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JAMES R. BOLDING

was called as a witness by the State and, having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MS. JONES:

Q. Would you state your name, please?

A. My name is James R. Bolding.

Q. How are you employed?

A. By the City of Houston at the Houston Police crime lab.

Q. What is your position there at the crime lab?

A. I am the supervisor of the serology section of the crime laboratory.

Q. How long have you been working for the Houston Police Department crime lab?

A. Approximately six years.

Q. What basically does your position entail as supervision of the serology section?

A. I am a working supervisor, supervise the chemists in the serology section, and I also work some of the cases that come into the laboratory.

Q. What is your educational background for the position you hold?

1 A. B. S. and M. S. in biology, biochemistry
2 from Texas Southern University; further credits
3 toward a Ph D in biochemistry from the University
4 of Texas, credits in forensic serology from the
5 FBI academy, serology research in California,
6 attended meetings and seminars specifically for
7 serology and forensic science.

8 Q. Explain what the study of serology is.

9 A. Study of body fluids relative to
10 criminal or possible criminal kinds of events.

11 Q. In connection with the study of body
12 fluids, do you have occasion to analyze substances
13 connected with a rape investigation?

14 A. Yes, ma'am.

15 Q. And what basically do you do in that
16 regard?

17 A. Some of the things we do is, first of
18 all, identify the body fluid in question. If
19 indeed this is alleged sexual assault, we identify
20 the substance as being semen. We then attempt in
21 some cases to identify the possible substances in
22 that semen as being blood factors. Those are
23 basically the kinds of things we do with sexual
24 assaults.

25 Q. Did you have occasion to examine any

1 evidence in connection with aggravated sexual
2 assault case of [REDACTED] ?

3 A. Yes, ma'am.

4 Q. I'll show you what has been marked for
5 identification as State's 6. Ask if you can
6 identify that.

7 A. Yes, I can.

8 Q. How can you identify that?

9 A. It has my laboratory number and my
10 initials on it.

11 Q. What is that item?

12 A. So-called rape kit or sexual assault
13 evidence collection kit.

14 Q. What is a rape kit, for the jury?

15 A. Packet of physical evidence that is
16 collected near or about the time that a victim or
17 potential victim of sexual assault has alleged the
18 assault. It would include the physical items
19 collected by a physician that would be foreign to
20 her body.

21 Q. What items are collected by the
22 physician in connection with a rape kit?

23 A. Samples from the vagina. Usually this
24 is a large Q-tip inserted into the vagina to
25 absorb semen that is present; also hairs pulled

1 from their hair and pubic area as known samples;
2 loose hairs are collected; fingernail scrapings
3 are collected from the complainant at that time,
4 and any foreign samples are also collected. In
5 addition to these, a blood sample is also
6 collected as a known sample from the complaining
7 witness.

8 Q. Referring to State's Exhibit 6, when did
9 you receive that exhibit?

10 A. We received this in the laboratory on --
11 submitted to the laboratory on January the 14th,
12 1985.

13 Q. And where did you -- where did you get
14 it basically?

15 A. It was submitted to the laboratory lock
16 box. This is a vault system that we have for
17 evidence submission.

18 Q. Did you yourself retrieve it from the
19 lock box?

20 A. No, ma'am, I did not.

21 Q. Who got it from the lock box, if you
22 know?

23 A. Ms. Pam McInnis.

24 Q. Who is that person?

25 A. She was at the time an employee of the

1 Houston police laboratory in the serology section.

2 Q. Does anyone else other than -- basically,
3 who is able to get -- have access and retrieve
4 items from the lock box?

5 A. Only the chemists from the Laboratory
6 have keys to the lock box. The access door is on
7 the inside of the laboratory, and it takes three
8 sections, the serology section, the trace section
9 and the drug section keys to open the lock box
10 door so the sectional chemists designated at the
11 time have keys for that lock box.

12 Q. Is the chemist, the person who retrieved
13 item 6, the rape kit, under your supervision?

14 A. Yes, ma'am.

15 Q. What condition was State's Exhibit No. 6,
16 the rape kit, when you received it on that day?

17 A. In a sealed condition.

18 Q. What did you do with State's Exhibit No.
19 6?

20 A. Inventoried the kit and the other items
21 of evidence and retaped them until we could
22 analyze them.

23 Q. Would you open State's Exhibit 6 at this
24 time?

25 I direct your attention to the items in

1 in State's Exhibit 6 and ask if you can identify
2 them?

