

Conference Paper

Evidence of Crime in Lisa Black's Novel *Evidence of Murder*

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Abstract

This study is concerned with the evidence of crime in Lisa Black's novel *Evidence of Murder*. All of this evidence begins from the time when Jillian Perry had been found dead in the woods, leaving behind a husband of three weeks and a young daughter. The objective of this research is to embody the shapes of real, circumstantial, and testimonial evidence in the novel and to reveal and describe how the evidence of a murder is depicted in the novel. This study applies a qualitative research method proposed by Lapan (2012) who defines that qualitative research is an approach that enables researchers to explore in detail social and organizational characteristics and individual behaviors and their meanings. and the theory of evidence applied is the one proposed by Emson (2012). There are three shapes of evidence showed by Black, the evidence of crime in the novel: Real, Circumstantial and testimonial evidence. The result of this research shows that the evidence of crime portrayed in the novel under research is not valid to be sued in the court. Finally, Maclean could not collaborate the evidence found during identification at the scene and people who are related to the live of Jillian, then Maclean cannot prove who the perpetrators murder Jillian in court.

Keywords: evidence of crime, real, circumstantial, testimonial evidence

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1. Introduction

This research is based on the novel *Evidence of Murder* (EoM) which was firstly published in Cleveland, USA, in September 8, 2010 by William Morrow and It consists of 178 pages in English version editions. In 2012 the E o M was translated into English by Lisa Black and this translation was used as the object of research. It is not just an adventure story but a mystery, thrillers, crime, and suspense. The EoM becomes the second in the series but, like most mystery series, its background of information is sprinkled throughout the book that interests the researcher. It's some background might, however, be considered a spoiler to takeover, so if its readers are fanatic about that sort of thing, they will probably want to read the books to know how Jillian Perry

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has been found dead in the woods and she has left her both husband and young daughter for three weeks.

2. Literature Review

Evidence is anything that can be used in a trial to prove that a murder or crime has been done. To prove a fact, it is necessary for evidence to be adduced or elicited during the trial (Emson, 2004: 9). Real evidence, often called physical evidence, consists of material items involved in a case, objects and things the jury can physically hold and inspect. Emson (2004: 14) states that real evidence is a term used to describe evidence which is directly perceived or inspected by the court itself. Emson (2004: 10) said that circumstantial evidence is an evidentiary fact from which an inference may be drawn rendering the existence of a fact in issue more probable. Testimonial evidence is obtained from a witness who makes a statement (Emson, 2004: 9). It may be oral or written and is usually under oath. One of the most common forms of evidence is either spoken or written evidence given by a witness under oath. It can be gathered in court, at a deposition or through an affirmation.

3. Research Method

Research is an activity of investigating knowledge including literary works. Literature in this case is an effort of searching knowledge and defining it continuously and carefully toward literary cases. In this research, researcher uses the Lapan's research design. Lapan said that qualitative research is an approach that enables researchers to explore in detail social and organizational characteristics and individual behaviors and their meanings (Lapan, 2012: 69). The data of this research were obtained from novel. For this purpose, the observation technique is used. In observation technique the data are collected from written sources, such as documents (Lapan, 2012: 90). Analysis of the qualitative data progresses through the classification of ideas, themes, topics, activities, types of people, and other categories relevant to the study. This process is referred to as coding. Coding involves the classification of elements in data text into categories that are related to the study topics and are useful in analysis (Lapan, 2012: 98)

4. Discussion

Evidence is anything that can be used to prove something like the evidence presented in a trial. To prove a fact in issue it is necessary for evidence to be adduced or elicited during the trial (Emson, 2004: 9). If the accused is on trial for murder it may be possible to prove his guilt by calling a witness to give evidence that he saw him viciously stabbing the deceased to death. Therefore, it would be interesting to make a research on the evidence of crime found in Lisa Black's novel.

