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## Criminalistics as the Science of Criminal Chess<sup>2</sup>

### *Abstract*

The author draws a parallelism between the criminal process and chessgame as they are similar. During the process there are opening, middlegame, endgame. The crime scene investigation is dominating in the opening part. The further investigation means total middlegame. The endgame include trial events, proofing method. The study analyses the three parts of criminal process as moments of the chessgame.

*Keywords:* opening of chessgame, middlegame, endgame, crime scene investigation, first strike, investigation, trial

### *Abstract*

A szerző úgy véli, hogy a büntetőeljárás hasonlít a sakkjátszmához. Létezik benne megnyitás, középjáték végjáték. A megnyitásban a helyszíni szemle a domináns. A további nyomozás jelenti az egész középjátékot. A végjátékba a bírósági események, a tárgyalási bizonyítás tartozik. A három szakasz elemzését végzi el a tanulmány.

*Kulcsszavak:* helyszíni szemle, első csapás, megnyitás, középjáték, végjáték, nyomozás, tárgyalás, bizonyítás

At first glance, it may seem surprising that the chess game indicated in the title could be interpreted in this way as a criminal game. At the second, we can recognise and, with some skill in analogy, conceptualise the three main game phases within criminal procedure. It is our understanding that in this “game” there is also:

1. opening
2. middlegame and
3. endgame.

We immediately raise the issue of their parallel counterparts, the duel pairs:

1. the site inspection (with primary measures) – as the opening;
2. the investigation as a whole (with all the additional criminal tactical and technical steps) – as the middlegame; and
3. the court phase (the trial evidence) – as the endgame.

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### *I. The on-site inspection (the “first strike”) as the opening*

With few exceptions, the eternal game of chess between offenders (criminals in the big games) and law enforcement (simultaneous games in the case of serial offenders) begins the opening from the criminal. The initial, white pawn move (while they are the “bad guys”, the “dark”, playing in the dark) almost always starts with the guilty (usually closed-opening, secret) move and, as you can guess from the title, the law enforcement necessarily “chases”, follows the move. In other words, only the reactive, second step with the dark pieces, the counter-attack is its own. Consequently, it is at a disadvantage (and forced to make a move), since in chess too, the light one has the advantage. If the offender plays chess at a very high level, at an international grandmaster level, he/she can stay ahead and win all the time. But this is where, theoretically (and fortunately also in the reality of the 64-field board), the principles of criminalistics come into play, which we have already listed, since among them is the importance of the “first strike”, which can compensate for or even reverse the initial disadvantage and could lead to the recapture of the centre square.

Since the main questions of facts must be clarified above everything else, the logic of our already sixth set of principles<sup>2</sup> is the following:

1. the 7 main questions of criminalistics (what?, where?, when?, how?, who?, with whom?, why?); in order to get to know the past, to reconstruct it
2. the past can be known; by means of traces and material remains, because
3. all crimes leave traces; which must be systematically collected, just like personal evidence, so that
4. every criminalist is worth as much as the data he/she has; and the repository of data is the crime scene and the primary measures associated with it, i.e.
5. the significance of the first strike; from which we can extract and obtain the data necessary to achieve our ultimate goal of (individual) identification
6. *natura non facit saltum*.

The present study only requires a discussion of the “first strike” (“first attack”, “first action”, in chess language first “move” or “strike”), known in the original German literature as “*erster Angriff*”<sup>3</sup>. In our view, this requirement, which has matured into a basic principle, encapsulates all the primary (“king and queen”) measures, including data collection, which the investigating authority takes or should take as soon as possible after becoming aware of the crime, in order to effectively investigate the facts.

What makes it different, what makes it more, why should it be elevated to the rank of principle? The following arguments are put forward in response:

- a)* according to forensic experience, there is a tendency for those who miss the opportunity and chance of the “first move” to have little chance of responding accurately, of winning the chess game later on;
- b)* the same in a positive approach: whoever makes use of the opportunity of the “first move”, who is quick and thorough then and there, who meets the “double constraints” of our modern age, has a great chance of further success, of a successful middlegame and endgame;

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<sup>3</sup> Forker, Armin – Bertram, Mäx – Gläser, Hans – Leonhardt, Rainer: Über das Wesen und einige Grundsätze des „ersten Angriffs”. *Forum*, 1972/9. szám, 404-407. o., illetve: uő: Die Arbeit am Tatort–wesentlicher Bestandteil des ersten Angriffs. *Forum*, 1972/11, szám, 491-495. o. és Eschrich, Gerd: Der erste Angriff is eine entscheidende Phase der Untersuchung einer Straftat. *Forum*, 1973/9. szám, 433-434. o.

