

FENYVESI, CSABA – FÁBIÁN, VANESSZA

Speaking Absence Clues

Preface

In a 1980s episode of Columbo, we see an investigation where the suspect husband attempts to prove his alibi with a tape recording. He used the tape to show that he was at home in his apartment, in the living room, at three p.m. when his wife was murdered, indicating he couldn't have been the perpetrator elsewhere. The inspector was skeptical and listened to the recording once, then again, and at least ten more times. He paid close attention to the sounds, the background noise, everything perceptible to the human ear. Then he realized: it wasn't about what he heard, but what he didn't hear. What was missing were the three gongs of the living room's standing clock. The husband was not in the house at three p.m., so his false alibi didn't work¹.

The negative clue and the crime scene investigation

The above case of the crumpled balloon detective who always talked about his unseen wife inspired us to examine real criminal cases:

- a) what is the significance of the missing clues or material remains?
- b) what is the message of missing clues, and material remains?
- c) what conclusions and lessons can be drawn from reviewing them?

¹ This study is the English version of the presentation delivered at the conference 'The Science and Practice of Law Enforcement' held in Pécs 27.06.2024.

We believe that the answers will also be useful for law enforcement-practitioners (law enforcement officers, investigators, prosecutors, judges) in criminal cases.

Scrolling the questions further: where is the first place where the absence of clues can first emerge? It is not hard to answer: on crime scene investigation. As the cardinal moment of the investigative "first strike". Statistics show – and not only in our country – that 60-70% of all crimes are committed at the crime scene. Where it is worthwhile to carry out an on-the-spot inspection, where there is something to search for, to investigate, to "comb", where the building blocks, the clues, and material remains included in the identification pyramid can be found.² There is a tendency for forensic scientists all over the world to value the primary crime scene, because everywhere – whether on the European continent or in the Anglo-Saxon oriented countries, including Australia, as well as in Asian countries – the crime scene is a "repository of data", an "open book to be read."

It is a forensic cliché that says that every crime scene is different. Consequently, the extent to which a site visit can be conducted with targeted specificity can be of great importance. In order to do this, a good criminalist, crime scene examiner, or crime scene investigator-CSI must "get under the skin" of the perpetrator³ to conduct an effective search for clues, i.e., to follow the suspected "path" of the perpetrator⁴ and to find and record all the clues, material residues and lesions that may have been left in connection with the perpetrator's movements. Carefully and thoroughly. we would say that the more thorough and attentive the perpetrator was at the scene – leaving nothing behind – the more thorough and attentive the observer should be.

² See in more detail Fenyvesi, Cs. – Orbán, J. (2019/2): Electronic data as the building block of the 7-5-1 criminalistics pyramid model. *Belügyi Szemle*, 45-55

³ It is worth doing a "thought reconstruction", on which several Hungarian authors have already expressed their views. The most recent of these is Gárdonyi, G. (2023): *Criminal crime scene investigation*. Ludovika Egyetemi Kiadó, Budapest

⁴ On the "paths" that can be followed on site, see Kovács, L. (2009): *The Moor was done...* Korona Kiadó, Budapest, 38

In our opinion, no clues or material remains free on the scene; we just have to find and investigate the often-invisible alterations left at the crime scene (which must be associated with appropriate interpretations and meanings). And this leads to us to the specific topic of this study: equally valuable can be the so-called "negative clues"⁵, i.e., what isn't there and should be, or what was and is now missing. Often the non-existent missing clue says more than the "speaking" present one.

The lack of a speaking trace in a murder case

As practicing investigators, we became aware of the phenomenon and significance of the lack of material remains when we faced an almost shouting negative circumstance in a Baranya (county) murder case.

On September 15, Friday, around 5 pm, 4-year-old Aniko O. disappeared from a playground in front of a block of flats in Komló (city). Police officers searched the four-storey house, from the basement to the attic, together with the residents. They interviewed relatives, searched the house, the garages, and the nearby woods for days, but to no avail.⁶ At 7.20 a.m. on Tuesday, 19 September, local resident B. Z. reported to the Komló Police Station that the body of Aniko was lying in the basement of their house, in one of the storage rooms.

