

CHAPTER 107  
FORGERY AND UTTERING INVESTIGATIONS

DISCUSSION: If any person shall, with the intent to injure or defraud, make any instrument in his own name, intended to create, increase, discharge, defeat or diminish any property whatever, and shall utter and pass it under the pretense that it is the act of another who bears the same name, he shall be guilty of forgery.

Any person who with intent to defraud, utter and publish as true, a forged, altered, or counterfeit instrument, in writing knowing such instrument to be forged, altered or counterfeit instrument with intent to utter it.

Forgery and uttering is a felony no matter what the amount involved. It is also a felony to possess a forged or altered or counterfeit instrument with intent to utter it.

107.1.1 To Prove Uttering

The Investigating Officer must show that the suspect actually attempted to pass or had intended to pass a forged, altered, or counterfeit document. Proof can be in the form of witness identification, police observations or video surveillance.

The Investigating Officer must show that the instrument was in fact forged, altered or counterfeit.

Generally the institution that issued or that the instrument was made on, can assist in determining the documents falseness. The same instrument or document must also be sent to the crime lab for verification of being altered, forged or counterfeit.

- A. Some instruments can be sent to the United States Postal Lab or the FBI Crime Lab if there is jurisdiction in the case.
- B. Most questionable documents or instruments are sent to the Mississippi Crime Lab verification.

107.1.2 To Prove Forgery

The Investigating Officer must show that the suspect actually forged the signature on the document.

- A. The best way to prove that the suspect forged the signature is through handwriting comparisons. The various crime labs must compare the known handwriting exemplars with that of the unknown writing on the document.
- B. It is up to the Investigating Officer or Criminal Investigator handling the case to obtain known handwriting exemplars from the suspect. The known exemplars must obtain from the suspect in accordance with crime lab regulations.

- C. If the questioned document is written in print, the known exemplars should be obtained in print. If the questioned document is written in cursive, the know exemplars should be obtained in cursive.
- D. In obtaining know exemplars, the handwriting form must be filled out by the suspect. In addition to the handwriting form, the suspect should also fill out several 3 x 5 cards, writing the signature that appears on the questioned document. When checks are the questioned document, the suspect shall fill out several sample check sheets.
- E. The Criminal Investigator or the investigating officer may also submit the document to the crime lab to be processed for fingerprint comparison. A set of known inked prints, palms, and tips from the suspect must also be sent.
- F. Crime Lab handwriting reports and fingerprint comparisons can be used as hard evidence against the suspect.
- G. When submitting questioned documents to the crime lab for handwriting and fingerprint comparisons, the original document must be submitted.
- H. Known handwriting exemplars can also be obtained from other sources such as jail booking cards, bank accounts, letters, etc.