which occurred on 12th November 2002.

We do not know the results of the tests on the other items which were found on Restivo when he was arrested in May 2004 and as he claimed to have bought two sets of kitchen knife sets, there is no saying whether the knife found in his possession in May 2004 had any connection with the murder of Ok-Shin in July 2002.

An examination of black polyester fibre found snagged in the ring of the victim is being conducted to ascertain whether it can be linked to the black balaclava worn by Restivo, but until these tests have been concluded - as well as the tests we wish to conduct on the hair, the sister of Omar Benguit has confirmed that he does not want a referral to be based merely on the non-disclosure of material about Restivo that should have been disclosed at trial or the fact that an important 'witness' such as Leanne Mayers has made a statement which suggest that 'words were put into her mouth'.

We should conclude the scientific examinations which the CCRC have agreed to conduct and then take stock of whether there is a realistic prospect of the Court of Appeal finding the verdict unsafe in the light of all the evidence.

Yours sincerely,

John Aidiniantz

from: MathiesonG <Glenn.Mathieson@ccrc.x.gsi.gov.uk>
to: London UK <londonlinks4@gmail.com>
cc: James.Robertson@canberra.edu.au,
Rag Chand <ragveerchand@aol.com>
date: Tue, Nov 27, 2012 at 10:03 AM
subject: RE: Omar Benguit 27-11-12 0031 - Clump of Hair

John,

Thanks for confirming that it is proposed that the hair be re-examined, albeit that this matter appeared to have fallen by the wayside, and that your proposed expert now appears to be different from that initially instructed, and with whom the lab had been in communication regarding the necessary arrangements. I trust the expert will liaise directly with Forensic Access, and the scientist concerned, Caroline Crawford.

I would suggest, though it is a matter for yourselves, that your expert also provide an overall assessment of the hair. The fact that a proportion of the hairs may have been cut, or even pulled, would not take matters much further, owing the variety of hairs in appearance that can accumulate on, for example, a hair brush. For example, cut hairs can accumulate as part of a clump by the simple act of brushing hair following a haircut, and some hairs can have the appearance of being pulled owing to having been pulled from the head while brushing tangled or knotted hair. Consequently, your expert will have to consider the appearance of the clump as a whole rather than simply identifying whether any particular hairs appear to have been cut or pulled. Whether your expert will be able to propose a plausible explanation of how this hair could have been obtained by Restivo will be a matter which I am sure he will consider.

I am not prepared to allow any further DNA testing of the hair. This has previously been done on the instructions of the Commission with a negative result. I can see no basis whatsoever for this work to now be 'second guessed'. I can confirm that this testing yielded no DNA, either from Restivo or anyone else. The examination which I am permitting is for a non-destructive visual examination.

I can also confirm that the fibres from the ring are also being tested / compared against all items seized from Restivo at Throop Mill not simply the Balaclava, as to preclude other black items seized would be negligent, in my view.

Finally, it is for the Commission to determine whether, and at what point, a decision whether to refer this case is made, and on what basis, not Omar's sister.

I hope this serves to clarify matters.

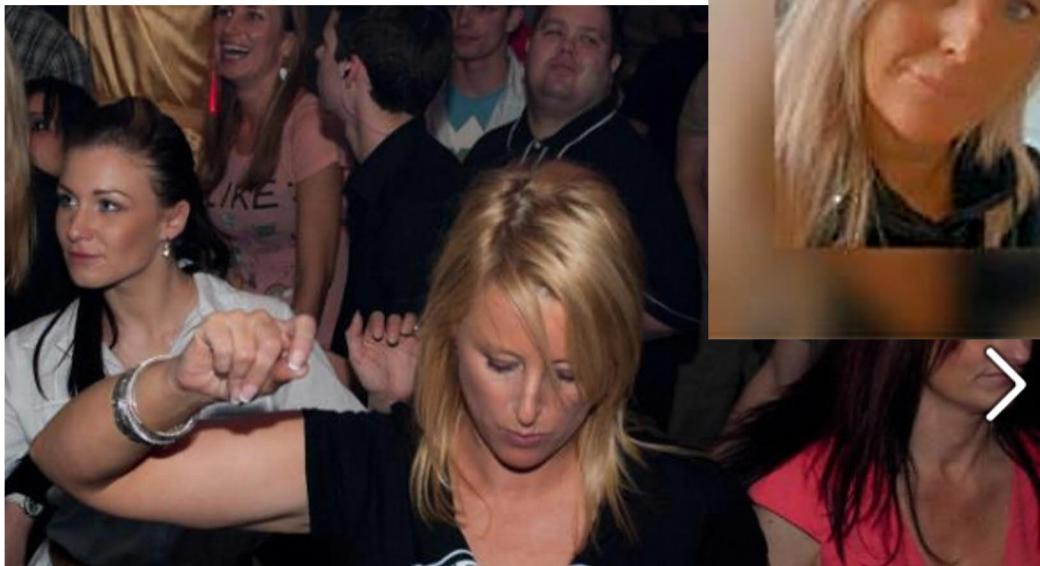
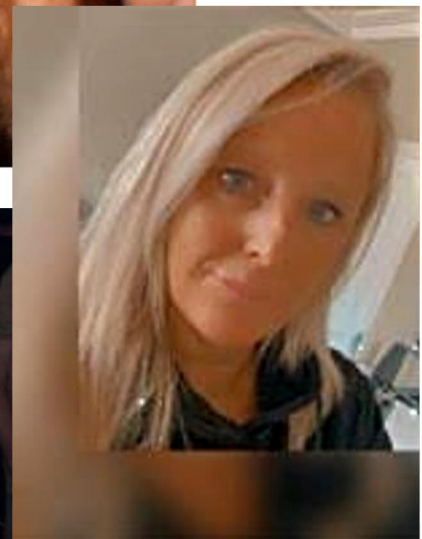
Kind regards,

Glenn



**DONNA
WELSTEAD
CIRCA 2002**

with platinum blonde
straight hair



The CCRC were informed that the hair found at the scene of the crime belonged to Donna Welstead, but it does not correspond to her type or colour.