- c) a “hot trace” always gives a better chance of finding the relevant data, including the identity of the perpetrator, than a “cold”, already “lost”, long-established, remote in time, space and act;
- d) as a general rule, since there are some exceptions, the easier it is to recall the “memory traces” in the human psyche, the closer the event is to the event is, and conversely, the more distant in time it is, like a past event, the more difficult it is to keep an undistorted mirror of events (for example, the more mistakes witnesses make);
- e) not only psychic traces, but also material traces are not preserved by the passage of time, they fade, disappear due to environmental influences and do not “reappear”;
- f) despite the fact that in the case of material remains, we can emphasise their “partisan” (almost indelible) character, their “toughness”, their durability, in their case freshness is an advantage (at most it is a possibility for later), but identification – especially the individual – is always somewhat reduced;
- g) the “first blow” may catch the perpetrator (the opponent of the game), who may already be in the picture, “stunned” by surprise, shocked by the swiftness (rapid or blitz), the confrontation with his/her action, the shortness of time does not give the perpetrator the opportunity to be conscious and calm, so it is much easier to obtain his/her confession, which is still valuable as direct evidence (formerly considered the “queen” of evidence, one might say of the chess game);
- h) the “first strike” can be used in both open and covert investigations; in the former, the “lead” is provided by the on-the-spot inspection and the – hot pursuit – measures that are grouped around it, while in the case of covert investigations, the “strike” is provided by the carefully prepared and unexpected realisation following the systematic prior secret collection of data, such as a search and seizure, immediate interrogation, coercive measures.

On the basis of this last argument, it is not useless to analyse the crime scene as a cardinal element of the “first strike”, since statistics show that the so-called “crime scene” crimes account for around 60-70 % of all crimes, not only in our country. Where it is worthwhile to carry out a site inspection, where there is something to look for, to search for, to “comb through”, where the building blocks, the traces and material remains included in the identification pyramid can be found. There is a tendency among criminalist around the world to value the primary crime scene, because everywhere – whether on the European continent or in the Anglo-Saxon oriented states, including Australia, as well as in Asian countries – the crime scene is a “repository of data”, an “open book to be read”. No site is free of traces or material remains, it is just a matter of finding and exploring the lessons left behind – often invisible – at the site. (These must be associated with appropriate interpretations and meanings.) It is to be mentioned here, that the so-called “negative traces”<sup>4</sup> can be equally valuable, i.e. what is not there and should be there, or what is not there and was there. Often the non-existent, missing trace says more than the “speaking” present.

It is a criminalistical cliché to say that every crime scene is different. Consequently, the extent to which a crime scene investigation 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” has to put him/herself in the perpetrator’s position in order to conduct an effective search for clues, i.e. to search for and record all the traces, material residues and changes of original state of scene that may have been left by the perpetrator’s

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<sup>4</sup> Dobos János: Negatív körülmények a helyszínen. [=Negative circumstances at crime scene.] In *Belügyi Szemle*, 1964/1. szám, 54-59. o.

movements. Carefully and thoroughly. In other words, the more thorough and attentive the perpetrator was at the scene – leaving nothing behind –, the more thorough and attentive the observer must be. A crime scene inspection (in chess terms, a series of moves in response to an opening) necessarily involves a multi-stage, multi-moment activity, not to mention the fact that both its purpose and its results can be very diverse.

The very name suggests the complexity of the on-site inspection. Not only can the site itself be a multifaceted and multifactorial phenomenon, but the inspection itself can also be a multifaceted phenomenon, for example, an inspection of persons, objects or sites. The latter necessarily includes or may include the elements of the former two, i.e. (dead) person(s) and important objects or crime signs at the scene. Often it is precisely because of the need for speed – *periculum in mora* – that the investigative act must be carried out without delay, the “clues” cannot be allowed to go cold, the chess player to “fall asleep”, let the time on the chess clock to run out.

Notwithstanding, parallelism is also a requirement, i.e. data collection in the other direction must be started as soon as there is sufficient data for a conditional explanation of the past, for the establishment of a version or versions. It is necessary to carry out a level of trace and material residue research (chess moves) that will stand up to the test, from the laboratory to the courtroom, i.e. the chess-like endgame (“from crime scene to the courtroom”). All tactical and technical means available at the time and place in question, through the independent results of the natural and social sciences and of forensic science as an applied science, must be used to this end.