4.1. Real evidence

Real evidence, often called physical evidence, consists of material items involved in a case, objects and things the jury can physically hold and inspect. Emson (2004: 14) states that real evidence is a term used to describe evidence which is directly perceived or inspected by the court itself. Theresa and Frank have been a homicide detective in Cleveland for eight years and become forensic scientists. They heads for the place where the corpse is kept as they searched for evidence from Jillian's murder and took the DNA test for a forensic test, as the real evidence may be circumstantial, such as blood stains used to extract DNA evidence. The point to note is that the real evidence must be something that makes an impression on the court. This is stated in the quotation bellow:

Humor fled his face as well. "Just take a look at the place, okay? Pick up some things that we can use for DNA testing if her body turns up and then you can go back to the trace evidence lab and hide behind your glass slides and microscopes." (Black, 2009: 3)

Based on the above quotation Theresa argued that the initial step in the investigation of the Jillian's murder case is carried out with DNA tests against the corpse to facilitate and to get traces of evidence and to hide behind glass slides and microscope. The position of DNA test evidence as evidence of guidance in the settlement of a crime is not a primary evidence, but as a functioning secondary evidence. However, the DNA testing cannot be ignored, because without the support of DNA testing sometimes the primary evidence cannot be optimal in providing evidence. So, between DNA tests and existing evidence (recognized) there must be complement to each other in order to create a justice. There have been several cases solved by DNA tests that prove that DNA testing has been accepted in law. The evidentiary power of this DNA test proof is free, so it depends on the judge himself to use or putting aside the existence of this evidence. Whereas, based on Article 181 of KUHP, it appears that in the criminal

process, the presence of evidence in the trial is very important for judge to seek and discover the material which is used to handle crime (Wibowo, 2005: 23). All this is stated in the quotations below:

“I need to see her bedroom and bathroom, please.” Let s grab the D N A samples and get back to my routine.”

.....

Theresa searched for a hamper. The toothbrush, hairbrush, and razor should be able to give them all the D NA they would need to compare to the body, if and when a body turned up, but it never hurt to make sure. (Black, 2009: 5)

From the quotation above, evidence is obtained by the investigators as the first agency with process. Theresa comes to the bathroom first. She has no trouble guessing which toothbrush and razor and hairbrush belonged to the missing woman. Jillian apparently liked pink, pink hand mirror, pink towels, pink makeup case with pink rhine stones. Theresa uses gloves to drop the items into three separate manila envelopes. According to Andi Hamzah, evidence is the goods about the often redone (object offense) and goods used in doing offense (Afiah, 1988: 15). In addition there are goods that are not the object of the offense and the tool in doing the offense, but the item related to the related criminal offense. For example, it is clothing which the victim used when he was killed

The next autopsy suite in the sixty-year-old medical examiner’s office is done to scrub every afternoon, is the cleanest room in the building. Or at least it appears to be—the staff took general precautions against cross-contamination but beyond that places no particular emphasis on sterility. The patients open up on these tables and do not have to worry about infection. Undressed, Jillian’s body continues to show no signs of violence. No needle marks, no injuries, not so much as a bruise. Of course, on the buttocks and backs of the legs, but Theresa expects that. She and the pathologist, Dr. Christine Johnson, has already collected fingernail scrapings, a rape kit, and a few hairs and fibers from the skin. Now the ebony-hued doctor holds a small but brilliant flashlight up to the mouth. Aside from a little dirt and some dead leaves, almost certainly picked up when they roll the body, the shirt is clean.

Objects and devices that are or should be suspected use to commit a criminal offense or other object used as evidence (Article 40 KUHAP) (Wibowo, 2005: 30). The pink polo shirt under the sweat shirt has become discolored from the seepage of the decomposing tissues. Theresa hangs it on a wheeled rack; when it dries she can tape its surface to pick up any loose hairs or fibers. Odd that it has not been tucked into the

jeans underneath the sweatshirt, which would have kept her warmer, but perhaps the victim has dressed in a hurry, or it has something to do with the current fashion. Pay attention to the following quotation.