3 A. Yes, ma'am, I can.

4 Q. Would you identify 6 A?

5 A. That is a packet with my laboratory
6 number and my initials, which is labeled known
7 head hair of victim.

8 Q. State's Exhibit 6 B?

9 A. 6 B is also a packet with my initials
10 and laboratory number, labeled known pubic hair of
11 victim.

12 Q. State's Exhibit No. 6 C?

13 A. State's Exhibit No. 6 C is a packet
14 labeled fingernail scrapings.

15 Q. Does 6 C contain your identifying
16 initials?

17 A. That's correct.

18 Q. State's Exhibit No. 6 D?

19 A. With my initials and laboratory number.
20 This packet is labeled loose hair from pubic area
21 of victim.

22 Q. State's Exhibit No. 6 E?

23 A. This is a sample that was taken from the
24 known blood sample of the complainant with my
25 laboratory number and my initials.

1 Q. State's Exhibit F?

2 A. This is a cardboard slide holder mailer
3 which contained microscopic or glass slides on
4 which secretions of the vagina of the complaining
5 witness are placed. It also has my laboratory
6 number and initials.

7 Q. State's Exhibit G?

8 A. State's Exhibit G is a plastic baggie
9 marked with my laboratory number and my initials
10 also.

11 Q. State's Exhibit 6 H?

12 A. This is a blood vial containing the
13 blood from the complaining witness with my
14 laboratory number and my initials also.

15 Q. Finally, State's Exhibit No. 6 I?

16 A. This is the large Q-tip that is used to
17 absorb any secretions from the body of the
18 complainant with my laboratory number and my
19 initials also.

20 Q. Mr. Bolding, did you perform any
21 examinations on the exhibits 6 A through F?

22 A. Yes, ma'am, I did.

23 Q. What examinations did you perform?

24 A. I performed an examination for the
25 presence of semen on the glass slides in the

1 cardboard slide mailer. I also performed an
2 examination for the presence of semen and the
3 seminal components on the swab sample that was --
4 the large Q-tip device that was also in State's
5 Exhibit 6.

6 Q. Can you briefly explain the type of
7 examination, exactly what you did, the tests you
8 performed?

9 A. The cardboard slide mailer, we take the
10 glass slides out, put them under a microscope,
11 look for the presence of male sex cells,
12 spermatazoa. That is the basic test on that
13 particular item.

14 The swab sample is bisected or the tip
15 is removed and placed into a water solution and
16 analyzed for several chemical components of semen,
17 one of which is acid phosphatase, and we did that
18 in this case.

19 Q. Were you able to formulate conclusions
20 based upon your examination of the items in the
21 rape kit?

22 A. Yes, ma'am.

23 Q. What was your conclusion?

24 A. My conclusion was that the evidence on
25 the items from the complainant did contain semen,

1 therefore, the individual from which these were
2 removed had had some sexual contact.

3 Q. Were you able to determine or conclude
4 anything further from the presence of the semen in
5 the rape kit which might lead to the
6 identification of the individual that had had sex
7 with the victim?

8 A. We again attempted to determine the
9 secretor status on the swab sample in the kit.
10 Again this is a way to determine whether or not
11 there are blood groupings on the swab in the kit.

12 Q. For the ladies and gentlemen of the jury
13 could you explain what the secretor status means?

14 A. Basically all individuals are
15 categorized into two groups. They are said to be
16 secretors or non-secretors. The individuals said
17 to be secretors are individuals that can and do
18 produce their own blood factors, their A, B, O
19 groupings in other than their blood. The
20 non-secretors are individuals that do not contain
21 those A, B, O factors in other body fluids. An
22 example would be an individual that was a type A
23 secretor, we could test their saliva or vaginal
24 fluid or semen and determine that that individual
25 had type A blood. This was the basic kinds of

1 tests we ran on this particular sample.

2 Q. When you say secretor, then, are you
3 saying that the person's blood type then is found
4 in other substances such as saliva or semen?

5 A. That's correct.

6 Q. So if a person has the blood type of A,
7 then, if he is a secretor, that blood would also
8 be found in his saliva or semen?

9 A. That factor would be found in his saliva
10 or semen.

11 Q. With respect to State's Exhibit No. 6,
12 were you able to determine any secretor status in
13 the presence of the semen you examined or found in
14 that rape kit?

15 A. No, ma'am, I was not.

16 Q. Did you formulate a conclusion about the
17 absence of any secretor status in that evidence?

18 A. My conclusion would be that the
19 individuals present or the samples present
20 contained a non-secretor status, that is, we could
21 not determine whether or not they had type A, B or
22 O blood factor.