Of these – as our reflections are not intended to go into detail on all of them – we will highlight one new feature, namely the digital terrain scanner, which has already been tested in our country. We are highlighting it not only because of its novelty value, but also because it fits in with the trend of contemporary forensic science. In other words, we are talking about it more because of the advance of digital techniques that produce second-generation evidence.

The American DeltaSphere-3000 device, consists of a portable laser scanner and a digital camera. The scanner also takes measurements of objects around it and their distance from each other. It “scans” these objects to create a three-dimensional model of the scene. The software is then used to overlay the images taken by the digital camera on top of this. Using about 20 laser beams, it continuously triangulates the geographical coordinates. The accuracy of the measurements means that conventional measuring rules can be put in the “repository”, saving explorers a lot of time and, of course, making the obligatory scale images and descriptions much more accurate. If full coverage is to be achieved, the digital device just needs to be moved around the room – held very steadily – to see behind overlapping objects.<sup>5</sup> The device is also valuable because the footage taken is useful not only for the investigators but also for the people acting in court (the endgame) – court, prosecutor, defence, expert witness, etc. – as they can almost insert themselves into the original scene, where they can view and analyse the incriminated scene showing the exact distances. This can be of many kinds: real, unchanged, spontaneously or deliberately altered, fabricated, living, moving, dissected, double or multiple, “incidental”, stable, “virtual” etc. We add to the list the notion of “dangerous and non-dangerous” locations. This distinction is made because living sites alone do not necessarily cover the concept, as there are also non-hazardous living sites. At the same time, however, living fire or explosive living sites are also particularly risky for the lives and physical safety of spectators, because of the dangers lurking beneath the surface. For example, in the case of multi-storey buildings, there are hazards from rotting

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<sup>5</sup> Katona Géza: A helyszíni szemle hatékonyságának aktuális kérdései. [=The crime scene investigation’s actual questions.] In *Belügyi Szemle*, 2012/6. szám, 75-86. o.

wooden beams, collapsing walls, sockets and roofs, or take the sites of serial bombings, where who knows how many other times devices were hidden. From such places, which also puts danger to the onlooker, the practical majority is separated, where there is no longer any danger (the armed perpetrator is no longer on the scene, the burglar has left no risk factor behind etc.) It seems certain that each form of surveillance requires different techniques, tactics and techniques (chess response). This is the beauty and the difficulty of the process, which must be both thorough and fast enough to allow for a quick mapping of the scene (the chess clock is ticking), a static, overall picture, and a dynamic second phase of searching for clues and material remains, which must not be rushed, superficial or overdone.

In addition to thoroughness and speed, the observer and those securing the site must also be careful to avoid contamination or the disappearance of traces and material remains before they have been recorded. The importance of the “first strike” is increased by the fact that there is no second chance. There is no second strike, since the event is – in practice – unrepeatable (irreversible), since the site changes so much during the first inspection that the hope of a successful excavation is very remote.

In the case of urgent investigative acts, we cannot repeat the tactical advice we have for other tactical criminal acts, such as the interrogation of an accused, witness or victim, or a planned search, to “prepare your opponent”. Because of the unexpectedness and unpredictability of the situation, this is not possible and usually the “opponent”, the unknown perpetrator in hiding, is not usually waiting for the authorities. (Except in cases of catching in the act or voluntary surrender, or the already known and even studied chess opponent sitting at the chess board as in this study.) Thus, without thorough preparation, a decision must be made quickly about the necessary surveillance forces and techniques: motor vehicles, recording equipment, lighting, computers, printers, dictaphones, cameras, video cameras, digital laser scanners, radios, mobile phones etc.), assistants (tracking dog, dog handler, technician, protocol officer, computer-weapon-trace-detective-medical-technical expert, consultant etc.), logistics of the whole investigation. Of course, this must be done in the meantime, adapted to the circumstances, the size and the nature of the tasks.

A thorough on-site inspection – and not the colloquially popularised „helyszínelés” (lit. to spotify, a commonly used term for forensic inspection in the Hungarian language), as this is a different criminal tactic – and its details must be recorded and documented credibly so that further investigators, other than the on-site inspection<sup>18</sup>, or other authorities (prosecution, court) can recall all the details. At least in the form of a written record, but this can be accompanied by computer, internal digital network, CD, DVD, photo and video recordings<sup>19</sup>, drawings, sketches, dog start report, crime report with very precisely described and separately packaged crime signs, a review report including subjective findings, conclusions, versions.