Jillian seemed slender, but by no means undernourished for her height. A close look at the back pockets yielded a tiny dusting of white powder, which Theresa dutifully scraped into a paper fold to be tested for the presence of cocaine. The left front pocket contained some lint. The right front pocket held a single stud earring—a small cubic zirconium, as near as Theresa could figure—and a phone number with a Cleveland exchange scribbled on a piece of paper. (Black, 2009: 41)

From the quotation above, in practice, the seizure of evidence also contains several points to consider. Evidence in murder is a human corpse, in this case of course in handling murder case needs special provisions in the case of seizure of evidence whether to wait for permission from the chairman of the local District Court or not, because it is feared evidence and location in the place of Genesis Cases (crime scene) changes or even disappears if no action is taken by the investigator. Theresa with her daughter go to the scene where Jillian's body is found dead. They investigate all the conditions there to serve as evidence from Jillian's murder. Once the environmental conditions in the place is very supportive for the investigation in which Theresa follows her daughter in the investigation. She has seen a few, usually the homeless or drug addicts who tries to stay outside too long. Jillian Perry shows some of the signs of it, the bluish-white skin, slightly reduced livid. It would have taken only a few hours right next to the lake, which would put moisture and wind in the air and speed it up. She is slender and not warmly dressed which the branches around her broken as if she is stumbling as in the following quotation.

Not even a tattered wisp of crime scene tape remained to mark the spot where Jillian Perry's body had lain. Tree limbs lined with optimistic buds waved gently in the breeze off the lake, and a light dusting of snow made the wooded area innocuous, peaceful. Theresa studied the oak tree, waiting for inspiration. None came. The tree and its clearing had given up everything they had, the body, the few items with it. But nature couldn't tell her what it had seen that day as the life faded from Jillian Perry. She would have to figure that out on her own. (Black, 2009: 69)

From the quotation above, the real evidence found in that place is just a branch of tree and the atmosphere of the lake around in the incident. They study all the trees and observe every side of place to inspire even nature cannot tell what has happened

to Jillian's live that in her day faded life. In addition, there is also evidence that is not an object, tool or outcome of a crime, but can also be used as evidence as long as the goods have a direct relationship with a criminal offense, such as clothes used by a victim when she is persecuted or killed.

4.2. Circumstantial evidence

Emson (2004: 10) says that circumstantial evidence is an evidentiary fact from which an inference may be drawn rendering the existence of a fact in issue more probable. The fact in issue is not proved by witness relating what he directly perceives, so circumstantial evidence is indirect evidence. Maclean and Frank want to interview to get the circumstantial evidence of the Jillian's husband. They meet Mr. Kovacic in his home. As programmer, Evan Kovacic says that he wants to help find her wife, but before Frank can take over the husband's eyes fall on the photos. Jillian loves Cara and she loves her husband. Evidence can be obtained by investigators through matters as follows: 1. examination of the scene, 2. searches, 3. submitted directly by a reporting witness or suspect, 4. taken from a third party, and 5. goods findings. In court proceedings at the Court, the evidence will show to clarify the criminal case being examined by the judge (Wibowo, 2005: 23) as the quotation below says.

Frank ignored her. "Mr. Kovacic, when you returned on Monday, the door was locked? Everything in place? Yes. Jerry and I—Jerry Graham, he's my partner—we'd been at a software association meeting at Tower City all day. We got back about three in the afternoon. "Who else would have been on the premises?" "No one except Jillian and Cara. We're still setting up shop here, Jerry and I. We've got one programmer starting at the beginning of the month and another a week after that, and as soon as we get the manufacturing equipment set up, we'll take on another designer and about four techs—" (Black, 2009: 8)