The inspection committee immediately started the crime scene investigation under the state administrative rules. A clue of odour (more precisely, a residue of odour) was recorded at the front of the basement storage room, and a (criminal investigating) dog was set on the alert. The dog went to the house at 26 Fürst S. u. 26, sniffing furiously, but lost the scent there.

The body – which did belong to Aniko O. – was found in the pantry of a resident of the house, a man named Á. Z. The room was not locked, a heavy 55x55 cm boiler plate had been propped against its wooden wall. The narrow window of the storage room was found closed and intact. There

⁵ Dobos, J (1964/1.): Negative conditions on the ground. *Belügyi Szemle*, 54-59

⁶ For more details, see Fenyvesi, Cs. – Kodba, F. (1990/4.): Investigation of brutal homicide of a young child. *Belügyi Szemle*, 106-113

were no signs of slipping or other marks on the sill or the wall. The body was lying on top of a log pile, covered with a fibreboard, with no plates. The hands were folded behind the back and tied with shoelaces. As there was no doubt that the crime was suspected the committee proceeded to a criminal investigation.

Examination of the body revealed lobular lesions on the face and upper lip, scarring on the tip of the chin, a long incised tracheal opening cut on the neck, and a disfigurement on the nose. Several puncture wounds were noted around the left nipple and on the abdominal wall, with protrusions of the small and large intestines. The bones of the limbs and trunk appeared intact. All known clothing and utensils of the victim were found on or near the body. Also recovered from the vicinity of the body were pieces of the Transdanubian Journal of 18 and 21 August, used as a grip, two crumpled paper bags of 16.80 and 16.50 hand-rolled paper used in grocery stores, and a 100-piece paper handkerchief nylon bag.

Despite all these brutal bodily penetrations and cuts, the 1-1.5 liters of (spilled) blood that accompanied the knife wounds were missing. The absence was almost screaming. Look for me! Message received by the policemen. With feverish diligence, they searched the blood at night using the luminol method under complete blackout. They found red stains in several places, but it turned out that some had cut chicken, others fish, or cleaned or shaved clumsily. Starting with the body, they systematically searched every room in the stairwell and every flat in the house. They needed to know where the two paper bags found next to or under the body, with the price label, the patterned nylon shirts with the price label, the two August issues of the Transdanubian Journal, the shoelaces tied on the girl's hands, and most importantly, where the crime against life itself had taken place, had come from. Where is the primary crime scene? Why did the perpetrator take the victim down to the basement pantry, which is open to all? Precisely because he/she knew that finding the corpus at the scene of the crime would have pointed to him/her.

The thought reconstruction, the logical conclusion from the lack of material remains, was correct. In the perpetrator's apartment on the high ground floor of the house, the investigators found individually identified hair and blood remains of the little girl. In addition to her confession, this was strong evidence for the conviction of Eva V. and the imposition of her 18-year prison sentence.

The evidentiary significance of material remains' absence in attempted homicide

It is not only the absence of human material remains (clue) that can speak to the clever speaker, but also other non-human origins.

Such a negative clue became conclusive evidence in an incident in a village in Tolna County. According to the initial data, the suspected man poured a flammable substance (petrol or diesel) on his secret love in the early morning of 25 April 2021 and then set her clothes on fire with his lighter. According to the indictment, the victim was sitting on the terrace of her house, where the dousing and the lighting of the fire took place. However, confirming and accepting the arguments presented in the submissions and comments of the defence counsel, the Szekszárd Court of First Instance (Tribunal) correctly found that the pouring down could not have taken place on the terrace, as the crime scene investigation did not reveal any material remains of liquid (combustible, such as petrol or diesel). There simply was none. No liquid droplets, stains, or moisture were found, just a circular burn mark. As a result, the spill as alleged in the indictment did not occur there, and the woman identified as the victim did not come into contact with the gasoline in her clothing on the patio.⁷

⁷ Number of the acquittal decision in 2023: Szekszárd Tribunal Court 20. B. 120/2022/44-II. Number of the upholding decision in 2023: Pécs Regional Court III. Bf. 50/2023/6/II

The importance of voice non-recognition

During our research, we also noticed that it is not only the lack of physical evidence or material remains that can be found in criminal cases. It is also possible that a lack of a “memory clue” can be part of the evidence.