By reinforcing and proving the “first strike” nature of the inspection, and subsequently, valuable data may emerge at the level of generality, which may help to move forward, answering all the main questions of forensic science. In our view, these could include:

- a) offer an immediate guide to the perpetrator’s identity, whereabouts, escape route, hiding place, intentions, threat level (weapon/explosive) of possible new crimes; (tactics, thought processes of the opponent)
- b) in addition to past events, very powerful data on future intentions can be obtained from digital devices found at the scene, which, although not easy, expert (professional) examination should be started as soon as possible, relevant data should be extracted;

- c) can provide the basis for general and partial versions, for a conceptual reconstruction of the past;
- d) the exact time, place and manner of the crime can be discovered;
- e) valuable physical-bodily-mental characteristics of the perpetrator can be extracted from the results of both the static and dynamic phases (e.g. number of perpetrator(s), role, purpose or motive, skills, knowledge of the place, clothing, strength, smoking, physical injuries);
- f) important personality traits and behavioural patterns may emerge from the crime scene data (e.g. personality of the offender, typical habits, perseverant behaviour, expedient or unnecessary follow-up, relationship with the victim, desire to be seen);
- g) all these physical-personal data can be used for profiling, to “profile” the perpetrator (educated-primitive, brutal, greedy, reckless, pathological, actually sick, or social status, education, occupation);
- h) the data and evidence recorded during the inspection may be useful for any subsequent attempt at evidence, presentation for identification, on-the-spot questioning;<sup>6</sup>
- i) the data may provide an opportunity to identify one of the serial offences, to match it to similar previous incidents, which may also help to build up versions – taking into account the knowledge of the data from previous sightings;
- j) almost all the data from the on-site visit can be very well used to verify the versions that emerge later and the subsequent evidence obtained in the trial, or in the evidentiary process, ultimately in court; (the endgame)
- k) the traces and material remains recovered will provide objects for later forensic laboratory tests; and finally
- l) the rapid acquisition of search data can provide a basis for organising a “hot trace” pursuit.

This brings us to our next stage, the other important component of the “first strike” that we want to highlight, the so-called “hot trace” coordinated action. We believe that this also gives substance to the basic principle requirement that the most effective, coordinated action should be taken as quickly as possible by the leader and his team – shortly after the crime has been committed (the first chess move) – to gather evidence and apprehend the perpetrator. The leader has a wide range of responsibilities:

- a) monitoring the activities of the desk officer in collecting and transmitting information,
- b) managing the activities of the task force (occasionally a commando, helicopter, motorcycle, diving service, etc.) set up to apprehend the offender (whether armed or with explosives),
- c) monitoring the activities and results of the first responders and the search team, including the digital data obtained (the search must continue even if the perpetrator has been apprehended),
- d) the interviewers of the witness(es) and victim(s) and the data obtained by them,
- e) maintaining liaison with other law enforcement agencies involved in the operation,
- f) determining and directing the activities of the territorially competent district officers, patrol officers and detective dog handlers,

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<sup>6</sup> Molnár József: A helyszínelés és bizonyítási kísérlet szerepe a bűnügyi nyomozásban. [=Crime scene interrogation and reconstruction method in criminal investigation.] In Irk Ferenc (szerk.): Kriminológiai és Kriminálisztikai Tanulmányok XXXV. Országos Kriminológiai és Kriminálisztikai Intézet, Budapest, 1998, 316-341. o.

- g) evaluation of the data obtained on an ongoing basis,
- h) if necessary, changing the direction of the pursuit, the points of closures (roadblocks, area blockades),
- i) action to record relevant data and information as soon as possible,
- j) ensuring that evidence obtained is properly stored,
- k) coordinating all these tasks and any other current tasks.

Point k) includes the collection of data and the search of the residence, acquaintances and family of the perpetrator, once his identity is known. His habits, personality, character, occupation, marital status, education, other usual places of residence and whether he is in possession of weapons, explosives or special instruments against life and limb should be recorded. It is advisable to find out what may have triggered the crime or other/multiple crimes, especially if he/she is fleeing from another place of crime. The aim here is also to prevent the perpetrator from harming themselves or others – even if he is fleeing – and from committing or being able to commit another crime.

