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Handler's credibility questioned in court

Teacher turned hobby into a career of sniffing out suspects in more than 1,000 cases

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- **CRITICAL CASES** Two men have filed suit against Keith Pikett and other investigators. The suits allege Pikett's methods were flawed and violated the plaintiffs' civil rights:

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CRITICAL CASES Two men have filed suit against Keith Pikett and other investigators. The suits allege Pikett's methods were flawed and violated the plaintiffs' civil rights:

Calvin Lee Miller, 43, filed suit against Keith Pikett in federal court in Victoria on May 12. Yoakum police investigator Collin Lee Campbell also was named in the suit and filed a motion June 23 to dismiss the case against him.

Michael Buchanek, 55, originally filed suit against Keith Pikett on Jan. 29, 2008. An amended complaint was filed on April 8, 2008. On Feb. 27, 2009, Rainey denied Pikett's motion to dismiss the charges against him.

Both cases are pending in the U.S. District Court for the Southern District of Texas, Victoria Division.

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In 1989, a high school teacher and his wife bought a bloodhound named Samantha. For fun, they taught her to follow scents.

Two years later, Keith and Karen Pikett volunteered Samantha to search for lost children around Houston. The couple bought another bloodhound, and demand for their services grew.

In 1998, Keith Pikett turned his hobby into a career with the Fort Bend County Sheriff's Office.

Since then, police, prosecutors and the media have praised the deputy and his dogs' work in more than 1,000 investigations.

But Pikett's credibility is being tested in both civil and criminal court. Two federal lawsuits, filed little more than a year apart, claim Pikett's scent lineups are designed to implicate suspects - not to gather objective evidence.

Meanwhile, judges have twice excluded him from testifying as an expert because of questions about the science supporting his work or his honesty.

In 2007, Pikett testified that three of his dogs, Jag, James Bond and Clue, never erred in scent identifications, despite having sniffed hundreds of lineups. A fourth hound, 12-year-old Quincy, performed 1,483 scent lineups and made only two mistakes early in her career, Pikett said.

Victoria attorney Rex Easley represents both plaintiffs suing Pikett.

"The scent line-up was not performed according to any identified, recognized or established protocol, but were rigged to be result-oriented, that is, to maliciously and intentionally implicate plaintiff," Easley wrote in Calvin Miller's complaint.

Yoakum police used results of the scent lineup to get an arrest warrant charging Miller with robbery and aggravated sexual assault. Miller was later cleared by DNA results.

Easley's other client, former Victoria County Sheriff's Capt. Michael Buchanek, was briefly a person of interest in the high-profile murder of Sally Blackwell, of Victoria. Another man later confessed.

Victoria police and sheriff's investigators relied on a lineup and a trail run by Pikett's hounds to get a search warrant for Buchanek's Victoria home.

Before the lawsuits, news coverage of Pikett was overwhelmingly positive.

The 62-year-old's deep-creased grin, patient voice, khaki shorts and walking shoes seem like holdovers from his teaching past.

He's begun to curb his openness with reporters, though. Randy Morse, assistant Fort Bend County attorney, advised Pikett not to grant an interview because he feared it would turn into a debate.

After several phone calls, Morse agreed to a limited meeting. Advocate journalists could watch a morning of scent lineups and take photographs, but not film anything.

Pikett presented his work with flair and a clear intent to dispel common criticisms.

Conducting lineups on leash, as Pikett does, makes it difficult to exclude handler influence, said former K9 handler Steve Nicely, now an expert witness who has been hired to testify against Pikett at least three times.

Pikett does not know where the suspect's scent is during each lineup, his attorney said. As a Houston police officer laid out the scents for lineups, Pikett turned away and chatted with his audience.

But there seemed to be some clues - intentional or not - that pointed to the location of the suspect's scent. In the first lineup of the day, the bags in cans 1, 2, 3, 5 and 6 were rumpled. A crisp sample in a sharp-cornered bag sat in can 4. The dogs picked can 4.