We recall the 2006 robbery case of a lottery worker in Alkotmány Street, Pécs.⁸ According to the indictment, on 19 July 2005, at 8.05 a.m., the hooded man, who was partially covered by his jacket, walked into the sales room with what appeared to be a weapon in his hand, pointed his gun at the lady standing at the counter and declared: *“I am a heroin addict, I will make you crippled forever.”*

The victim placed the total amount of 70.957, - HUF into the bag he had brought with him and left after opening the door. Before doing so, however, he repeated several times that *“I’ll make you a cripple”* and *“don’t tell the cops, I’ll be back.”*

A few seconds later, the victim opened the door and ran into the adjacent bearing shop, where she hurriedly told the two male employees what had happened. One of them, the owner of the bearing shop, ran after the perpetrator – without success – and the other employee called the police on the phone.

During the investigation, the authorities carried out an act of recognition. During this act, carried out under the rules of criminal procedure and criminalistics, the victim did not recognize the voice of the suspect, although it was distinctively hoarse, as confirmed by others. Nor did the victim mention this in his interview given in the minutes following the robbery, nor in his detailed testimony. All these anomalies (among many others) were noted by the local court and the appeal chamber. The negative trail, which the witness did not observe, was assessed as not establishing that the accused person had uttered the threatening words.

⁸ The details of the case leading to the discharge (quitting) can be found here: Fenyvesi, Cs. – Nagy, M.(2007/11): Criminalistical and criminal procedural lessons of armed robbery case. Magyar Rendészet, 106-121

Conclusion to be drawn from the absence of electronic data

In the middle, auxiliary or mediating part of the theoretical pyramid model of forensic science we have already mentioned (7-5-1), electronic data are the last to appear, alongside clues, material remains, documents, and confessions.⁹ Today, there is hardly a crime of major importance (murder, kidnapping, robbery, terrorism, etc.) that does not involve electronic data in its investigation. As Pál Déri aptly pointed out in 1970: "*The golden grains are hidden in the sands of the rivers.*" Today, in the 21st century, we can say: "*The golden grains are hidden in the brains of computers.*"¹⁰ Chiselled further, as mobile phones also hide treasures to aid the investigation, "*The golden nuggets are hidden in the chips.*" However, we also noticed in this round that the absence of electronic data could be a talking point. Specifically, it stood out in a 2014 event that shook the whole world.

From the beginning, we have watched and analyzed the disappearance of Malaysian airliner MH370.¹¹ The Boeing 777-200, a young airliner of 1995 construction (300 tons, full tank), took off from Kuala Lumpur in good weather conditions at 00.40 on the night of 8 March 2014, heading for Beijing with 239 people from 14 countries on board (2 pilots, 10 cabin crews and 227 passengers, the largest of which was a Chinese group of 157). For almost an hour, the plane followed the route set by Malaysian air traffic controllers. The flight captain piloted the aircraft, while the first officer ("co-pilot") radioed on the communication channel. His last message, which was otherwise in a completely calm tone, was given at 01.19 to the Malaysian capital's control centre. The content of the message was, according to initial reports, "*all is well, good night*". This is what the

⁹ Fenyvesi, Cs.–Herke, Cs.–Tremmel,F. (2022): Criminalistics. Ludovika Egyetemi Kiadó, Budapest. 49-53

¹⁰ Fenyvesi, Cs.(2017): Tendencies of Criminalistics. Dialóg Campus, Budapest-Pécs. 69

¹¹ For details, see security risks – forensic responses by the one of authors. Csaba Fenyvesi: Security and forensic lessons from the disappearance of MH370. In: Studies from the conference "Security Risks – Law Enforcement Responses". Border Guard Scientific Publications. XV. Pécs, 2014. 167-176

Malaysian authorities claimed and communicated to the world press until 1 April, when the original recording was revealed to be “*Good night MH370*”.

