

CSABA, FENYVESI - VANESSZA, FÁBIÁN - ZSÓFIA, ZSÁK

Criminalistical and criminal procedure law lessons of a knife homicide

Introduction

After the noon bell, László Cs. said goodbye to his mother and left their apartment in Mohács (town). On March 19, 2004, at 12.30 p.m. on this seemingly ordinary Friday, it did not even cross his mind that this would be his final farewell. He returned at 2.45 p.m. He found the door closed but not locked. Sensing something was wrong, he cautiously entered their home. He first looked around in his own room. His wallet was missing. However, a more serious problem awaited him in his mother's room. Lying on the bed, lifeless, having bled out.

The initial data

The immediate responders, including paramedics, police, and forensic experts, determined that Józsefné Cs.'s death was caused by 17 stab wounds. The multiple attacks targeted the right and left lungs, the heart, chest, abdominal cavities, and liver. Almost all the wounds were fatal or at least life-threatening. The perpetrator showed no mercy, exerting great force and causing suffering beyond the usual, giving no chance of survival.

The inspection committee started working at 5.30 p.m. and found blood-like stains on the hallway floor. Initially only a drop was noticeable but as they proceeded towards the living room, more spots appeared. In the victim's room blood-like stains were discovered on the wall behind the desk, on the large and small pillows decorating the bed, on the bedsheet, and on the white curtain that was hanging on the door.

The 64-year-old woman was wearing a blood-soaked blueish-green bathrobe. According to the attending police doctor, the suspected murder weapon was a 10-20 mm wide stabbing instrument, with an approximately 15-20 cm long blade, which the perpetrator most likely used with their right hand.

The inspection committee noted that the room, and the apartment in general, appeared relatively tidy, with no signs of it having been rummaged through. In addition to the blood-like stains, partial fingerprints and palm prints were also recorded.

Investigation process

Data collection, witness interviews

Simultaneously with the inspection, the investigative authority initiated a data collection and the search for witnesses.

Cs. László's testimony also contained valuable information. He mentioned an acquaintance who had previously asked him for a loan, and he had heard that this person had done the same with others. For example, he tried it with H. György as well, with whom he was sitting in a car when they spoke on the phone that day. Additionally, he provided details about the denominations of the stolen banknotes, which amounted to nearly one million forints and were hidden in a wallet in the drawer of his nightstand.

K. Kálmán, the victim's neighbour, testified that around 12.50, he was heading down from his second-floor apartment when he saw an unfamiliar man in front of the ground-floor apartment of an elderly woman in the building. The young man was just leaving at that moment. He also clearly saw that the victim was still standing in the doorway of her apartment, unharmed. In the basement, the witness also noticed that the unfamiliar man had arrived by bicycle. He was pushing his bike out when his phone rang. The witness, who inadvertently overheard the conversation, recalled hearing the word „*mother*” from the discussion.

He gave a detailed description of the cyclist. The description was so accurate that it closely resembled Viktor B., who lived about 150 metres from the victim's home and was quickly identified.

György H. had thoroughly questioned his friend, László Cs., with whom he had been to Baja (town) on March 19, about what could have happened to his mother, who might have done it, and who could have taken the money. During their afternoon conversation, two names came to mind. One of them was Viktor B., who had asked both of them for a loan and had called László earlier that day, while they were near Bátaszék (town) in his car. György H. immediately reported this to the police.

They detained Viktor B., just before midnight on March 19. He was 29 at the time, 187 cm tall, right-handed with no criminal record, single, childless, a high school graduate, trained as a painter-decorator, had recently quit his caretaker job and financially broke. During his questioning, he stated that he had spent that day playing at the local casino. He left in the afternoon and spent the rest of the day with his girlfriend and one of his friends.

Seizure, (house) search

On the day of the incident, the police seized all video files from the riverside Casino that featured Viktor B. Based on these, it was established that he arrived at the Casino on March 19, 2004, at 8.46 a.m. At the time, he was wearing black sweatpants, a light-colored Nike t-shirt, and a dark blue hoodie. He left the gaming area at around 12.39 p.m. Before leaving, he placed his chair over the slot machine, which, according to casino rules, indicates that the player intends to return.

At 1:49 p.m., he returned, set up his chair, sat down, and resumed gambling after taking banknotes out of his pants pocket. By this time, he was wearing different pants, a light-colored t-shirt, and a hoodie with two stripes (unlike the previous hoodie, which had no such design).

