CASE NO. 19-6567

CAPITAL CASE

IN THE UNITED STATES SUPREME COURT

DANNY LEE HILL,

Petitioner,

v.

STATE OF OHIO,

Respondent.

SUPPLEMENTAL APPENDIX TO REPLY TO STATE OF OHIO'S BRIEF IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI

State of Ohio

County of Trumbull County

AFFIDAVIT

In Re: Trumbull County Common Pleas
No. 1985-CR-317, State of Ohio v. Danny Lee Hill

Now comes the Affiant, Lowell J. Levine, D.D.S., who duly sworn according to law, deposes and states:

That Affiant is the current director of the Medicolegal Investigations Unit for the New York State Police.

That Affiant is a member of the American Academy of Forensic Sciences, and served as the academy's president from 1980-1981 and chaired the academy's Odontology Section from 1971-1973.

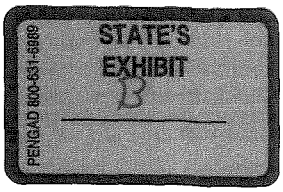
That he is a Diplomate of the American Board of Forensic Odontology and served as the board's president from 1981-1982.

That Affiant has been retained as a consultant in a variety of national and international high profile cases involving forensic odontology including the Medgar Evers Homicide in Hinds County Mississippi (1992-1994), the TWA Flight 800 Joint Terrorism Task Force, New York State Police (1996), Czar Nicholas and Family Investigation, St. Petersburg, Moscow (1993), Philadelphia Special Investigations Commission, MOVE Investigation (1987), and Office of Special Investigations, U.S. Department of Justice, Josef Mengele Investigation, Sao Paulo, Brazil & Washington D.C.

That Affiant has been qualified as an expert witness in the field of forensic odontology in no fewer than 25 U.S. states, the District of Columbia, The U.S. House of Representatives Armed Services Committee and the U.S. Senate Judiciary Committee.

That Affiant offered expert testimony in State of Ohio v. Danny Lee Hill in Trumbull County Common Pleas Court No. 1985-CR-317 in 1986. That at trial, he testified as a witness for Defendant Hill. At trial Affiant testified that injuries to the penis of victim Raymond Fife were consistent with human bite marks. The Affiant further testified that in his expert opinion, the bite marks could have been inflicted by either Defendant Hill or his Co-defendant Timothy Combs.

That Affiant was contacted by the Trumbull County Prosecutor's Office in early 2016 seeking a re-review of the evidence and trial testimony. Since that time, Affiant has viewed 27 photographs of the victim's injuries, a DVD of Defendant Hill's dental photos and a DVD of Co-defendant Combs's dental photos, and Affiant's prior trial testimony.



That following this review, Affiant interprets the victim's injuries as consistent with human bite marks. I have prepared a written report expressing this opinion and it is supplied with this affidavit.

FURTHER AFFIANT SAYETH NAUGHT

Lowell J. Levine, DDS, DABFO

SWORN TO AND SUBSCRIBED in my presence this 11 Day of March, 2016.

DAWN M KENYON
NOTARY PUBLIC-STATE OF NEW YORK
No. 01DU5050371
Qualified In Albany County
My Commission Expires 10/10/2017

LOWELL J. LEVINE, D.D.S.
Forensic Consultant
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February 29, 2016

LuWayne Annos
Assistant Prosecuting Attorney
160 High Street N.W.
Warren, Ohio 44481-1092

Dear Ms. Annos,

I have reviewed the following:

Report, Lowell J. Levine, DDS, November 19, 1985
Trial Testimony of: Lowell J Levine, DDS
Joseph Sudimak, Jr., MD
Howard Adelman, MD
Curtis A. Mertz, DDS
Hearing Testimony of: Franklin D Wright, DDS, December 21, 2015
Report, Franklin D. Wright, DDS, March 30, 2014
Twenty-Seven Photographs of the victim's injuries
DVD, "Tim Combs, Dental Photos, Taken 2.19.16, Warren P.D., Eric Eric Laprocino"
DVD, "Danny Hill, Dental Photos, Taken At Warren P.D. 2.19.16, Eric Laprocino"

It should be understood that the analysis of pattern injuries believed to be Human Bite Marks is based upon a subjective interpretation of those patterns. The comparison of those injuries with the dentition and an exemplar of the bite pattern that the dentition in question would cause is an Art based upon Science. The comparison of dental radiographs for identification of an individual is also based upon an interpretation of the patterns of a "known" radiograph of the individual with the radiographic patterns of a radiograph of the individual in question. In any situation involving interpretation of the evidence competent professionals can arrive at differing opinions.

After review of all the material submitted I believe my trial testimony was honest, proper and correct and given to the best of my ability. My interpretation of the injuries is that they are consistent with bite marks based upon that review.

Sincerely,

Lowell J Levine, DDS, DABFO