This text was spoken as the plane reached the Vietnamese border, still heading north. However, it was later revealed that this message had already been sent after one of the communications signaling systems had been switched off. After the last sentence (after a few seconds), the nose of the plane was first turned to the west and then, as it passed, it climbed to over 13,000 metres, exactly 13,700 metres

according to military radar. Later, it descended almost in a dive to 7,000 metres. At Penang Island in Malaysia, the plane changed course again and headed south towards the Indian Ocean, towards the Andaman Islands.

At 01.38, the Vietnamese control tower detected that the crew of the aircraft had not checked in. At 2.15 a.m. a Malaysian Airlines official reported to Kuala Lumpur air traffic control that the aircraft was heading for Cambodia, but no sign of it was detected there either. Inquiries were then made in Singapore, Hong Kong, and Beijing, but none of the air traffic control teams detected MH370 in their airspace.

An "alert" situation was then initiated, which resulted in a search over the South China Sea (Strait of Malacca) at 5.30 am (in water and on water), as the last civilian signal was detected heading towards the Andaman Islands.

The military satellites were more sensitive and it was discovered much later, days later, that a last signal (electronic data) from the aircraft was received at 8.11 am, but it was already deep south over or on (under) the Indian Ocean.

The marine search was not successful. Based on an unprecedented analysis of satellite data, the Malaysian Prime Minister was forced to announce on 24 March that “*I am sad to inform you that flight MH370 ended*

up in the ocean".¹² They have been searching there ever since and it is no exaggeration to say that the largest ever extended search in the world has been going on for months – to no avail.

What is significant for our topic is that on the day of the take-off, 8 March, the Malaysian authorities had to think about and come up with a reasonable, possible scenario. Among these, we highlight the following realistic ones:

- A) Machine distraction.
- B) Terrorist action.
- C) Passengers' psychological problems
- D) Psychological problems of staff.
- E) Personal confrontation between the occupants of the aircraft.
- F) Insurance case - for family support.
- G) Fire.
- H) Technical fault.

Ad A)

The hijacking was strongly supported by initial Malaysian official communications, giving hope to the relatives of the passengers. Somewhere the plane may have landed and the family members may still be alive. However, the hypothesis, which was sympathetic to the masses of relatives – mainly Chinese – who demanded correct information, was greatly weakened by the fact that no alert signal, (let us say electronic data), was transmitted by any of the captains. Nor did the crew or the 227 passengers on their thousands of digital devices (mobile phones, tablets, notebooks, etc.). No claim was received in any of the countries involved, and no landing was detected by civilian or military radar or satellites.

¹² According to expert data analyses on 28 May, the plane reached the surface (and then the bottom) of the Indian Ocean about 2,000 kilometres off the west coast of Australia with a tank of fuel empty.

Ad B)

There were also arguments against the terrorist act related to point A; the set of "negative clues" is striking, i.e., things did not happen that (normally) should have happened in a terrorist act. There was no claim, no claim of responsibility, no message to the world about the targets, and no crash into any buildings or "enemy" ground targets. Nor was there a shoot down by anyone else, because the sound and light effects would have been detected by satellites and military radar.

Ad C)

Background checks on passengers (Chinese, Russian, Ukrainian, Italian, Austrian, etc.) started already on 8 March, and official investigators-secret services-military air safety units from 26 countries were involved in this (and in the search for remains). In addition to one flight engineer who was subject to enhanced screening, a total of two passengers were caught in this sieve: the Italian Luigi Maraldi and the Austrian Christian Kozel. In fact, 19-year-old Puri Nur Mohammadi and Delavar Szejed Mohammadreza were hiding behind the two passports stolen in Thailand in 2012. The two Iranians were identified on 11 March with the help of Interpol: they traveled on their own passports from Doha, to Kuala Lumpur and then boarded a Malaysian plane using the fake passports to fly to Amsterdam after Beijing. From there, one of them wanted to go to Copenhagen as their final destination, and the other to Frankfurt - to work.

