



FORENSIC MEDICAL

May 10, 2007

John T. Philipsborn  
Civic Center Building  
Suite 250  
507 Polk Street  
San Francisco, CA 94102

Dear Mr. Philipsborn:

I have had the opportunity to review the report submitted by Dr. Richard Souviron in the case of State of Arkansas vs. Echols. This included information and photography that I had not originally seen, including but not limited to 1,000 plus additional photos, as well as crime scene material and other miscellaneous evidence. I completely concur with the report and opinions of Dr. Souviron.

It is my opinion that the perimortem and post mortem wounds are from animal activity and none appear to be consistent with human bite marks. I have seen no wounds that appear to be made from a serrated knife.

This opinion is based upon review of the information provided and skill and judgment with 25 plus years of forensic evaluation. This opinion is subject to modification should other information be made available at a later date.

If additional information is available, please contact me at any time at my dental practice located at 107 Maple Row Blvd (615) 822-3200 for further study and comparisons.

Sincerely

Michael P. Tabor, D.D.S., D.A.B.F.O.  
Chief Forensic Odontologist  
Office of Medical Examiner  
The State of Tennessee

Office of the Medical Examiner  
850 R.S. Gass Blvd. • Nashville, TN 37216-2640  
Phone: (615) 743-1800  
[www.forensicmed.com](http://www.forensicmed.com)

Accredited by National Association of Medical Examiners

000293

ADD00292

000294

ADD00293

**AFFIDAVIT OF DR. MICHAEL P. TABOR**

State of Tennessee )  
                                  ) ss.  
County of Davidson )

Before the undersigned Notary Public, duly qualified and acting in and for said county and state, appeared Dr. Michael P. Tabor, to me well known to be the affiant herein, who stated the following under oath:

- “1. I, Michael P. Tabor, am a Doctor of Dentistry currently engaged in the practice of dentistry in the State of Tennessee. I am also a Diplomat of the American Board of Forensic Odontologists. Among my professional activities are service to the State of Tennessee as the Chief Forensic Odontologist for the Office of the Medical Examiner.
2. I have prepared this affidavit at the request of attorney John Philipsborn, who has been identified to me as a member of the Bar of the State of California, and one of the lawyers working on *State v. Echols, et al.*, a criminal case which is currently in post-conviction litigation in the State of Arkansas. I have been informed by Mr. Philipsbom that he is one of the lawyers for Jason Baldwin, one of the defendants in *State v. Echols, et al.*
3. I have appended to this affidavit a current copy of my curriculum vitae. The entries appearing on it are true and accurate.
4. As indicated on the appended document, I graduated from the University of Tennessee’s College of Dentistry. Thereafter, I entered the U.S. Army

000295

ADD00294

Dental Corps as a Captain, and served as a General Dental Officer.

5. After my honorable discharge from the U.S. Army Dental Corps, I entered private family dental practice in Hendersonville, Tennessee.
6. Among the professional activities that the Court may consider relevant to my qualifications in connection with the opinions stated below, I am a member of a number of professional organizations, societies, and academies pertinent to the practice of dentistry, and involvement in forensic issues. In 1989 I was appointed to the Tennessee Board of Dental Examiners. Shortly thereafter, in 1990, I was elected Fellow of the American Academy of Forensic Sciences.
7. Beginning in 1993, I served on the Board of Directors of the American Board of Forensic Odontology, an organization the members of which are involved in the application of scientific principles to matters of concern to the nation's judicial and executive branches of government, including matters that arise during the course of the adjudication of cases in civil and criminal courts. The American Board of Forensic Odontology was established to enhance, and revise as necessary, standards of qualification for those who practice forensic odontology. The organization has set forth bite mark methodology guidelines so as to assist the profession, and courts, to identify, and agree on, basic methodology that should be used in bite mark cases so as to maximize the quality, completeness, and validity of the collection and analysis of bite mark evidence. In addition, the Board of

000296

ADD00295

Forensic Odontology identifies those qualifications necessary for professionals in my field to identify themselves as a Diplomat of the American Board of Forensic Odontology, and thus qualified according to the standards set forth by the Board.

8. In 1994, I received the Mastership Award from the Academy of General Dentistry, which is an award given to those identified as having achieved a level of competence in the delivery of services to patients that is recognized by the Academy.
9. In 1994 I served as President of the Tennessee Board of Dental Examiners, and was re-elected as its President for 2008. I also became a member of the American Society of Forensic Odontology in 1994.
10. In 1995 I was appointed Chief Forensic Dentist of the Tennessee Mass Disaster Dental Identification Team.
11. I have served as President and Treasurer of the American Board of Forensic Odontology. I have also served as Secretary of the American Academy of Forensic Science.
12. In 2004, I was elected "Tennessee Dentist of the Year" by the Tennessee Academy of General Dentistry.
13. In 2007, I was appointed to the External Board of Advisers of the Forensic Institute for Research and Education at Middle Tennessee State University.
14. I have also served on the Adjunct Faculty of the University of Tennessee's Forensic Anthropology Program.

