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NO. F81-2101 QK

THE STATE OF TEXAS X CRIMINAL DISTRICT COURT NO. 4
VERSUS X DALLAS COUNTY, TEXAS
CHARLES ALLEN CHATMAN X JULY TERM, A. D., 1981

FILED IN
COURT OF APPEALS

DEC 16 1981

JEANNETTE JOHNSON
CLERK, 5th DISTRICT

A P P E A R A N C E S :

FOR THE STATE:

HON. HENRY WADE, CRIMINAL DISTRICT ATTORNEY
OF DALLAS COUNTY, TEXAS, BY:

HON. JAMES FRY
HON. DOUGLAS FLETCHER

FOR THE DEFENDANT:

HON. PAT ROBERTSON
Attorney at Law
Dallas, Texas

FILED
NOV 20 1981
T. E. MOORE
DIST. CLERK, DALLAS CO., TEXAS
SWilk DEPUTY

BE IT REMEMBERED that on the 12th day of August,
A. D., 1981, the above entitled and numbered cause
came on to be heard before HIS HONOR, JUDGE JOHN MEAD,
and a jury, and the following proceedings were had:

1 WITNESSES

2 FOR THE STATE:

Direct Cross Redirect

3
4 [REDACTED] 5 30*
5 J. C. Swinney 31** 39 47
6 D. S. Ortega 48 53 54
7 Dr. Clare Edman 54 61
8 Fred Milligan 83 86 88
9 Benita Harwood 89
10 94 100

11 FOR THE DEFENDANT:

12
13 Claudette Smith 64 72
14 Gene Hickman 72 75
15 Chas. Allen Chatman 77 80
16

17 FINAL ARGUMENTS ON GUILT OR INNOCENCE:

18 Mr. Fletcher - 102
19 Mr. Robertson - 110
20 Mr. Fry - 115
21

22 EXHIBITS

23
24
25

No.	Description	Marked	Identified	Offered	Rec'd	Shown
19	S-1 Sack contain- ing sheet	93	93, 97	94	94	123
20	S-2 Bed sheet	97	97	98	98	124

1 MR. FRY: At this time the State
2 would offer into evidence State's Exhibit
3 No. 1.

4 MR. ROBERTSON: No objection.

5 THE COURT: Admit it.

6 MR. FRY: I pass the witness.

7 MR. ROBERTSON: I have no questions.

8 THE COURT: That's all. Next
9 witness?

10 MR. FRY: The State would call
11 Benita Harwood to the stand.

12 (Whereupon the witness
13 was sworn.)

14 BENITA HARWOOD,
15 a witness, having been duly sworn to testify the truth,
16 the whole truth and nothing but the truth, testified on
17 her oath as follows:

18 DIRECT EXAMINATION

19 BY MR. FRY:

20 Q Your name is Benita Harwood?

21 A That's correct.

22 Q How are you employed?

23 A I'm employed as a forensic serologist.

24 Q Where?

25 A At the Institute of Forensic Sciences here in

1 Dallas.

2 Q Would you tell the jury a little bit about
3 your educational background and also your practical
4 experience which qualifies you for the position you now
5 hold?

6 A I have a Bachelor of Science degree in
7 medical technology from the University of Texas Heal
8 Science Center here in Dallas. I'm registered with
9 the American Society of Clinical Pathologists as a
10 medical technologist. I've had two years of clinical
11 blood bank experience with the Veterans Hospital here
12 in Dallas.

13 I've attended the FBI school on biochemical
14 analysis of bloodstains. I've had three years
15 experience with the Forensic Science Lab.

16 Q Miss Harwood, I would like to ask you to move
17 a little closer to the microphone. I'm having diff-
18 iculty hearing you myself.

19 I would like to take you back to January 15,
20 1981, and ask you whether or not you held the position
21 you just described on that date?

22 A Yes, I did.

23 Q On that date did you have occasion to retrieve
24 or receive some samples from Parkland Hospital?

25 A Yes, I did.

1 Q Wewe those samples labeled with the name

2 [REDACTED] ?

3 A Yes, they were.

4 Q Would you tell the jury exactly what form the
5 samples took?

6 A I received a vaginal swab, a vaginal smear,
7 a blood sample and a pubic hair and some cuttings.

8 Q I would ask you whether or not you at any time
9 ran any tests or attempted to analyze these samples?

10 A Yes, I did.

11 Q Would you tell us what the results of those
12 tests were?

13 A I analyzed the vaginal swab for the presence
14 of seminal fluid. I did not find any present. I
15 analyzed the vaginal smear for spermatozoa and found
16 spermatozoa to be present on that smear.

17 I did a blood type on the blood sample and
18 found it to be blood group A. I examined the pubic
19 hair combings for any foreign hairs present but did
20 not find any.

21 Q I would also ask you whether or not you had
22 occasion to receive some physical evidence there at the
23 Institute of Forensic Sciences?