23 Q. Does that mean the victim in the case
24 would have been a non-secretor?

25 A. That would be the conclusion we would

1 draw.

2 Q. What would the conclusion you would draw
3 be regarding the suspect or the attacker in this
4 case?

5 A. That would also mean that the semen
6 donor would also be a non-secretor.

7 Q. Mr. Bolding, do you have in your own
8 knowledge any estimates of the percentile of the
9 individuals within our -- who have a non-secretor
10 status versus a secretor status?

11 A. Approximately 15 to 20 percent of the
12 population are said to be non-secretors.

13 Q. Is that basically two in ten?

14 A. That would be an estimate, yes, ma'am.

15 Q. Did you have occasion to perform any
16 examinations on the other evidence submitted on
17 the suspect in this case?

18 A. Yes, ma'am.

19 Q. I show you an exhibit which is in six
20 parts, marked State's Exhibit 6 A through E, and
21 ask if you can identify this exhibit?

22 A. Yes, ma'am, I can.

23 Q. Would you do so?

24 A. These are samples of head hair and pubic
25 hair and blood and saliva submitted from the

1 suspect in this case or the defendant in this case
2 by a Sgt. Glenn. They also have my laboratory
3 number and my initials.

4 Q. Did you perform any examinations on
5 those exhibits A through E?

6 A. I performed tests on the blood sample, I
7 think that's State's Exhibit D, and State's
8 Exhibit E, the saliva samples.

9 Q. What conclusion did you reach?

10 A. ~~The conclusion we reached was that the~~
11 ~~defendant in this particular case was a~~
12 ~~non-secretor.~~

13 Q. And is that conclusion then consistent
14 with the results that you found in connection with
15 State's Exhibit 6 in this case, the rape kit?

16 MS. IRVIN: Object to that question.
17 She's asking him to draw a conclusion with that
18 which was found off of the victim and to compare
19 it with that which was found off of the -- Mr.
20 Byrd. There is no connection between the two.

21 THE COURT: Overruled

22 A. It is possible that the defendant in
23 this case is a semen donor.

24 MS. JONES: At this time the State
25 offers State's Exhibits 6 A through I believe E,

1 and State's Exhibit 10 A through F into evidence.

2 MS. IRVIN: Object. The predicate has
3 not been laid properly.

4 THE COURT: Overruled. It is admitted.

5 MS. JONES: Pass the witness.

6 THE COURT: You may cross examine.

7
8 CROSS EXAMINATION

9
10 BY MS. IRVIN:

11 Q. What type of test did you perform on the
12 semen that you removed from the victim?

13 A. The type test we performed was called
14 absorption inhibition test.

15 Q. Did you perform any other tests besides
16 that?

17 A. We also performed the acid phosphatase
18 test.

19 Q. Any other test?

20 A. There was a choline test also performed.

21 Q. Did you all receive any samples of the
22 victim's husband's semen?

23 A. No, ma'am, we did not.

24 Q. You don't know whether or not he is a
25 non-secretor or secretor, do you?

1 A. That's correct.

2 Q. I believe you indicated, what, actually
3 about 20 percent of the population are
4 non-secretors, is that correct?

5 A. That's correct.

6 Q. We are talking about 20 percent of 200
7 some billion people?

8 A. Just 20 percent of the population.

9 Q. When you testify as to being an expert,
10 when you say 20 percent of the population, you
11 have some idea of what the population of the
12 country is, don't you?

13 A. The statistics come in throughout the
14 world.

15 Q. So it is 20 percent of the world's
16 population. I know we have 250 million persons.

17 MS. JONES: Object to counsel testifying.

18 THE COURT: Sustained.

19 BY MS. IRVIN:

20 Q. You have any idea what the world
21 population is?

22 A. I believe it has been estimated at 4 and
23 a half billion people.

24 Q. You have hair samples that you have
25 taken from the victim; is that correct?

1 A. That's correct.

2 Q. Did you make any comparison with the
3 hair sample submitted to you from Mr. Byrd?

4 A. I did not personally, no, ma'am.

5 Q. So the only thing that you examined
6 would be the seminal fluid?

7 A. That's correct, and the blood samples.

8 Q. Now, you stated that the victim's blood
9 sample was what?

10 A. Mrs. [REDACTED] was determined to be a type

11 ~~B.~~

12 Q. And was any other blood removed from her
13 that may have been of another type?

14 A. Not that I am aware of, no, ma'am.

15 Q. The blood type of Mr. Byrd is what?

16 A. ~~Type A.~~

17 Q. So if he left blood on her and you had
18 an opportunity to test that blood, it would reveal
19 his blood as being type A?