At 2:25 p.m., he left the building, leaving the chair in its original position and not placing it over the machine.

On March 20, in the early hours following the first witness interview, the investigative authority conducted a (house) search at Viktor B.'s residence. During the search, they found HUF 808,400 in cash. They seized his footwear, sweaters, t-shirts, and tracksuits, including those that were freshly washed and drying.

No potential instruments of the crime or sharp objects were found during the search. However, it was determined that the denominations of the seized money matched those listed by László Cs.

Polygraph examination

Viktor B. agreed to undergo a polygraph examination ordered to verify the credibility of his testimony. During the examination, a set of general questions and three so-called „*peak of tension*” tests were applied. According to the expert advisor, during the general question test, Viktor B. provided deceptive answers to two questions based on observed physiological changes.

The questions were as follows:

1. Do you know who stabbed Cs.'s mother? Answer: „No.”
2. Did you stab Cs.'s mother? Answer: „No.”

In the „*peak of tension*” test, the subject was presented with multiple-choice answers while their physiological reactions were monitored using the device. In the first instance, the possible locations of the stolen money's original hiding place were listed.

In response to the „nightstand” option, his body exhibited a reaction that indicated recognition of the critical item in the test.

According to the expert advisor – despite his denial – Viktor B. knew that the perpetrator had taken the money from the nightstand.

The following series of questions concerned how many individuals were involved in the murder of Cs.'s mother. The number of individuals was listed in a mixed order, ranging from 1 to 7. The strongest reaction was recorded for the single perpetrator scenario, but the intensity of the reaction was not considered exceptionally high.

The following series of questions concerned whether the witness knew what the perpetrator did with the knife after committing the act. No strong indications were recorded for any of the options. However, a weak reaction was registered for the options „9. *threw it in a trash bin*” and „11. *discarded it along the road*”.

Forensic chemist's opinion

The appointed forensic chemist determined that the dark blue polyester fibers found on the bathrobe belonging to Józsefné Cs. originate from a fabric containing fibers of the same quality as those found in the dark blue polyester fibers of the Arena-brand sweater seized from Viktor B.

Additionally, the blue-green polyester fibers found on the Nike short-sleeve t-shirt, the Nike-branded black sweatpants, and the Arena-brand dark blue hoodie seized from Viktor B., as well as the left shoe with the VANS logo found during the house search, originated from the fabric of the bathrobe provided by Józsefné Cs., which contained fibers of the same quality.

The expert later supplemented their opinion, stating that the number of embedded fibers found on the surface of the examined clothing items was small, suggesting that the contact was either over a small surface area, for a short duration, or with weak force. Therefore, it is highly probable that the fiber embedding could have occurred simply by Viktor B. walking past the victim.

Fingerprint expert's opinion

The fingerprint experts primarily examined the banknotes found in Viktor B's possession, but no visible dactyloscopic traces were detected on them. After this during the crime scene inspection they compared three fingerprint fragments and five palm print fragments collected by the forensic technician, with the fingerprints and palm prints of Viktor B., Józsefné Cs., and László Cs. It was determined that the prints did not originate from any of them. A search among individuals in the criminal database also did not give any matches.

Investigators' conclusions

Based on the obtained electronic data, investigators concluded that Viktor B. first left the game room at 12.40 p.m. and returned at 1.47 p.m. During this nearly one-hour, – as Viktor B. himself stated – he spent about 15-20 minutes at his apartment, and the bike ride back from the apartment to the casino, timed at 15 minutes, was verifiable. Out of the 55 minutes within the time frame during which the crime likely occurred, Viktor B. could only account for 30-35 minutes, leaving approximately 20 minutes of unaccounted or questionable activities

(Potential) suspect interrogations

Viktor B. was questioned by the police several times, both as a suspect and as a witness. After his first witness testimony on March 19, a search of his apartment in the early hours of the 20th led to the discovery of 808,400 forints in cash. He claimed that it was part of his inheritance from his father, who passed away in August of 2003. On both occasions, Viktor B. maintained that he had not committed any crime.