24 A Yes, I did.

25 Q Miss Harwood, I would show you what's been

1 admitted into evidence as State's Exhibit No. 1 and
2 ask you whether or not you can identify this yourself?

3 A Yes, I can.

4 Q What is it?

5 A It's a sheet that was brought out to the
6 laboratory.

7 Q It is a sack which was in the property box,
8 is that correct?

9 A Yes, that's correct.

10 Q I would ask you to open the sack, if you will,
11 please.

12 (Whereupon the witness com-
13 plied with the instructions.)

14 Q And retrieve the contents.

15 (Whereupon State's Exhibit No.
16 2 was marked in evidence.)

17 Q Let me hand you what's marked for identifica-
18 tion as State's Exhibit No. 2 and I would ask you
19 whether or not you can identify this?

20 A It has my initials and my case number on this.

21 Q I would ask you what this is.

22 A This is a white, fitted bed sheet that was
23 analyzed for the presence of seminal fluid and
24 spermatozoa.

25 Q This is the bed sheet contained within the

1 sack which is State's Exhibit No. 1?

2 A Yes. That sack also has my initials and my
3 case number on it.

4 MR. FRY: At this time I would
5 offer State's Exhibit No. 2 into evidence.

6 MR. ROBERTSON: No objections.

7 THE COURT: Admit it.

8 Q Let me ask you whether or not you had an
9 occasion to examine the sheet and run certain tests
10 upon it?

11 A Yes, I did.

12 Q Would you tell us what the results of those
13 tests were?

14 A On several bloody areas on the sheet I found
15 the presence of seminal fluid and spermatozoa.

16 Q Did you analyze the samples that you found?

17 A Yes. I attempted to determine a blood group
18 of the seminal fluid on the sheet and found it to be
19 blood group O, from an O secretor.

20 Q Miss Harwood, you used the word "secretor."
21 Would you tell us what a secretor is an individual
22 who carries in their blood or their body fluids, such
23 as vaginal fluid, seminal fluid, their ABO blood type.

24 Q Let me ask you whether or not you've had
25 occasion to take blood samples and also saliva samples

1 from an individual by the name of Charles Allen Chatman

2 A Yes, I did.

3 Q Look around the courtroom, if you will, and
4 I would ask you whether or not that individual is with
5 us today?

6 A Yes, he is.

7 Q Could you point him out for the jury?

8 A He's the gentleman at the far table, sitting
9 in the beige sweater.

10 Q Are you talking about the black individual at
11 the far end of the counsel table?

12 A That's correct.

13 Q Counting me as number one, he would be number
14 four, Miss Harwood?

15 A That's correct.

16 Q And you came to know him as Charles Allen
17 Chatman, is that correct?

18 A That's how he was identified, yes.

19 Q Did you have occasion to analyze the blood
20 and saliva samples which you took from this individual?

21 A Yes, I did.

22 Q What were the results of those tests?

23 A I found Mr. Chatman to be blood group O, and
24 a secretor of that substance.

25 Q So, if I understand your testimony, what

1 you're telling us is that the tests run upon the
2 samples found on that bloody sheet indicated an O
3 secretor?

4 A That's correct.

5 Q And the tests that you ran upon the blood
6 samples and saliva samples of the Defendant, Charles
7 Allen Chatman, show you he is an O secretor?

8 A That's correct.

9 Q Let me ask you this: What percentage of the
10 population of young black males or black males are
11 O secretors?

12 A Approximately forty percent of the black male
13 population is O secretor.

14 MR. FRY: I pass the witness,

15 Your Honor.

16 CROSS EXAMINATION

17 BY MR. ROBERTSON:

18 Q Let's bottom-line all these tests. What
19 you're telling the jury is, as a result of all these
20 scientific tests that you ran, you still can't tell
21 this jury over here that this man raped that woman,
22 can you?

23 A No, I cannot.

24 Q There was no pubic hair found, is that
25 correct?

1 A That's correct.

2 Q Is there any sort of conclusive test that you
3 could have run or samples of spermatozoa taken from
4 that sheet and run the same test on this man and tell
5 conclusively that he did or did not rape her?

6 A There's no test that can identify it to one
7 individual, no. There are tests that would have shown
8 if he were of a different blood type. I can only
9 include him in the percentage of the population. No
10 test can completely identify him. Certain tests can,
11 in certain instances, exclude an individual, but he
12 was not excluded from that percentage of the population.

13 Q So you met Charles Chatman face to face and
14 eye to eye when you did these tests, is that correct?

15 A That's correct.

16 Q Did he tell you at that time that he asked
17 that these tests were run?

18 A Yes, they were requested.

19 Q By this Defendant.

20 A That's correct.

21 MR. ROBERTSON: I'll pass this wit-
22 ness.

23 MR. FRY: No questions.

24 THE COURT: That's all.

25 MR. FRY: Your Honor, at this time