

Follow-up to: Forensic Linguistics: Applying the Scientific Principles of Language Analysis to Issues of the Law

Further events unfolded in the stalker/serial murderer case after this paper was published. The defendant, having pleaded guilty to third-degree murder, received a sentence of 20 to 40 years. He complained that this was far more than he had been told by his lawyers he would get, and that at age 49, a 20 to 40 term was a virtual life sentence. He was allowed by a judge to withdraw his plea—he claimed he had lied and had not actually killed the deceased—and took his chances in a first-degree murder trial.

To ascertain whether the forensic linguistic evidence would be admitted at the trial, an evidentiary hearing was held in the Summer of 2006. Prosecutor Clarence Patterson, prior to putting Leonard on the stand, called another expert, Supervisory Special Agent James R. Fitzgerald of the FBI. Fitzgerald directs the Forensic Linguistic Services of the FBI within the National Center for the Analysis of Violent Crime, Behavioral Analysis Unit-1: Counterterrorism and Threat Assessment at the FBI Academy in Quantico, VA. The BAU-1 focuses on “the analysis and assessment of communicated threats and other criminally oriented communications.” Agent Fitzgerald, who had authored the forensic linguistic analysis in the Unabomber case and had worked literally thousands of other cases, testified as to the scientific underpinnings of forensic linguistics as well the fact that Leonard’s analysis was to the same standards as the FBI.

Leonard then testified and was questioned by the judge, as well as the defense lawyer, on his qualifications, training, publications, scientific foundation of the report Leonard had written for the police, and other points.

The judge subsequently ordered that Leonard’s testimony would be allowed in the trial.

In October of 2006 Brian Hummert was tried for the murder of his wife Charlene. One of the lead detectives told Leonard the linguistic evidence would be crucial in showing premeditation. Leonard was the second to last forensics expert to testify. It took the jury three and a half hours to find Hummert guilty on all charges.