All this must of course be carried out quickly, professionally, flexibly, but in an organised manner and in compliance with legal requirements, criminal tactics and technical recommendations.

As a short summary of “first strike” principle, we note that we believe that a first strike is not only an option but also a requirement. This *modus operandi*, this situation, must be exploited by the criminalist, a truly masterful chess player, all the more so because it provides a valuable basis for answering the seven questions of forensic science. Anyone who builds this basis badly cannot expect a solid build-up, an effective middlegame and endgame. The construction, the version, can collapse like a house of cards, even during the investigation, but it can also happen in the endgame, in court.

## *II. The investigation as a whole (all further criminal tactical and technical steps) – as the middlegame*

If you look at the literature on the game of chess, you will immediately notice that there is a library of literature on the openings detailed in subchapter I. In contrast to the second phase, which is so complex and so extensive that the tactical instructions to be followed are almost inexhaustible. By contrast, the literature on criminalistics is very rich, with thousands of textbooks and monographs detailing the law enforcement chess moves that can be made in the world after the first strike. Just think of the volumes on criminal technique, tactics and methodology, and the plethora of recommendations contained therein. At this stage, the law enforcement chess player can reverse the initial move disadvantage and gain an advantage if he/she fights with sufficient thoroughness, tenacity and professionalism against an opponent who is more focused on hiding at this stage, who often tends to be passive and who has already committed a crime. It would be impossible to list the very wide range of tools available, which is growing every day, thanks in particular to scientific research, but we will instead focus on the aim of the middlegame in the light of the principles already described.

The key element of the middlegame is the investigation and (preliminary) examination of the answers to the 7 basic forensic questions. In our view, the already mentioned main set of forensic questions – what, where, when, how, who, why – is a set of principles, because without answering them the authorities cannot say that they know the relevant facts, the historical past and the facts to be judged correctly. If they don't know these completely, without distortion, and try to assess and decide in this way, the main danger, the

“worst case scenario”, could be a possible miscarriage of justice<sup>7</sup>, the prevention of which is the primary duty of all law enforcers.

Among the theorists of forensic sciences, it was mainly those who sorted out the content of the how? question, thus extending the series of questions to twelve. For example, to the detriment of whom? With what tool was it committed? For what reason or purpose? What damage was caused? It may also be noted that according to the rules of the Hungarian language, question 6, “with whom?”, should not be asked, since, if there were more than one person, our answer to question 5, “who?”, would include the names of the accomplices. There is no doubt that the English (and German) abbreviation “7W questions” formula has now become a well-established, internationally and personally accepted part of both the theory and practice of forensic science.

It is no coincidence that among the seven questions, the first question is “what?”, since the essential answer to “what happened?” provides the initial answer and the impetus as to whether the authorities really have to act in a criminal case or in administrative, misdemeanour, labour, disciplinary proceedings, and so on. In the event of a criminal response, the apparatus, expertise, methodology and tools to be deployed will immediately change, and the other fundamental questions will immediately become acute. The word “immediately” is highlighted in the sentence, as the question of time becomes immediately important. Not only because of the need for speed in the investigation and fact-finding, but also because the question “when?” becomes important. The question “what?” is followed by the question “where-when-how?”. They arise almost simultaneously and urgently, to which precise answers must be given as soon as possible, because without them we are unlikely to be able to effectively research the answers to the further questions, the who-with whom?

In any case, the seven questions, which have been used in theory and practice, are of particular importance (“magic power”) because we can say with almost certainty that the reconstruction of the past (the “magic”, the endgame) will succeed if the forensic scientist, and ultimately the court, can provide the exact answers to these seemingly simple questions. This is not easy, because in the age of modern forensic science, the practical answers require scientific skills, knowledge and powers that are distanced from magic.

Even the first question, “what happened?” can cause enormous difficulties and take up a lot of time and energy of the members of the investigating authority. This question (“what happened”) should be a priority to answer – and it will continue to be a priority in the future – because, it determines whether or not a criminal case has been committed. It could be said that the answer to the first question is an indispensable condition, a *conditio sine qua non* for moving forward. It should be noted that there are questions in the base which do not fall into this category; without answering them, there can be a legitimate and realistic fact-finding and criminal prosecution.

