

1 PEOPLE V. RYAN MADDEN

2 DECLARATION OF GREGG STUTCHMAN

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4 I, GREGG STUTCHMAN, declare:

5 1. I am the Chief Forensic Analyst and the owner of Stutchman Forensic Laboratory. My
6 area of expertise includes audio, video and imaging forensics. I have testified as a forensic expert on
7 more than 155 occasions. My testimony has been in State and Federal Courts throughout the United
8 States.
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10 2. In September, 2005, our lab was hire by the Ventura County Public Defender's Office to do forensic
11 enhancement of the surveillance photos of the suspect in this case. We also received several images of
12 Ryan Madden and another subject who we were told was James Hartely. These photographs were to
13 be used to conduct comparison with the suspect in the ATM photo. A collage of Mr. Madden and Mr.
14 Hartley was prepared for visual comparison with the suspect in the ATM photos captured from video.
15 The pictures of Mr. Madden which were sent to use for comparison with the suspect were not taken
16 from a perspective, distance and focal length similar enough to the ATM video images to be accurately
17 used for facial comparison. The work described above was provided to the Public Defender's Office. I
18 never received or saw night time pictures of Mr. Madden taken at an ATM. Our contact on this case
19 was with Ventura County Public Defender Investigator Anthony Paradis. All material received was
20 from him and all material work product which we did was sent to him. Our work was provided in
21 digital form and printed. Ultimately our work on the case stopped due communication from the Public
22 Defender's Office stopping on their end. I did not prepare a report nor offer my professional opinion to
23 regarding the identification of the subject shown at the ATM machine. This is because my analysis of
24 the pictures was incomplete, due to the different perspective, focal length, distance and/or poor quality
25 of pictures I was sent to compare with the subject."
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1 2. I was not asked to conduct forensic photogrammetry to determine the height of the suspect so
2 it could be compared with Mr. Madden. I do have an expertise in that field. I have conducted
3 photogrammetry analysis to calculate the height of suspects from security videos on numerous
4 occasions and have testified in State and Federal Court as an expert in forensic photogrammetry. I am
5 a member of the American Society of Photogrammetry.
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7 4. I have received and reviewed the close range photogrammetry report of Gary Robertson of
8 Gary Roberston & Associates. In his report and Review of Procedures document he describes the
9 process and evidence which he used in this case to calculate the height of the suspect in the ATM
10 camera. Though I have no sufficient time available, due to my case load and trial deadlines, I believe
11 his work to be within the accepted scope of the photogrammetry community.
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13 5. If the time and funds were available I would conduct reverse projection photogrammetry. It
14 is described as follows:

15 **Reverse Projection Photogrammetry** may be used when there is no object of known
16 dimension in close proximity or on the same plane as the suspect. In this case still images of
17 the suspect must be captured from the video. These images should be taken with you to the
18 scene. Reverse Projection Photogrammetry requires the use of the same security video camera,
19 set at the same angle and same focal length as was the case when the crime occurred. If that
20 camera is no longer present, another camera can be used replicating the focal length, height,
21 angle and perspective.

22 It is necessary to establish the exact location where the suspect was standing. Often
23 there are square flooring tiles of distinctive colors and patterns which can be valuable in
24 determining this. Other times his/her position can be determined by their location with respect
25 to such things as fixed items on counters, etc. Before visiting the scene, a height chart with a
26 base that allows it to stand without being held should be purchased or prepared. It should have
27 lines incrementally. Since most CCTV security cameras are not of notable quality, the lines
28 denoting the measurements should be prominently and boldly placed so they will be clear when

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captured by the camera. When no height chart is available, a person of known height standing erect can be used as the object of known dimension.

After determining that the angle and the focal length of the camera are adjusted the same as when the incident was captured, new footage is captured with the height chart in place. If it is not totally clear where the suspect was standing at the time of the incident, the height chart can be moved side to side and backward to forward several times to ensure that the same location where the suspect was standing is covered.

Once the new footage has been captured, the use of Adobe Photoshop is required back in the lab. The image of the suspect from the original crime video is used as the base layer. Frames from the second video are viewed to obtain a frame where the height chart is in the same location as the suspect. Once this has been done, this image is placed as a new layer and is used as an overlay. Care should be taken to be sure to adjust the alignment of both layers to ensure that objects in the image are properly aligned. When that has occurred, the height chart and the suspect will be visible in the same location and the height of the suspect can be determined by the chart. The opacity can be adjusted to achieve the best clarity for both the chart and the suspect.

6. Reverse projection photogrammetry is recognized by the forensic community and is used by and testified to, by the Federal Bureau of Investigations.

I declare under penalty of perjury that the foregoing is true and correct and that this was executed on June 17 at Napa, CA


Signature