20 A. If we had the blood samples, it would be
21 possible to test his blood, yes, ma'am.

22 Q. What kind of factors would inhibit you
23 from making a determination as to whether or not
24 seminal fluid is present?

25 A. If there was seminal fluid present,

1 probably the only inhibiting factor would be the
2 amount.

3 Q. What about the presence of two different
4 types of seminal fluid? Would that cause a
5 problem?

6 A. It usually would manifest itself as the
7 presence of two blood groupings if both
8 individuals were secretors.

9 Q. Let me repeat the question again, and
10 you try to help me out. Say two persons had
11 intercourse with the victim. What factors would
12 intervene or interfere with you determining that
13 two persons had intercourse with the victim?

14 A. Again, it would have to be determined
15 whether or not both individuals were secretors or
16 non-secretors. We would then have all three
17 individuals in this case, we would then have 3
18 sets of blood factors present if indeed all the
19 individuals, the complaining witness and the two
20 individuals that had attacked her, were secretors.

21 Q. What other tests do you know of that can
22 be performed other than the three you named in
23 determining whether seminal fluid is present?

24 A. Something called the P. 30 test. That
25 is a confirmation of the presence of semen.

1 Q. Any other test?

2 A. The spermen test.

3 Q. Which of those tests are most reliable?

4 A. Of the tests that we performed?

5 Q. Of all five of them?

6 A. The identification of sperm cells on the
7 glass slides are the most reliable and most
8 conclusive.

9 Q. That would be which test?

10 A. The microscopic test.

11 Q. Did you perform a microscopic test?

12 A. Yes, ma'am, I did.

13 MS. IRVIN: Pass the witness, Your Honor.

14 THE COURT: Mrs. Jones.

15

16 REDIRECT EXAMINATION

17

18 BY MS. JONES:

19 Q. Mr. Bolding, the question asked you by
20 counsel involving whether or not you would have
21 been able to determine the blood type of the
22 defendant, your conclusions regarding the semen
23 and so forth is basically, had he been a secretor
24 or non-secretor, is it your opinion, absent
25 secretor status in the semen, you would not have

1 been able to determine the blood type of the
2 defendant short of him being cut?

3 A. That's correct. We are talking about
4 factors other than blood, we talk about secretor
5 status. These are substances that are not blood.

6 Q. Would you say the percentage of the
7 population considered non-secretors is rare or not?

8 A. It is one-fifth of the population;
9 therefore, it would be one-fifth -- it would be
10 much less than the individuals that are secretors.

11 MS. JONES: Pass the witness.

12 MS. IRVIN: No questions.

13 THE COURT: May he be excused?

14 MS. IRVIN: Yes, sir.

15 THE COURT: Call your next.

16 MS. JONES: Mr. Warkentin.

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ROBERT H. WARKENTIN

was called as a witness by the State and, having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MS. JONES:

Q. State your name.

A. Robert H. Warkentin.

Q. Spell the last name, please.

A. W-a-r-k-e-n-t-i-n.

Q. Where are you employed?

A. Chemist and toxicologist with the City of Houston Police Department.

Q. How long have you been so employed?

A. As a chemist, some sixteen years now.

Q. Would you tell the ladies and gentlemen what your position entails, what you do as a toxicologist?

A. The duties will vary from day to day depending on the type or nature of evidence I receive. It can be examination of soil, glass, paint, hair and fiber identification or examination of gunshot residues, toxicological examinations of body fluids, other substances, presence of drugs, alcohol, metal, poisons, body

1 fluids, things generally of this type.

2 Q. Did you have occasion to perform any
3 examinations of hairs or anything in connection
4 with an aggravated assault case of victim Andrea
5 Evans?

6 A. I did, yes.

7 Q. What examinations did you perform in
8 connection with that case?

9 A. The examinations were principally
10 concerned with the examination of hairs or
11 comparing hairs. These specimens consisted of
12 samples of hair that were known from the pubic
13 area of the victim, also known from the pubic area
14 of a suspect in question, some loose hair found in
15 the pubic area of the victim during the
16 examination.