Secondly, from set of “where?”, “when?”, “how?” questions, we place “where?” in the second place, immediately after the necessarily first “what?” question, and in principle, since a significant number of crimes are “location-based”. In other words, the fact-finding begins with an inspection at the scene of the crime, as we have already stated above. We see a trend towards an increase in these and we model a similar trend in future, as the micro- and even sub-micro level of knowledge of physical evidence, the ever-expanding technology of detection and recording devices, provide more and more opportunities for inspection and meaningful, targeted on-site data collection every year. (It is already known to be a crime, since the first question had to have been answered earlier credibly.) It is also relevant because it is usually the first stage in the whole process of criminal prosecution. For in the triad of the

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<sup>7</sup> Handrik Adél: A justizmordok okai – tévedési források a büntetőeljárásban. [=Reasons of justizmord – erroring sources in criminal process.] In *Belügyi Szemle*, 2011/9. szám, 41-63. o.



“crime scene-lab-interrogator”, it is the entry point, the trigger, the first step to the evidence, its discovery, recording and evaluation. The next stage is the forensic laboratory, which examines and gives an opinion on the traces and material remains, and the third stage – the courtroom – which is the final place for the evaluation and weighing of evidence, the “endgame”.

Accurate response will guide the investigators on where to look for clues and material remains, where to hold the both forensically and legally important on-site inspection.

Thirdly, we need to know how far it is necessary to look back into the past in order to solve the crime and answer all the questions. The relevance of the question “when did it happen?” is multi-directional. First of all, it is relevant because of the immediate action, what the jargon calls “hot pursuit”, and there is only a place and sense for mobilization, for rapid organization, if the crime has indeed occurred recently, the scene “not yet cooled”. On the other hand, it gives a time frame for investigation, for further multi-directional, open and secret data collection and softening. Thirdly, it also provides a guide to the potential perpetrators. It narrows it down to those who do not fall outside the time pool, as opposed to those with a verified, established alibi. Answering the time question can also play a role in answering the fundamental question “what happened?”.

Our fourth point is that the number of answers to the question “how did the crime happen?” is inexhaustible. Yet some sort of systematisation has emerged, as psychology has led criminalists to recognise that there is a specific link between the perpetrator and the act. One could say that they are “similar”, that is, the way in which they are committed reflects the offender, his personality, his thinking, and that the psychological basis of this correlation is perseverance. It is understood that offenders, especially those who act in series, are persistent and tenacious in their modus operandi (for example, in the case of a chess player, the opening type). This theoretical and practical recognition is the basis for the methodological description of each crime, whether committed by a known or unknown perpetrator, the modus operandi (MO) register. It is almost nothing more than a collection of offender “signature behaviour”, in which, one might say, “signature-like behavioural traces” are stored. In addition to the fact that the modus operandi is intrinsically characteristic of the offender, within the modus operandi there are also behavioural traits that function as a kind of signature of the offender. The perpetrator’s signature can be distinguished from other behaviour within the modus operandi in that the signature-type behaviour does not consist of the necessary sub-actions of committing the crime, but of acts outside the scope of the modus operandi, which satisfy the emotional and psychological needs of the perpetrator.

It is also worth noting in this context that the uniqueness of offender signatures is of great importance for a relatively new criminal tactic, profiling. The offender’s business card is an “imprint” of their personality, from which a wealth of information can be gathered pertaining to their thinking, personality, mental state, occupation, interests, and sometimes even his family status and illness.

Our fifth and sixth point is that the final criminal conviction (checkmate) is only possible after answering the question(s) “who did it?”. This is also a *conditio sine qua non* for establishing the facts, at least as to who the perpetrator is, because occasionally one may be aware that there was a partner/participant, but still fail to identify him/her. Even so, the accurately revealed act of a known, individually identified perpetrator can still be judged.

Seventhly, it should be noted that the Anglo-Saxon perception is to seek the answer to the question “why did it happen?” almost from the outset, and it is difficult to imagine prosecution without an answer. The continental view is also interested in the answer, but does not have such a strong attachment or “stubborn” insistence on it. In many cases, the question of why is not answered in any meaningful way, even on the basis of the most thorough investigative work, yet there will be prosecutions if the answer to the other questions is

conclusive. We would also add that it is not only important for crime detection, but also for crime prevention, since only by knowing the real roots and causal process can we effectively prevent crime.

### *III. The court phase (evidentiary procedure) – as the endgame*

The court stage, which is the endgame in chess, answers the simple sporting question: who wins the game?