Ad D)

Nothing suspicious was found among the flight attendants, but during a search of the home of Captain Zaharie Ahmad Shah, 53, who has flown 19,000 hours, investigators found a flight simulator. The pilot had been practicing on it in his spare time and recently had electronic data deleted from it. The computer data file (machine) was handed over to the US authorities, specifically the FBI, to unravel and recover the deleted data. Searchers also found a picture and a brief description of the home-built 777 simulator created by the captain, uploaded in November 2012. The screen appeared to investigators to show what appeared to be the airport near Konarak in eastern Iran during landing, which was supposed to be part of the missing plane's authority. (No landings or intrusions were reported from

Iran, however.) In another video, the pilot demonstrates how to save 25% of the air conditioning power. Other data collection has also revealed that the captain is an activist for the Malaysian opposition figure Anwar Ibrahim's Justice Party, but the validity of this claim has not been confirmed.

The co-pilot also proved not to be above suspicion, as an unsuccessful search of 27-year-old Fariq Abdul Hamid's home revealed that he had recently let two South African women into the cockpit of a short flight from Phuket to Kuala Lumpur and entertained them. He even allowed them to smoke cigarettes, which is strictly forbidden. However, no other suspicions were raised against him.

And finally, an important addition to this subsection: neither pilot asked to drive with the other. (The Malaysian authorities did not disclose to the press their previous communication with each other, or their family circumstances.)

Ad E)

No indication was given by the crew (pilots and flight attendants) of any personal confrontation or conflict on board. Likewise, no messages or emergency codes were sent by the passengers present.

Ad F)

The Malaysian authorities have not spoken, and have not conveyed any version of possible insurance fraud. In other words, someone deliberately, for the support/indemnity of their family, relatives, or even creditors, deliberately creates the appearance of an accident, a tragic, fatal event, in order to get the substantial insurance amount to those entitled to it.

Ad G)

As well as the fire, which has been raised by several professional pilots and safety experts from the US, Britain and other nationalities. The assumption was that a fire had started on the plane and that the pilots wanted to test the fault by disconnecting the electrical power (or communication channels) to locate the source of the fault. Unfortunately, however, they suffered carbon monoxide poisoning and the autopilot continued to fly the plane until it ran out of fuel (or tried to land on the nearest runway on land, so they turned

west towards Langkavi Island, which would have been the nearest landing site in Malaysia.)

However, the available data made this version questionable from the outset and even ruled it out. On the one hand, the flight protocol does not provide for the disconnection of the communication bands in such cases, and on the other hand, the last verbal report of the first officer ("co-pilot"), completely calm and without any indication of an emergency, problem or technical fault, was made after the first signaling system had been switched off. Thirdly, in the event of smoke, pilots are provided with oxygen masks, so the likelihood of intoxication is low. Finally, a very strong counter-argument was made later, that the aircraft did not turn the rudder to the west, but the computer was reprogrammed with meticulous typing of new flight data. (Which suggests conscious foresight, time management, and not a sudden emergency.)

Ad H)

In a separate category, we believe that there could be other malfunctions besides the fire, perhaps the result of a natural disaster (lightning, tornado, turbulence, etc.) If we examine this, we can quickly dismiss it, since, firstly: the weather conditions in the area were completely clear on the flight path. Secondly: there was no distress signal from the cabin. And thirdly: the turn to the west was made after the co-pilot had said a reassuring goodbye. No obstacles or natural difficulties were encountered, nor were any in Vietnamese airspace beyond Malay. Nor did the ACARS system send any technical-technical error messages or electronic data to the aircraft manufacturer.