In the quotation above, Frank asks Evan whether the outside door is unlocked or the lobby door downstairs. In the building they have begun setting up the equipment so, they do not bother locking it. They have not had any problems with trespassers, and when they renovate, they put in a good dead bolt on the apartment door. After Frank wants to meet George, he asks Theresa to come with George, Jillian's boss, the escort-service guy. Theresa is not a freak in cop but a scientist. She works with microscopes and fibers but she does not interrogate people. And then George Panapoulos—aka GeorgePorgie—works out of a storefront on West Twenty-fifth, just two blocks from

the West Side Market which is sandwiched in between a bail bondsman and a used-appliance dealer. And then Frank asks George that he needs to ask about one of his ex-employees but he is a little busy and Frank should wait but he takes time for anything that concerns his girls. He turns away from them without hesitation and leads the way through a narrow hallway with stained wallpaper. The quotation below can be paid attention.

“You didn’t care that she got married?” “Why would I care?” “Maybe Jillian was more than an employee.” “Yeah, so I killed her because I was jealous?” George shook his head and pulled a cigarette from a pack on his desk, looking less like a college student with every minute as both face and voice lost their phony friendliness. “Listen, I’ve got forty-six girls working for me and Jillian is by no means the hottest one. I expected her to quit once she didn’t need the dough no more. I couldn’t believe she came back after having the baby. She lost that weight quickly, though; I’ll say that for her.” (Black, 2009: 16)

In the quotation above Jillian is an employee in the place of the George As escort to which seems to be evidence on murder of Jillian. As Theresa investigates Jillian’s work as an escort, she throws a question when George knows Jillian’s marriage and has a child. George has nearly forty-six girls there. Theresa thinks that George kills Jillian but she does not have evidence that he kills her and George says that he does not like Jillian because the quality of the body and display of Jillian is low after she has a baby. From what George says that all people there experience the same as what George argues. Evidence of a fact that is not true is not a fact in issue, but it is a fact from which the existence or non-existence of a fact in issue can be inferred. Circumstantial evidence operates indirectly by tending to prove a fact relevant to the issue. Moreover, Theresa and Frank ask a question to know all of friends of Jillian because it can be circumstantial evidence. Consider the following quotation below:

“Anybody else might mean Jillian harm?” Frank was asking. “Sure,” the man said again. “Her other boyfriends. The one she didn’t marry.” “How many boyfriends did Jillian have?” “Just the two. The one she didn’t marry, and the one she did. Those are all I know of, anyway.”

.....
 “His name?” “Drew, and I only know that because he’d call all the time when Jillian worked here. He’d drive the receptionists nuts trying to leave messages, but we don’t take messages for anyone but me here, or else this place would turn into a lonely-hearts switchboard.” “Did he know she

got married?" "He must have. The calls stopped when her employment did. But then he started up again the past three days, looking for Jillian." "This ex-boyfriend's been calling here?" "Even more than the husband. He's been driving poor Veggie out there crazy. If you talk to him, tell him to stop or I'll charge him with harassment." (Black, 2009: 17)

In the quotation above Jillian has two boyfriends before she married; George argues she met a man that he knew a lot. Theresa rolls her eyes, and then she feels embarrassed when the man across the desk notices. She buries her nose in a brochure. Beautiful girls seem to be the official name of the place. Available for trade shows, corporate excursions, George has misspelled corporate as corporate. For addition to evidence, Theresa is increasingly curious about all the life of her activities there. There is one name, it is Drew, and he only knows that Drew calls all the time when Jillian works here. Drew stops to call Jillian after he knows Jillian married. But then he starts up again the past three days, looking for Jillian. After they meet George, Theresa and Frank know the life background of Jillian. They go to meet her mother, as they know all about the background of Jillian's life and about evidence in Jillian's murder. The quotation below can show such situation:

Barbara Perry stated, "I loved Jillian. I'm sure you—" "No." She looked at Theresa, pressed her trembling lips together. "I loved Jillian. I think she made some mistakes, and perhaps I did too, but I loved her. You don't know how many times I've wished I could say it's all right, it doesn't matter. But it wasn't right, bringing that baby into the world without a father, using her body instead of her mind to make a living, and how could I say it was? What's the point of being a parent if you don't try to influence your child to take the healthiest path?" She turned her palms up. "What am I here for if not that?" (Black, 2009: 149)