In the case of the prosecution and defence controlled pieces, the twist here is that the endgame starts with the law enforcer who is still at a disadvantage at the initial opening. Without the prosecution there is no endgame, no court phase, here the authority opens and attacks at the same time. He/she must be in the lead, ahead of the opponent, with a mating power, his toolbox (weaponry) must not be devoid of plans, combinations, and strong, undeniable evidence. Opposed with chess, you must also indicate these in advance (in your indictment), so your opponent can prepare for them. ) There can still be tactical or immediate action elements from both sides (e.g., castlings, slams, “horse jumps”, check-checks, blitz-checks, en passant, double-exposed-sacrifice-check moves), changes, queens , other heavy and light officers (rook, bishop, knight), pawn tricks (e.g. pawn break, free pawn, poisoned pawn), traps, exchanges, (queen’s) plot ties, roping.

It is here that the effectiveness of the forensic principles is decided in an open (off-the-clock) game, based on the principle of immediacy (by “facing” each other). In other words, to what extent were certain answers to fundamental forensic questions given, how and to what extent was it possible to reconstruct the past. Were all the clues (physical and digital), material remains, testimonies, documents and documents at the centre of the imaginary forensic pyramid<sup>8</sup> credibly traced, collected, analysed, examined and weighed up? Was the data set of sufficient quality, relevance, and procedural relevance obtained, presented, and conclusive, the majority of which was obtained by law enforcement in the “first strike”? Can a conclusive, reassuring and specific answer be given as to the identities (act, place, time, method, cause, motive, person)? Will there be a (e.g., smothered) checkmate or will it end in defeat and the endgame law enforcement attack ends in acquittal, the fall of their own king, the abandonment of the game? The eternal chess rules such as the rule of three mirror moves, the rule of fifty moves, the stalemate (the draw) also favour the one who is brought to trial, bearing in mind the criminal procedural principle of *in dubio pro reo*; then again, the clear one, the initiator, wins. (If he/she personally initiated at all.)

In the interest of protecting law enforcement society, every well-meaning, law-abiding citizen can root for the king of the prosecution, but remember that he can only use fair combinations, according to the rules of fair play in chess (e.g. “capture piece moves, keep piece captured”). Every effort must be made to obtain an accurate, undistorted account of the past, to avoid miscarriages of justice and betrayals of the King. This is the eternal responsibility of the chess players of law enforcement!

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<sup>8</sup> See: Fenyvesi Csaba: A kriminalisztika piramismodelljének második változata. [=Second version of criminalistical pyramid model.] In *Belügyi Szemle*, 2014/9. szám, 32-43. o.

*References*

Dobos, János: Negatív körülmények a helyszínen. [=Negativ circumstances at crime scene.] *Belügyi Szemle*, 1964/1. szám, 54-59.

Eschrich, Gerd: Der erste Angriff ist eine entscheidende Phase der Untersuchung einer Straftat. In *Forum*, 1973/9. szám, 433-434.

Fenyvesi, Csaba: A kriminalisztika piramismodelljének második változata. [=Second version of criminalistical pyramid model.] In *Belügyi Szemle*, 2014/9. szám, 32-43.

Forker, Armin – Bertram, Mäx – Gläser, Hans – Leonhardt, Rainer: Über das Wesen und einige Grundsätze des „ersten Angriffs“. In *Forum*, 1972/9. szám, 404-407.

Forker, Armin – Bertram, Mäx – Gläser, Hans – Leonhardt, Rainer: Die Arbeit am Tatort – wesentlicher Bestandteil des ersten Angriffs. In *Forum*, 1972/11. szám, 491-495.

Handrik, Adél: A justizmordok okai – tévedési források a büntetőeljárásban. [=Reasons of justizmord – erroring sources in criminal process.] In *Belügyi Szemle*, 2011/9. szám, 41-63.

Katona, Géza: A helyszíni szemle hatékonyságának aktuális kérdései. [=The crime scene investigation's actual questions.] In *Belügyi Szemle*, 2012/6. szám, 75-86.

Molnár, József: A helyszínelés és bizonyítási kísérlet szerepe a bűnügyi nyomozásban. [=Crime scene interrogation and reconstruction method in criminal investigation.] In Irk Ferenc (ed.): *Kriminológiai és Kriminalisztikai Tanulmányok XXXV.* Országos Kriminológiai és Kriminalisztikai Intézet, Budapest, 1998, 316-341.