

*Timothy P. Nishimura
Forensic Document Examiner*

*4613 - 105th Avenue N.E.,
Kirkland, Washington 98033-7636
206 930-7654
fax 425 827-0789*

Nish2002@Earthlink.net

DECLARATION

Re: Chaudhry
document examination

I, Timothy P. Nishimura, make the following declaration:

1. I am over the age of 18 and competent to testify.
2. I am a Forensic Document Examiner with a professional private practice limited to the identification of handwriting, signatures, hand printing, and typewriting and the detection of forgery and alterations in documents. I have done this type of work for over 36 years and a copy of my professional resume is attached as exhibit A.
3. I have been retained by Devin T. Theriot-Orr of Gibbs Houston Pauw, Attorney for Muhammad Chaudhry, to conduct a forensic document examination of a questioned checkmark.
4. The questioned checkmark appears on a copy of page one of a Yakima Police Department Personal History Statement, Police Applicants form (a copy of which are attached to this declaration as exhibit B). The checkmark appears in the "Yes" box corresponding to the question regarding documentation of U.S. citizenship.
5. As standards of genuine checkmarks and "x" marks of Mr. Chaudhry, I examined the other 15 pages of the Personal History Statement and a copy of a City of Yakima Application For Employment.
6. The Statement and Application were analyzed, compared, and evaluated.

Declaration of Timothy P. Nishimura
Re: Chaudhry document examination
page two

7. As a result of my examination, I am unable to determine whether the questioned checkmark on the Personal History Statement, exhibit B, was written by Muhammad Chaudhry. There are, however, indications that Mr. Chaudhry is not the writer of the checkmark. Indications is a weak conclusion that points toward or suggests a particular finding.

8. I concluded that there were indications that Mr. Chaudhry is not the writer of the questioned checkmark because of fundamental, persistent differences between the questioned and genuine checkmarks. Mr. Chaudhry's checkmarks differ from the questioned checkmark in their placement within the box (i.e. touching the bottom), and the length of the tail which is persistently longer than that of the questioned checkmark. In addition, the genuine checkmarks are different in that their tails extend outside of the box. Another indicator that Mr. Chaudhry is not the writer of the questioned checkmark is the fact that it is the only checkmark designator on the Personal History Statement. Aside from the questioned checkmark, all of the other 53 response boxes have been completed with an "x".

9. I was not able to reach a definite conclusion because the questioned document had a significant shortcoming. The Personal History Statement which I analyzed was a copy, not an original. In some cases, having only a copy to examine is not a handicap, but in this matter it greatly restricted the extent, types, and precision of my tests. My analyses of a copy instead of the original meant that I was excluded from testing for different inks and different writing instruments, embossing patterns, stroke direction, and indented writing. Indented writing is created by the incidental transfer of the writing instrument's pressure track to the pages beneath the page being written. Detection and decipherment of the indented writing on the page beneath the questioned checkmark could have revealed evidence of an addition. Any one or combination of the fore mentioned tests may have provided definitive evidence that Mr. Chaudhry was not the writer of the questioned checkmark. Unfortunately, none of the those tests can be conducted on the copy of the Personal History Statement.

Declaration of Timothy P. Nishimura
Re: Chaudhry document examination
page three

10. The absence of the original of the Personal History Statement also compounded the problem of the quantity of questioned writing. A forensic examination of only a single checkmark is a difficult analysis, even more challenging when that checkmark is not an original.

I declare under the penalty of perjury under the laws of the State of Washington that the foregoing is true and correct to the best of the knowledge and belief.

Kirkland, Washington
May 27, 2010



Timothy P. Nishimura