Jillian's mother loves her daughter very much and she knows that her daughter used to make mistakes in her life. Barbara is the wonder woman for Jillian because she brings that baby into the world without a father and uses her body instead of her mind to make a living, but Barbara cannot give influence for Jillian's future. They would have found that during the autopsy, it pains Theresa to dampen Barbara Perry's hope that her daughter has not chosen to end her own life. Some bizarre biochemical reaction would be preferable or a brain tumor would be preferable. Theresa does not know exactly how Jillian dies and she tries to find out. Theresa collects all Jillian's evidence.

4.3. Testimonial evidence

Testimonial evidence is obtained from a witness who makes statements (Emson, 2004: 9) and it may be oral or written and is usually under oath. Opinion or inferences in testimony are typically limited to expert witnesses. Civil hearings are very different from what Theresa has become accustomed to in criminal trials. Evan's attorney begins, setting forth the facts of Cara's birth, the Evan's marriage to Jillian, and the Jillian's death, adding that no one else has applied for guardianship except for Drew, who has no legal relationship to the infant. Then it was Drew's turn to speak. He does this horribly, stammering, stumbling, and dwelling for far too long on how much he has truly loved Jillian. The judge glances at his watch more than once, and finally interrupts. Drew gives the testimonial evidence in the trial. So that Evan Kovacic perhaps kills Jillian as shown in the quotation below:

"He murdered Jillian." Now Evan's attorney sprang up. "Your Honor, this is the purest and vilest slander" (Black, 2009: 170)

From the quotation above, Drew gives the statement as the evidence of testimonial in the trial and then the Evan's lawyer replay with the interrupted. Evan may murder Jillian for the well-being of a child. Next, the question for the Drew is: Do you have any facts to present to indicate that Mr. Kovacic would be an unfit father? Only that he kills Cara's mother, Your Honor. Everyone becomes very still, except the judge. He seems merely confused. The judge stops looking at his watch. How is he supposed to have killed? Drew shouts over the other men. His voice changes as Theresa know it could, stress breaking the words into dangerous shards. The judge catches the change and stares. The next testimonial evidence by Theresa Maclean in the trial is that he knows the entire event after investigation. Please take knowledge from the quotation below:

The bailiff swore her in. She took her seat. "Yes, Your Honor?" she replied when he said her name. "Has Mr. Kovacic been charged with the murder of his wife?" "Not that I know of." "Is he a suspect in her death?" How to answer that? "He is to me" didn't seem reasonable... though she was a death investigator and she did suspect him, which didn't seem quite legitimate... such was the self-esteem, still, of a female raised in the twentieth century. With no other strategy in sight, she bunted. "The investigation by the Cleveland Police Department, to my knowledge, has not been completed." (Black, 2009: 171)

From the quotation above, Theresa Maclean gives the testimonial evidence as the team investigation from the Cleveland Police Department. Theresa may know that Evan can be charged with the murder of his wife, but Theresa unfinished looking for evidence that there are a lot to say that Jillian is indeed killed by her husband, namely Evan. The judge does not care about her strategy. So is he a suspect and then Theresa. There are many unexplained factors in Mrs. Kovacic's death. She lists the location of the body, Jillian's state of apparent contentment, and the absence of any obvious cause of death. And Judge says that the investigators do not know why this woman dies and questions one thing: what does it say on the death certificate? The death certificate is not complete yet. Drew should have called Christine. She has impressed the judge and makes mincemeat of that lawyer. Christine makes mincemeat of most people. Is there any reason to suspect foul play? It is unusual for a perfectly healthy young woman to drop dead, Your Honor. Absence of proof is not proof of absence. The judge repeats what Frank has said so primly that Theresa has to look down to keep from glaring at him. The worst part, of course, is that he is right. And the next quotation below shows the testimonial evidence of the Evan Kovacic.