Later, the investigators confronted him with the gathered information: On January 27, 2004, at the K&H branch in Mohács, Viktor B. received his

share of the inheritance from the sale of his father's house, which had been purchased by a local resident, János P. The buyer testified that on January 27, 2004, he paid 5,000,000 forints, which he handed over in denominations of 20,000 forints. 2,600,000 forints were immediately deposited in the bank to settle the mortgage on the house. Because of his two brothers, Viktor B. received one-third of the remaining 2,400,000 forints, meaning 800,000 forints. From this inheritance, he paid his 360,000-forint debt to György H. resident of Mohács, as well as other debts to Károly T. and László Cs. Therefore, it is unlikely that 800,000 forints from the inheritance remained.

Investigators also informed Viktor B. that by February 2004, his account balance had dropped to just 1,107 forints, and since early 2023, no deposits had been made.

They further revealed that, after spending the roughly 1 million forints from the inheritance, he had borrowed money from several individuals, for example György H. Based on phone records, Viktor B. called his previous lender, György H., at 12.41pm on the day of the crime, who informed him that he was not in Mohács and could not lend him any money.

At 12.52 p.m. Viktor B. got a call from his mother, who had divorced his father in 1982 but maintained contact with him. This conversation took place in front of the victim's home and was the one that Kálmán K. overheard.

Investigators also informed Viktor B. that, according to the testimony of T. Károly, Viktor B. had asked him for a loan of 100,000 forints on March 18, the day before the crime, but only received 50,000 forints, which had not yet been repaid. When asked why he needed to borrow 50,000 forints despite, according to his own testimony, having 800,000 forints from the inheritance (which had been seized from him), his response was, „*I cannot answer that.*”

He was also unable to explain why, on the day of his interrogation, he had also attempted to borrow money from György H. and László Cs. if he still had a large amount of inheritance cash.

Confession

During his third interrogation – which was his first as a suspect – on March 29, 2004, Viktor B. made a confession. (From this point on, the defendant was also in detention.)

In his detailed, video-recorded confession, made in the presence of his appointed attorney, Viktor B. emphasized the following key points: On March 19, he stayed at the casino until about 12.00. After that, he called his friend, György H., who informed him that he was out of town. Viktor B. then biked to the home of László Cs., – who also dealt with lending money – and whose telephone number he did not know. However, he only found László Cs.'s mother at the ground-floor apartment, who informed him that her son was not at home. Viktor B. then walked out of the house, and as he was doing so, he even encountered a resident with a beard whom he did not know. He biked home and put his bike down. Then after a few minutes, he walked back to László Cs.'s home. Once again, Laci's mother opened the door. To his question she replied that Laci was still not home. Viktor B. then explained that he had come for a loan, to which the mother angrily replied something along the lines of, *„I'm fed up with young men asking for loans, they'd rather go and work.”* At that point, Viktor B. took the wooden-handled knife from the plastic bag he had brought with him and stabbed the woman, first in the hallway and then multiple times in her room, after she collapsed onto her bed while trying to defend herself.

Then, in the bedroom, from the drawer next to the bed, he took the wallet containing several hundred thousand forints. He had previously seen László Cs. take money from there. He did not lock the apartment's front door, just closed it. He walked home, put his bloody clothes in the washing machine, and started the cycle. He hid most of the money in the sleeve of one of his shirts hanging in his wardrobe.

After this, wearing different clothes, he biked back to the casino.

In his detailed confession, he also mentioned that he took the knife from his kitchen after the first visit and went back to the victim's apartment with

it. During his second visit, he got into an argument with the mother because she was fed up with the money-related issues. Holding the knife straight the defendant stabbed the woman in the chest with his right hand, who began to back away. He stabbed her another four or five times. Then, he got so out of his mind that he couldn't recall any further details of the attack. Afterward, he went to Laci's room, where in a drawer he found a wallet that he took because he saw that it had lots of cash in it. In addition to the wallet, there was also 40,000 forints on the small cabinet, which he also took. As he was leaving the apartment, he realized that the door had remained open the entire time, as the attack had started in the hallway and continued in the living room, so he had not paid attention to the door behind him.

When he got home, he immediately put his clothes in the washing machine and then left to go to the casino again on his bike, taking a detour past the cemetery and the shore of Danube. On the way, he threw the wallet into a trashcan and the knife into a pile of garbage somewhere near the Mohács public cemetery.

At the casino, he adjusted his chair back to its normal position and resumed the game he had left earlier. By around 2.30 p.m., he had lost the few tens of thousands of forints he had with him. He headed home again, this time leaving his chair in its usual resting position.