Without revealing any further investigative data, we will say that in our judgment there is only one version left, which we do not see as having excessive weaknesses (not saying that it has none), but rather suspicions, motives, and strengths. In our view, all natural and technical disasters can be ruled out based on the data. The disconnection of the aircraft's communication channels and its two sharp, partially programmed changes of heading to the west and south are the result of conscious human activity. We do not see any terrorist threat or hijacker behind the execution of this action, as the programming indicates preparation, and no distress signal is given

either by the crew or the passengers. And in this case, the negative (absence) clues in the title of our study must be very firmly assessed. In other words, we must not (only) evaluate what we see, hear, receive, and obtain, but also what we do not see, hear, or receive, although we should normally have received it. These include, in this case, the signals from the emergency signals that were not received, not triggered, the signals from the communication channels, partly from the crew, including the two pilots, partly from the flight attendants, and partly from the passengers, who have a clutch of digital devices. The negative clues “live” for hours, for long hours, not arriving or running in after 01.19 until 08.11. There can be no natural or technical disaster behind this. Behind this, there may even be the seemingly terrible fact that there is no one to send them.

There is none, as our version of the story is that these sources have been deliberately removed. The communication channels have been disabled by disconnections, except for ACARS, which cannot be disabled from the machine. But whoever did this was aware that it was of no significance, because it is not a position indicator, but a technical status indicator, and there is and was no problem with it, so it did not and could not compromise his plan. The human sector could have been the one that posed a threat to it, as the flight attendants or passengers could (would have) detected the two-fold change of route or the significant change of the compass heading. So, they had to be neutralized, and this explains the negative clue why no signals from the sky were received from any person during the more than 7-hour flight. There is really only one explanation for this in a realistic way: because only one or two people, our version is one person, survived on board for that long. And that can only be the captain or first officer in the cabin. The latter is really out of the picture in our assumption (not certainty), because at 27 years of age one does not usually want to fly a plane to death, (he does not have much routine or experience for special manoeuvres, therefore he is not a first choice), he was rather a cheerful first officer ("co-pilot") and no suspicious signs were found in the background search (house search), in the private life. The captain was caught in the sieve for a number of reasons, both circumstantial and electronic:

- a) an experienced captain who knows the type of aircraft that has been in service for a long time;

- b) He flew 19.000 hours and with the help of his home simulator he could have practiced flying at 13.700- and 7.000-meters altitude, climbing down and descending, it is possible that he was preparing for this in life, he is innovative and creative, during the search he was found to have a new fuel model;¹³
- c) At the age of 53, he has "put a lot on the table", and there may be an emotional-religious-political-professional-security money¹⁴ motive that has thrown him off balance and motivated him to commit a wrongful act, an airline captain – if he has a desire for revenge or suicide – however unethical it may seem to hurt others, can really "go out" in style by plane;
- d) this action cannot be carried out without the captain unless he was eliminated and this eliminator was the co-captain, he had "access" to it;
- e) There is little likelihood of double jeopardy, the pilots did not even ask to be next to each other, and we do not know about their previous consultations and communication (this can be seen as a valuable negative clue)
- f) the "co-pilot" said goodbye in a calm tone, but the fact that he did so after the first signal system had been switched off, which could still be due to the captain's conscious behavior (switching off the first channel), is a weakening of our version;
- g) the silencing of the "co-pilot" could have been done in a thousand different ways inside the cabin, and outside the cabin is explained by the rapid ascent to 13,700 metres after the first turn, the creation of a conscious state of oxygen deprivation, the creation of "silent

¹³ Already in June 2014, according to international press sources, the simulator data deleted by the captain was recovered by the FBI. The captain practiced landing on a tiny ocean island – short course – with the help of the simulator he kept in his home.