As Pikett trotted the first hound back to its crate, the officer nodded, not hiding his pleasure from the handler.

Kenneth Furton, the head of the federally funded The Scientific Working Group on Dog and Orthogonal Detector Guidelines, recommends double-blind lineups - in which neither the handler nor the observer knows where the suspect's scent is.

Such precautions are designed to keep the observer from influencing the handler, who in turn can influence the

dog, said Furton, also a professor of chemistry and biochemistry at Florida International University.

The hounds aren't swayed by tugs on the leash, only by their noses, Pikett said.

During one lineup, James Bond walked down the line of cans without indicating a match.

"This is how I'm leading them and cueing them," Pikett said facetiously, then walked through the lineup again, this time jerking Bond's leash at every can.

The hound plodded on, ears and jowls wagging.

But the dogs seem to respond to some of Pikett's cues. In another lineup, each dog showed mild interest in can No. 2, where a suspect's scent had been placed.

Quincy, who typically spins and barks when she's found a match, walked in a small circle, but was silent.

"What happened to your voice?" Pikett asked, his arms spread in a questioning gesture. Quincy jogged down the line and barked as she passed can No. 5.

Clue's interest was similarly cool, merely a tail wag, though she typically plants her paws on Pikett's chest.

"Make it big," he prompted. Clue jumped up on him.

The hounds always pick the suspect's scent or no scent at all, and supporters say that proves the identifications are legitimate.

Stephen C. Taylor is so enthusiastic about Pikett's work that it's easy to forget the Conroe attorney defends criminal suspects.

He represented a convicted murderer in a case in which Pikett's evidence was key.

Pikett's hounds wowed Taylor by finding another client in a live lineup of six men.

"When they can do a live lineup like that, how do you explain it, unless my guy's scent is on it?" Taylor said.

San Jacinto County District Attorney Bill Burnett prosecuted Taylor's client and two co-defendants, one of whom was acquitted. Burnett would call Pikett as witness again without hesitation, he said.

Because dogs can't testify or be cross-examined, reliable testimony from handlers is crucial, Victoria County District Attorney Stephen Tyler said.

"A dog might be great, but if a dog handler is not good or not credible, it's only as strong as their weakest link," Tyler said.

According to transcripts from a pre-trial hearing, Pikett twice said he had a master's degree in chemistry. He does not.

In a deposition for the Buchanek case, Pikett denied the earlier testimony.

"It came out that way, but I didn't say it," Pikett said.

"It came out that way?" Easley asked. "The court reporter took it down wrong?"

"Well, I'm not gonna accuse them of that, but it came - I mean, I didn't see this until it came out in the appellate court ruling, and it said that, so I didn't have any idea what it said until I was given a copy of the appellate court ruling."

Pikett clarified that he has a master's degree in education from the United States Sports Academy.

Defense lawyer Steven Gilbert highlighted that discrepancy during a June hearing in Fort Bend County. Pikett was excluded as an expert witness in the case, but Gilbert's client was convicted of aggravated robbery.

Gilbert also questioned Pikett's scent lineup methods.

"There's no standards, no examination, no test," Gilbert said. "They're doing this stuff all over Europe, and there's strict peer review. Here, you make up the rules as you go along."

Houston defense lawyer Daphne Pattison successfully challenged Pikett's qualifications by questioning the science behind the lineups. The burglary charge against her client was dropped.

"The State has not provided any information to show that Deputy Pikett is competent to render an opinion on the identity of the suspect in this case," Pattison wrote in her motion. "Independent research has revealed absolutely no scientific analysis of this scent line-up procedure."

Pikett continues to lead his hounds in scent lineups daily, he said. Morse said the lawsuits might eventually halt Pikett's work.

That's good news to former handler Nicely, who summed up his thoughts on Pikett: "He needs to be stopped."

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