With the remaining money, he ordered pizza to his apartment, which he ate with his girlfriend, and then later, he bought a cannabis cigarette from an acquaintance, which he smoked with a friend around 5 p.m.

He revealed that he occasionally smoked marijuana but was not an addict. He explained the traces of drugs in his urine with his consumption that day and two weeks prior.

He also talked about how he had spent his father's inheritance on his gambling addiction – which had been ongoing for about five or six years and for which he had voluntarily sought psychological and group therapy treatment, though he stopped attending and did not complete it – and used it to repay his previous loans. By March 2004, his inheritance was gone.

This is why he had to ask for loans to continue gambling. He had tried to borrow from György H., but he wasn't in Mohács, so he intended to turn to László Cs. When he wasn't home either, Viktor B. returned to his own apartment. There he took the weapon used in the crime, a large kitchen knife.

He gave a very detailed description of the moments of the crime, his departure, what he did at home, where he hid the money, the detour route he took on his bike to the casino, and how, where, and when he disposed of the evidence.

Following his confession, during the immediate crime scene interrogation (referred to as a „scene investigation” at the time), he voluntarily demonstrated his routes. He showed the way to the victim's apartment, then back to his own home, and his cycling route to the afternoon casino. He tried to show the locations where he discarded the wallet and the knife, but neither the person giving the testimony nor the authorities were able to find those items. (Meanwhile, there had been five waste collection rounds in that area.)

He maintained his confession during the court hearing on March 31, 2024, related to his detention, as well as during the consecutive suspect interrogations on April 15 and May 25, 2004. On May 24 and June 23, 2004, he refused to give a testimony.

Changing the confession

On July 14, 2004, however, Viktor B. changed his confession. He denied the homicide, admitting only to the theft. In his new defence story, he stated that although he was at the victim's apartment on March 19, but he only wanted to ask the victim's son for a loan. According to him, when the victim informed him that her son was not at home, he made up a „CD story”, claiming that he just wanted to retrieve some CD's he had lent. Because of this excuse the woman let him into the apartment. He took the wallet from the partially open nightstand drawer in László Cs.'s room, without the

woman noticing (as she remained in the hallway). As he was leaving, he told the victim that he had found the CD and was taking it with him. He then said goodbye and left the apartment and the building.

The part of his testimony where he told how and how many times he stabbed was not retained because, „*I didn't do it. The police told me how it was, I just told it the way they told me how it was. I listened to what they said, and I took it back.*”

After arriving home, he immediately changed his clothes, replacing the sweatshirt, pants and T-shirt he had worn during the day. He immediately put them in the washing machine to wash them.

Asked why he did this during the day and why he only put these three items of clothing in when the laundry basket was full at the time of the search, he said that he had sweat, had used it before and the smoky, unventilated play area made it smell unpleasant.

He explained the transformation of the fibers identified by the forensic chemist by stating that when he was heading to the small room and passed by the victim, who was standing in the hallway, a frictional, incidental transfer of material remnants could have occurred between the victim and his clothing.

He explained why he had confessed earlier by saying that both he and his family and relatives had been alarmed by serious threats to his life. He was afraid of threats and revenge from László Cs. and György H. that they would kill him if he committed the murder. He therefore felt protected in pre-trial detention.

Graphologist expert advisory opinion

In the case of Viktor B., the graphologist summarised his findings as follows:

„*He may be considered a perpetrator in the case of homicide committed against Józsefné Cs.*”

Forensic psychological and neuropsychiatric expert opinion

Based on the psychological examination carried out, the expert concluded that he had observed significant defensive behavioural strategies in Viktor B. Both outwardly directed antisocial aggressive manifestations and auto-aggressive tendencies were evident in his behaviour. There were no spontaneous emotional or verbal manifestations of his responses to questions during the study. He gave strictly edited, short answers. A peculiar emotional colourlessness and a certain lack of emotional resonance were noted in his case, with a tendency to conceal several events that came to his knowledge during the interview with the criminal investigators.

It can also be stated that the examined individual has a low sense of morality and ethics, which is combined with heightened emotions and aggressive impulsive tendencies.

The forensic psychiatric expert concluded that Viktor B. does not currently suffer, and did not suffer at the time of the commission of the act charged, from a pathological state of mind which would render him incapable of, or limit, his ability to recognise the consequences of his act or to act in accordance with his recognition.