"Mrs. Kovacic committed suicide, Your Honor." Evan's attorney molded his features into a properly empathetic mask to accompany the statement. "She walked out into the woods and let herself freeze to death. Postnatal depression could have played a part."

"To do so she'd have to walk three miles in subfreezing temperatures without frostbite," Theresa put in. "Which is highly unlikely?"

"No one dragged her to that forest. No one tied her to that tree or made her stay there," the attorney persisted. Theresa protested, "At that time I was investigating a disappearance with no signs of foul play, not a murder. Had I known Jillian's body would show an... Unclear cause of death or signs of transport, I would have conducted the search differently."

This excuse brought her no comfort, nor did it impress the judge, who said, "Search warrants and the like are not my bailiwick. If this man needs to be investigated for murder, tell the police." Evan had sat, but now jumped up again. "Your Honor! I asked the police to step in when Jillian disappeared. Mrs. MacLean searched my house then! What the hell is she looking for, and why didn't she find it before? (Black, 2009: 173)

From the quotation above, Evan's attorney says that Jillian walks to the woods and she herself froze to death. It is said by the attorney's testimonial evidence that someone does not kill Jillian. Attorney completes his investigation if Mr. Kovacic would

give him consent to search Jillian's living areas so that and Theresa does not investigate the crimes although Theresa Maclean does the investigation in different place to collect evidence in Jillian's murder. Theresa needs to know all the environments of the spot to search the evidence, but she does not give it in the trial what she has and the judge says that Theresa does have any evidence in hand that implicates Mr. Kovacic has caused the death of his wife. Drew wilts before her, his hands grip the antique wooden railing, his forehead sinking to his fingers. Then she has no choice but to grant the custody of Cara Perry to her mother's legal spouse, this decision is permanent and binding.

In the event of speedy inspection, the judge's conviction is supported by only valid evidence. In other words, even if it is supported only by valid evidence and the judge believes in the defendant's wrongdoing, the accused may be punished. Thus, a new judge may punish a defendant if his or her fault is legally proven. The evidence must also be strengthened and supported by the judge's conviction. As mentioned in Article 184 paragraph (1) about evidence, the criminal of procedure code is fulfilled, but if the judge does not believe in the defendant's wrongdoing, then the defendant may be released. This is in line with the duty of the judge in the criminal court, that is, to judge in the sense of receiving, examining and deciding criminal cases on the basis of free, fair and impartial principles in court (Article 1 point 9 of the Criminal Procedure Code) (Wibowo, 2005: 6). The law always places the judge's conviction as a final key in court proceedings. The judge's conviction plays a role that is no less important than the evidence attempts puts forward in the hearing, and even the judge's conviction is laid by the legislator at the top level. Because any attempt at evidence which is filed in court regarding a criminal offense, if the judge is not convinced of a crime alleged to the defendant, the defendant cannot be convicted (Article 183 KUHP), and shall be release at. It is the belief factor that gives both weight and characteristics to the principles of free judicial power, free judiciary and judge's freedom in the case of the trial (Wibowo, 2005: 6).

5. Conclusions

There are some conclusions that can be made from the analysis concerning real evidence, circumstantial evidence, and testimonial evidence as written in the following points: There are several shapes of evidence from the investigations but they are out real, circumstantial, testimonial and many else's. Nevertheless, all of the evidence shapes can be made into a tool for exposing perpetrators of crime. Evidence of crime that has already got from the results of the investigations should

be shown in the trial as the judge can be decided a suspect in the crime. Evidence is anything presented in support of assertion. This support may be strong and weak. The strong type of evidence is the one which provides direct proof of the truth of assertion. At the other extreme is that the evidence is merely consistent with an assertion but does not rule out other. The role of bureaucracy in the judgment of the court in court murder in the trial becomes the considerations of strengthened beliefs for judges, but does not determine the verdict of the court /verdict against the defendant.

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