¹⁴ If the mystery persists and there is no (proven) human error, conscious intentional (criminal) act, then the insurance company will be liable for all persons on board the plane - including the captain. If there is personal liability, however, then Malaysia Airlines will have to take the blame, and that makes a big difference. (There have been several airlines with a long history and capital that have gone bankrupt in the past decades due to liability-based compensation amounts.) (As an afterthought, insurance companies paid out tens of thousands of euros to relatives as early as 2014.)

witnesses" outside the cabin, while the captain could have had his own oxygen mask, even consciously prepared for it by means of a device;

- h) the pilot was definitely playing hide-and-seek, stealth, and deliberate disappearance, which could involve "shadow flying", flying too high or too low, timing the first big turn, exploiting dead space and dead time, choosing a fast route to Malaysia, and then enforcing the "over the ocean as soon as possible" principle;
- i) reaching the ocean as soon and as invisibly as possible, the escape could serve several rational purposes; to avoid radar coverage, the physical possibility of a land landing due to the finite amount of kerosene, and it is also possible that he did not want to give himself the chance to turn his plane (and his death intent) back to a safe land landing strip since it is not possible to land on water without an accident and the military interceptors could not do so if they reached him, which he could realistically expect.

Our version, based on mainly negative (partly positive, existing) electronic data, is not yet disproved by any data, but we cannot say with certainty or near-strong-to-strong probability. Any such version, which would have indicated a conscious or unconscious act of the crew, was immediately rejected by the Malaysian authorities, even the speculations. There may be some hope in the contents of the black box containing electronic data if someone in the cockpit had spoken in the last two hours. For example, leaving a message for posterity, or perhaps there were several people there talking to each other. Of course, that would have to have been conscious, because whoever was involved would have known exactly what was recorded and how the black box worked.

The psychological message of non-sale in a series of crimes against property

In criminal cases, not doing so can also be a message. Something that didn't happen, when it should have happened in a realistic, logical and expected way. We have thought about this several times since the beginning of our career.

Especially in 1988, when a serial car burglar was caught by the police in Pécs. On Saturday evening, 6 August to be precise. Around 9 p.m., Zsolt T., a resident of Pécs, noticed someone sitting in his blue Lada, which he used as a taxi driver, parked in front of his apartment. At first, he thought it was his shift mate, but when he approached, he was shocked to see an unknown person in his car. In explanation, the man mumbled, "*Sorry, I got the wrong car.*" He then got out and started running. The taxi driver ran after him and nearly ran him into the arms of two volunteer police officers patrolling the area. Géza R., a 28-year-old resident of Pécs, was caught and arrested, but admitted his intention to steal when he was confronted, adding that "*this is the first time I've done this in my life and I'm already busted.*"

The officer on duty also informed the Criminal Investigation and Emergency Service, which carried out an on-site inspection of the vehicle, which had been opened in an unknown manner. A search was then carried out at Géza R.'s residence on Garai Street, which did not yield any results. The investigators then held the deceased man responsible in detail. During this process, the name and address of his mother, Mrs. R. N., were revealed. The investigators, with a good psychological instinct, suspected a close bond between the son and his mother and decided to carry out an urgent investigative search of Mrs R. N.'s family home.

As a result of the thorough search, in the locked garage and in the closet of one of the rooms, 454 items worth HUF 2.150.000, -, cash, deposit books, gold objects and public documents were found, collected over several years of diligence.

What has been described so far may seem commonplace in the criminological and forensic literature, but unfortunately, we see similar offences every day. It is also apparently easy to answer the question "why", which must always be asked in order to clarify the facts and impose the correct sentence (two years' imprisonment was imposed on a suspect who cooperated fully with the authorities, made a confession of an investigative nature and showed sincere remorse.)

Financial gain is the main motivation, and this is the incentive for offenders in almost all cases. This is the point where Géza R. and his plot deviated from the norm. The why, neither the cause nor the aim, could not be answered in the usual way.

For years, he hid the stolen items in his mother's house, where a large, lockable cupboard had been reserved for him from earlier times. During the search and seizure at the start of the investigation, almost all the items were found intact and in the condition in which they had been stolen. During the proceedings, the damage caused was fully compensated.

The question was rightly raised, and was always on the mind of the investigator, if he did not sell anything, if he did not want to get money from the loot, (not a usual passivity, unusual inaction) then the question "why did he do it?" Together with a psychology expert, Györgyi Szarkássy, the past-keeper wanted to get a thorough answer to this – at first sight – simple question.¹⁵

The expert psychologist gave the following answers to the main question.