The evidence of drug addiction indicates that he is an occasional drug user. Based on the history of the offence and the expert's examination, the motivating factor for his offence was his addiction to gaming machines.

In addition, the expert noted that he is significantly influenced by the motivation of childish needs and desires, has a low tolerance for frustration and therefore tends to react to lower than average levels of frustration with violent emotions and impulsive reactions. These personality traits have also contributed to the development and course of his current behaviour. However, according to the available data, the presence of a state of impulsivity is not considered to be a pathological state of impaired consciousness and therefore does not constitute a limiting factor in the recognition of the consequences of his actions or in the action to be taken in response to that recognition.

The court phase – decisions, legal remedies ***The indictment by the Chief Prosecutor's Office***

The Baranya County Chief Prosecutor's Office charged Viktor B. with murder committed with malicious intent and extreme cruelty (Criminal Code Section 166, Paragraph 2, Points b) and d)).

The first-instance judgment of the Baranya County Court

After a five-day evaluation of the evidence both individually and collectively, on September 20, 2005, the Baranya County Court found the defendant guilty of the charges. Therefore, the court sentenced him to life imprisonment and 10 years of disqualification from public affairs. The court ruled that the defendant is eligible for parole after serving a minimum of 30 years. (During the investigation, László Cs. was reimbursed 808,400 forints by the authorities. His additional civil claim was directed by the court to be resolved by other legal means, and the defendant was ordered to pay the criminal costs in the amount of 1,361,874 forints.)

In its reasoning, the court explained that all the injuries of the 171 cm tall victim were direct and life-threatening, caused by a sharp-edged weapon. It was likely a large knife. The injuries to the limbs were considered defensive wounds, and no other injuries indicating further assault were found on the victim. All stab wounds occurred while the victim was still alive, and the death was caused by acute haemorrhage as a result of the victim's injuries.

The stab wounds on the back of Józsefné Cs. – which were more seeping than splashing – resulted from additional assaults on the victim, who was already weakened and leaning head forwards. Due to the vital organ injuries and internal bleeding, not even immediate medical assistance could have saved her life, she had no chance of survival due to the numerous and severe injuries sustained. Each stab wound to the thoracic and abdominal cavities would have caused fatal bleeding even on their own. The victim's

injuries caused extreme pain and suffering, and death occurred within five to ten minutes.

The indirect evidence formed a closed chain, and they were supported by the defendant's multiple, detailed and uninfluenced confessions. The later altered testimony – made nearly four months after the initial confession – was deemed unacceptable. The court did not accept the defendant's claim either that the confession was made under threat. (It was only proven that György H. made a statement: „*If Viktor B. really committed the murder, he would be better off hanging himself while in prison.*”)

The main points of the defence's appeal

The defendant and his defence counsel assigned for the appeal, appealed for acquittal, and in consideration of the admitted theft, for mitigation. Among other objections, they argued that:

- a) There were fingerprints at the crime scene from another person and none of the defendant's were found there;
- b) Contrary to the court's reasoning, it was not the defendant's responsibility to prove that he did not return to the apartment, but rather the prosecution's to prove that he did return a second time;
- c) The court's conclusion that the graphometric and polygraph examinations indicated the defendant „*committed the act of killing*” was incorrect. While the expert opinions confirmed that his answers were misleading, the methodology does not provide an explanation as to why, therefore no conclusion can be drawn that it was due to the killing;
- d) The graphometric expert cannot claim that „*it has been proven beyond reasonable doubt*” that the person in question committed the murder. Firstly, this is outside the expert's competence, and secondly, forensic methodology does not allow for such a definitive statement;

- e) Concerning the classification, they argue that the cash stolen by the defendant did not belong to the victim but to László Cs.;
- f) Thus, the defendant committed the crime of theft of a significant amount, to the detriment of László Cs.;
- g) Regarding the evaluation of mitigating and aggravating circumstances, it was incorrect to evaluate the fact that the defendant consumed drugs and led an improper lifestyle as aggravating factors, as at most, this cannot be considered a mitigating circumstance – meaning the proper lifestyle could have been a mitigating factor;
- h) It was wrong to evaluate the premeditation as an aggravating factor, since the sentence judgement itself explained that the act was rather impulsive, therefore it was exactly the elements of premeditation that were missing;
- i) The dual classification should not be „*highlighted with significant emphasis*” as an aggravating factor, since – given the large number of statutory qualifying circumstances – no further classifications could have been emphasized without the existence of additional qualifying circumstances.

