

Lie-O-Metrics

By Reg P. Wydeven
February 26, 2017

When I was a kid, I wouldn't lie to my parents. I tried to once or twice, but I stopped because I was wracked with guilt, disappointment and shame for betraying their trust. That, and I was also really bad at it.

On those one or two occasions where I did fib, I couldn't make eye contact, my face turned red and I started perspiring. My folks didn't need a polygraph to know something was up.

While I pray my kids don't get my receding hairline gene, I do hope they inherit my inability to lie.

Unfortunately, there are people out there who are quite good at it.

In court, witnesses must take an oath that the testimony they are about to give is the truth, the whole truth and nothing but the truth, so help them God. Evidence can be presented to prove a witness is lying, such as video or audio recordings, or documentation. Without such evidence, a witness' testimony is presumed true because of the oath. This is why cases of "he said, she said," are so tough.

So any evidence to either support or contradict a witness' testimony is extremely valuable.

Take Ross Compton, for example. On September 19, 2016, the 59-year-old's home in Middletown, Ohio, burned down, causing about \$400,000 worth of damage. Compton told the police that when he saw the fire, he grabbed some belongings and shoved them in a suitcase and bags. He then broke a window with his cane and threw the suitcase and bags out the window and carried them to his car.

Something didn't feel right to investigators, so the police obtained a search warrant to retrieve electronic data stored on Compton's cardiac pacemaker. The device monitors Compton's heart and helps control irregular heart rhythms. It also records its activity so his cardiologist can analyze the data.

Thanks to the pacemaker, the police were able to determine Compton's heart rate, the pacemaker's activity, and Compton's cardiac rhythms before, during and after the fire. Prosecutors enlisted the help of a cardiologist who testified that it was "highly improbable," due to his medical conditions, that Compton could do all the collecting, packing and removal of items from his house and then carry them in the short period of time he indicated.

Lt. Jimmy Cunningham stated that in addition to gasoline found on Compton's clothing and that the fire was started in multiple places, the pacemaker data constituted some of "the key pieces of evidence" in the case. As a result, Compton was charged with aggravated arson and insurance fraud, to which he pleaded not guilty.

While the police and prosecutors laud the medical data for its evidentiary value, not everyone is so excited. The Electronic Frontier Foundation, a San Francisco-based nonprofit organization that focuses on defending civil liberties in the digital world, believes gathering biometric data invades our privacy.

According to Stephanie Lacambra, a criminal defense staff attorney with the Foundation, "We as a society value our rights to maintain privacy over personal and medical information, and compelling citizens to turn over protected health data to law enforcement erodes those rights."

Like the police and prosecutors, the Foundation will be monitoring Compton's case closely. If Compton is convicted, I'm sure he'll be heartbroken.

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