Géza R. is no ordinary criminal. Compared to the average criminal, he is quite intelligent and very sensitive. Looking at his whole life so far, his crimes suggest a paradoxical defence against the lack of security from which he has suffered all his life. The crimes he committed started almost overnight, almost as a compulsion, when nothing seems to happen to a man but he has reached the limits of his tolerance. From a psychological point of view, committing crimes gave him the following advantages:

- a) The possession of stolen objects provided a sense of security against fears and insecurities going back to childhood. (The father's absence, the lack of intimate contact with the mother, and the wife's criticisms were for him the insecurities and the threat of the world that transcended from childhood to adulthood.)
- b) It gave him the self-confidence to gradually regain his inner composure with his wife, albeit in a distorted form, as the relationship between them simply showed her dominance.
- c) Even as a man, Géza was a damaged, frustrated person, because his wife thought he earned little and could not meet her expectations.

¹⁵ For more details see Fenyvesi, Cs.– Szarkássy, Gy. (1991/3.): Psychological investigation of the perpetrator of a series of crimes in a large city. RTF Figyelő, 273-278. (Here we have also changed the initials for reasons of identity protection.)

The "beauty" of the stolen objects was not unimportant to him. He knew that they were valuable, and he used them to develop a kind of resistance in himself against his wife's negative emotional outbursts. He was strongly protected by the knowledge of possession.

For Géza R., this tragic derailment of his life was also caused by his tendency to hide, and his lack of communication of events and emotions. The silences, and the lack of or insecure relationships (with his father, mother, and wife), drove his whole immature personality towards crime with irresistible tension. He saw no other way to escape his anxiety than to hide material possessions. In doing so, he overcame the internal censorship that had prevented him from stealing anything in his life. After the first success, there was a break in the crime spree. He had to digest and process what had happened. The "success" destroyed his personality, encouraging him to commit more crimes.

It is an interesting manifestation of his personality that it was not the moral gravity of the crimes committed that mattered, but the fact that he managed to conceal them. At the same time, he became the possessor of an "inner power" that only he enjoyed. The knowledge of this made him rich. Paradoxically, however, he felt immense anxiety about this secret power and the sense of security it gave him. His mood tended towards depression, it always could be, but never at the level of illness. His values are not suited to sustained serenity. He was forced to leave his original job due to financial worries and expectations. His mother was not satisfied with her marriage, which almost tore them apart. His last job was uninteresting, so he was forced to compromise on his most important activity, his work. He always felt played. This stemmed from an overestimation of his colleagues' success or financial achievements and a general dissatisfaction. He is a typically unhappy man.

His mother's upbringing and his whole life indicate that he remained an immature person. Emotionally, he could not overcome his problems and could not be honest with anyone. In fact, he lived in a world of taboos on an emotional level, which increased his inner tension. He never made any decisions; they were made for him: his mother and later his wife. He never chose, he was chosen; his wife and other women.

The crimes were a rebellion against his upbringing, his marriage, his whole life and the morality of social dealings, and his own impotence.

Our last thought on Géza R: The study of the burdened personality already points to a problem and phenomenon beyond the scope of this study. Namely, for a truly correct judicial application of the law, which also serves special prevention, it would be necessary to carry out a similar personality analysis in every case.

In our opinion, after the arrest, it could only be decided on the basis of a pedagogical and psychological examination, followed by legal consultation, whether the offender's personality disorder should be influenced by means of correctional or psychological, pedagogical or social measures.

This does not seem to be feasible soon, due to the punishment-oriented criminological approach of today, the lack of backup institutions, the burden on the judicial authorities, and the shortage of funds, but it is the way to a more civilized society that embraces humanism.

As a final thought

Columbo was right. Occasionally it can be more valuable than not. To use a (Hungarian translated) movie analogy, "Treasure that isn't". It is not difficult to advise those involved in criminal proceedings: don't just look at what you see, but think about what you don't see. It may have a more valuable message value. It can even tell investigators the perpetrator – silently, invisibly. And yet still talkative.