Reasons of the Pécs Appellate Chief Prosecutor's Office

- a) Among several minor inaccuracies in the documentation, the brief also mentioned that „*the defendant never confessed to the intention to kill*”;
- b) The expert opinions from the graphometric and polygraph examinations, which spoke to the defendant's commission of the murder, exceeded the expert's competence;
- c) The classification is only partially correct, as the aggravating circumstance of premeditation was not established, meaning that three aggravating circumstances should have been applied (Criminal Code Section 166, Paragraph 2, Point a));

- d) Regarding the sentencing, the defendant's addiction should not be considered a mitigating circumstance, as it was the motivating factor, representing an increased risk of criminal behaviour.

The second-instance ruling of the Pécs Court of Appeal

In its public session on January 10, 2006, the Pécs Court of Appeal upheld the judgment of the first-instance court.¹

In its nine-page reasoning, the court stated among other things, that:

- a) It found neither the defence's appeals nor the prosecutor general's motion to modify the classification of the crime to be well-founded;
- b) It clarified several aspects of the factual findings, including that the defendant did not admit, even during the initial suspect interrogation, that upon returning home from the victim's place, he had decided to kill her;
- c) The court of first degree convincingly argued, based on lawful evidence, why it accepted the defendant's detailed, confessional statement made during the investigation in the presence of his lawyer, recorded on video, and given without any physical or psychological coercion, as the basis for establishing the facts;
- d) The defendant mentioned details in his testimony, unknown to the investigators, such as the open apartment door, the wooden handle of the knife, and the 40.000 forints belonging to László Cs., which not even the victim mentioned;

¹ The case numbers of the authorities involved are as follows: 23/2004. Baranya Megyei Rendőr-főkapitányság (Baranya County Police Headquarters); M. I. B. 665/2004/19. Baranya Megyei Főügyészség (Baranya County Chief Prosecutor's Office); 7.B. 103/2005/23. Baranyai Megyei Bíróság (Baranya County Court); Bf. 187/2005/1/II. Pécsi Fellebbviteli Főügyészség (Pécs Appellate Chief Prosecutor's Office); Bf. I. 178/2005/3. Pécsi Ítéltábla (Pécs Court of Appeal.)

- e) The accused could not provide an adequate and acceptable explanation for the changed, denial-based statement, nor were the alleged threats substantiated;
- f) It agreed with the defence's arguments regarding the handwriting analysis and polygraph tests, stating that neither could provide a categorical opinion regarding guilt. „*These tests can only support or weaken the defendant's statement at a probabilistic level*”;
- g) The forensic medical expert exceeded their authority by stating, „*The attack on Józsefné Cs. was carried out with cruelty.*” The expert can only comment on pain and suffering duration, while the court decides whether these establish the aggravating factor of particular cruelty;
- h) Motive for gain can be established even if the killing is carried out to obtain someone else's property;
- i) The defendant committed the act with direct intent and executed it with extreme inhumanity and brutality, making cruelty an appropriate aggravating circumstance;
- j) However, premeditation cannot be established in this case because the Supreme Court's Guideline No. 15 requires a consideration of place, time, and method, as well as assessment of hindering and assisting factors and the circumstances of preparation and commission, none of which apply here, as the defendant didn't even really have time for these;
- k) Addiction cannot serve as a mitigating factor in sentencing unless it affects the perpetrator's mental status to some degree;
- l) A mitigating factor, however, is the defendant's confession testimony with an exploratory nature, even though he later altered it;
- m) The life imprisonment sentence serves the effective protection of society and is proportionate to the severity of the act and other circumstances of culpability.