000297

ADD00296

15. On a number of occasions, I have been approached by members of law enforcement, and persons involved in the legal system, to review evidence of suspected bite marks, or to assist in the identification of suspected human remains. In discharging my duties, I have learned to apply accepted methodologies, which have been reviewed and discussed in the pertinent scientific community, to the task at hand.
16. In 1983, I testified in *State of Tennessee v. Castleman*, the first time in Tennessee courts' history where bite-mark evidence was admissible in a Tennessee court of law.
17. I have qualified in courts of law as an expert in forensic odontology, including on the identification of classes of bite marks on humans. In my capacity as an expert in forensic odontology, and in the associated forensic sciences, I have been consulted to identify whether marks on a human body were animal bite marks.
18. I have reviewed cases in which it has been my opinion, based on my background, education, training, and experience, and including my ongoing work in education in the field of forensic odontology, that injuries to a specific human body were caused by one or more dogs.
19. I have also reviewed cases (same as paragraph 18) which involved injuries caused by black bears.

000298

body that can, in certain cases, be differentiated from those left by human teeth, or by tools such as a knife. A number of issues are taken into account when identifying particular marks, or injuries, on a human body, as having been caused by animals.

21. In this case (*State v. Echols*) I was asked to review some documents, including numerous photographs taken during what appeared to have been the autopsy of the three boys who were identified to me by counsel as the victims in this case.
22. I received a disk of photographs which were identified to me in a letter from counsel as having been obtained through the West Memphis Police Department, and/or through the Arkansas Circuit Prosecutor's office. I was originally asked, whether based on a review of the photographic evidence, I could form an opinion on the origin of puncture wounds on the three boys' remains.
23. Based on my review of the photographs, I told Mr. Philipsborn that it was my opinion that at least some of the wounds I observed on the remains had the appearance of having been caused by animals, in part because of the shape of some of the punctate wounds.
24. Shortly after I received the first set of photographs that Mr. Philipsborn sent me, I was asked to review a report prepared by Dr. Richard Souviron, who is known to me as having been Chief Odontologist for the Office of the Medical Examiner, Miami-Dade County, Florida. Dr. Souviron is well

000299

ADD00298

- known in the field of forensic odontology.
25. After having reviewed Dr. Souviron's report, prepared in the case of *State of Arkansas v. Echols*, I concluded that the photographs that I had originally been provided were only some of the available materials.
  26. I thoroughly reviewed Dr. Souviron's report, together with the photographs contained in it, and received additional photographs on disk from Mr. Philipsborn which I examined.
  27. Based on the photographs I reviewed, including those contained in Dr. Souviron's report, I am of the opinion that none of the wounds that I saw appeared to be consistent with human bite marks. However, a number of the wounds on all three victims appear to have been caused by animal activity, as the shape, and appearance of the wounds, are consistent with injuries that would be inflicted by non-human shaped teeth.
  28. Part of what an experienced forensic odontologist is concerned with is the identification of marks in particular patterns, and I did not see injury patterns that in my opinion are consistent with the serrated blade of a knife.
  29. In arriving at my opinions, I have considered that the photographic evidence in this case shows certain pattern injuries that are consistent, in my view, with animal activity to the exclusion of human bite marks, or knife wounds.
  30. My opinion is based on review of the information provided, and the application of professional skill and judgment developed during 25-plus years of forensic evaluation. My opinion is subject to modification should

000300



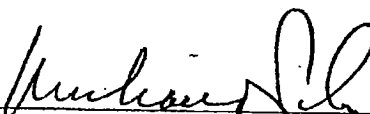
other information be made available at a later date.

31. The opinions stated here are my personal opinions, and my review of Dr. Richard Souviron's report has provided additional data for my opinions. While I respect Dr. Souviron, and believe him to be a qualified and competent forensic scientist, I would not hesitate to disagree with him if the data submitted to me suggested that Dr. Souviron's opinions and impressions were without sufficient foundation.
32. Dr. Souviron's report informed me that there was additional photographic data available for me to review, and I reviewed the photographic data so as to form my own opinion of the cause of the wounds described here.
33. I have never been disqualified from testifying within this field of dental specialty by any court of law at any time.
34. Were I called to testify in this matter, assuming the data made available to me is consistent with what I have previously reviewed, and which was reviewed by Dr. Richard Souviron, I would testify in a manner consistent with the information and opinions set forth in this affidavit."

Further the affiant sayeth naught.

IN WITNESS WHEREOF, I hereunto set my hand this 27<sup>th</sup> day of

May, 2008.

  
DR. MICHAEL P. TABOR

000301

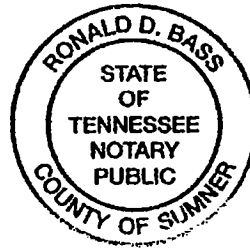
ADD00300

Subscribed and sworn to before me this 27<sup>th</sup> day of May, 2008.

Ronald D. Bass

Notary Public

My commission expires: 9/22/2010



000302