Criminalistical and criminal procedure law lessons

1. The data collection and witness investigation initiated in parallel with the crime scene investigation harmoniously align with the so-called „*first strike*” (Erste Angriff) forensic requirement.²
2. Hot pursuit measures, unexpected and rapid searches, almost always promise results. There is no chance for hesitation or delay.³ It is no coincidence that the search at the potential defendant's residence was carried out as an urgent investigative action, as it has been in this case as well.
3. A thorough, methodical search can uncover relevant evidence related to the crime, such as the loot (or part of it), the instrument of the crime, the perpetrator's clothing, means of transportation, notes, etc. In this case, it was particularly important to seize the target person's (partially drying after washing) clothes, as well as to photograph and document the small detail.
4. In the planned investigation, traces of material from the victim's clothing were found in the drying clothes, and vice versa. The „*principe de l'échange*”, formulated by Edmond Locard at the beginning of the last century, states that „*every contact leaves a trace*” (theoretical exchange in English)⁴, and the „*exchange effect*”, or the intersection of traces, is still valid today. According to this principle, nothing in the world can be changed without leaving some kind of trace in the material world – whether it is microscopic, invisible, or disappears over time. Even the perpetrator who attempts to conceal the crime, during a conscious, well-planned, and precise execution, will, despite their intention, leave behind material traces such as hair, scent traces, or tiny fragments of various digital data, which inevitably occur and are so resistant, stable, and

² Forker, A.–Bertram, M., Glaser, H., Leonhardt, R. (1972): 404-407, Fenyvesi, Cs. et al. (2022): 539-540

³ Fenyvesi, Cs. (2023): 139-148

⁴ Locard, E. 1920; 1923, 1931-1940

„cunning” that it becomes impossible to avoid their creation, prevent their survival, or „eradicate” them. This is especially true because, in today's digitally connected world, the perpetrator often doesn't even realize that they are leaving a „trace”, such as a video recording or a mobile phone cell position that can determine their location, whether approaching the crime scene, being at the scene, or leaving from it. This is true not only in physical crime scenes but also in cyberspace. The task of the investigation is to locate, record, examine and assess all adequate, relevant „clues” in a non-distorted, unbiased, un-prioritised, lawful manner. Only incompetent detection fails to find the lesions born of encounter exchanges, „transfers”. The investigator with a discerning eye and the necessary equipment must always seek out the otherwise often invisible contact traces, the novelties which enable him to deduce the sequence of events, to reconstruct the past, in which he can also identify the individual perpetrator.

5. Now, electronic data, which is specifically mentioned among the evidence in our criminal procedure code, must be searched for in every case, as it plays a significant role (as strong, „hard evidence”) and can greatly assist in the investigation and final proof. The casino video recordings supported the investigation and the court proceedings here as well, just as the list of phone calls did.
6. The polygraph is a criminalistic tool aiding detection, especially useful in answering unresolved questions such as the location of the weapon, the hidden loot, or the existence and whereabouts of an accomplice.⁵ But it is no more in terms of proof. The limited use and validity of honesty testing instruments is known from both international and national literature.⁶ Which is not to disparage them, but it is only their precise legal status.

⁵ Krispán (2004): 42-50

⁶ Budaházi (2014)

7. In this case, the criticized methodology of graphology experts has been partially rejected as credible by the legislature, based on scholarly objections, and they are no longer listed as forensic experts.
8. The question of whether the defendant can „withdraw” his confession, as the court of first instance indicated, is also relevant to the criminal proceedings. In our view, the correct wording is „change”. Since the Miranda warning-based fourth warning to the defendant also includes the principle that a properly made confession cannot be made to appear as if it never happened. It can be used as evidence in further proceedings. The defendant can change it, but he cannot revoke it, make it null and void, make it non-existent. Even more so, as these proceedings show, the multiple admissions of fact made by the defendant were very valid and valuable as evidence. Particularly since in his original statements he revealed details and minimal facts that only he could have known and of which the investigators had no knowledge. (The defendant and the defence counsel must be aware that, in the event of any future change, it will be for the person who changed the confession to prove that he or she had a strong basis for the falsehood or false statement).

During an investigation, interrogators must always anticipate the possibility of a future turn of events. Thus, when confessing, they should be free to make loaded statements, to use their own vocabulary, to make spontaneous statements of fact. It is advisable to record all this on video and to ensure the presence of a defence counsel.

In the case of a confession and the defendant's activity and cooperation, regardless of the time of day or weather conditions, an immediate crime scene interrogation is essential, and there should be no hesitation in carrying out its professional execution.

Final thought

We believe that every stage of the criminal proceedings conducted 20 years ago conveys messages to today's legal practitioners. The investigative authorities, the prosecuting offices overseeing and directing the investigations, are provided with criminal tactics and forensic techniques, the attorneys with defence tactics instructions, and the various levels of courts with the objective, professional, and thorough examination of the facts, as well as the offer of logical evidence assessment, while keeping the fundamental principles in mind.