17 Q. What basically does this examination
18 entail? What do you physically do?

19 A. Physically what one does is merely mount,
20 you know, the specimens, label the slides and
21 proceed with the examination microscopically.
22 What we are looking for in a microscopic
23 examination would be the morphological aspects of
24 the hair. This would be the characteristics,
25 cuticle characteristics, root coloration,

1 pigmentation distribution. Since hair is the
2 appendage of the human body and similar to that of
3 a garbage can for the human body, since many of
4 the materials thrown off from the body are
5 deposited in the hair, the genetic factors that go
6 into compiling the amino acids and materials that
7 are discarded are somewhat unique to the human
8 being who grows the hair. What we find are the
9 racial characteristics, if discernible, body
10 origins, head or pubic, and human grooming
11 characteristics, things along this line.

12 Q. Where did you get the samples you
13 examined in this case?

14 A. Part of the specimens were tendered to
15 me were known hairs by an Officer K. A. McDonald
16 in the laboratory on the 11th of July, 1985.
17 These are samples of known hairs from the victim.

18 Q. Were there other samples of hairs that
19 you examined? And, if so, from what source, of
20 the victim, that is?

21 A. There were -- on the 18th of June, 1985,
22 I received from Mr. Bolding specimens of hair that
23 came from what we call a sexual assault kit or
24 also referred to as a rape kit. Consisted of the
25 known head hairs from the victim, known pubic

1 hairs, loose hairs that were obtained from the
2 pubic area, and envelope marked "other" for
3 extraneous or other materials that might be found
4 during the examination.

5 Q. I'll show you what has been marked and
6 admitted into evidence as State's Exhibit No. 6.
7 Can you identify this exhibit?

8 A. I assume this is the contents marked as
9 6?

10 Yes, ma'am, I can. They bear my
11 initials along with the laboratory identification
12 number that pertains to this particular incident.

13 Q. Are those the hair samples which you
14 described that you conducted an investigation on?

15 A. Those packets that contain my initials
16 are the ones I conducted an examination on; that's
17 correct.

18 Q. What were your findings in connection
19 with your examination of these hairs?

20 MS. IRVIN: Object until she lays the
21 predicate.

22 THE COURT: Sustained.

23 BY MS. JONES:

24 Q. What condition did you receive that
25 State's Exhibit No. 6 and its contents?

1 A. I did not receive State's Exhibit 6 in
2 its entirety, only certain aspects of the contents
3 of State's Exhibit No. 6 were tendered to me by
4 Mr. Bolding.

5 Q. Who is Mr. Bolding?

6 A. He is one of the chemists in the
7 laboratory responsible for the serology section of
8 the laboratory.

9 Q. Would you identify these exhibits by lab
10 number?

11 A. Yes, I would. The identification for a
12 specific laboratory identification is L as in
13 Lincoln, 85-442. 85 refers to the year, and that
14 was the 442nd case received in the laboratory.

15 Q. What condition were the exhibits when
16 you received them?

17 A. The contents of State's Exhibit 6, those
18 envelopes were in the same condition they are now
19 absent the fact that hairs had been removed,
20 mounted on microscopic slides and kept in a tray
21 for microscopic slides. We maintain them for
22 about six months to allow them to dry. They must
23 remain in these trays. They were in the same
24 condition except there were additional hairs in
25 the containers.

1 Q. Do you have personal knowledge whether
2 or not chemists in your lab would have had access
3 to the contents of State's Exhibit 6 A through E?

4 A. You mean after the items were retrieved?

5 Q. Yes.

6 A. Once in the laboratory, no one will have
7 access to them.

8 Q. Again, would you state what your
9 findings were in connection with the examination
10 of these items?

11 MS. IRVIN: Object again.

12 THE COURT: Sustained.

13 BY MS. JONES:

14 Q. What is your educational background as
15 far as your position is concerned?

16 A. Bachelor and Masters degree from the
17 University of Houston. Graduate work in
18 analytical aspects of both organic and inorganic
19 chemistry. In terms of hair examination, I
20 conducted several schools, attended F.B.I. Academy
21 on hair identification as well as conducted
22 training here in the City of Houston.

23 Q. Have you testified before as an expert
24 regarding hair comparisons?

25 MS. IRVIN: Objection. It is irrelevant.

1 THE COURT: Overruled.

2 A. Yes, I have.

3 Q. Was that on how many occasions?

4 A. I have no idea.

5 MS. JONES: I tender the witness to
6 counsel as an expert.

7 MS. IRVIN: No objection.

8 THE COURT: Accepted as an expert.

9 BY MS. JONES:

10 Q. Regarding the examinations you performed
11 on State's Exhibit 6, did you have any findings?

12 A. Yes. Specifically the comparisons were
13 done between the hairs labeled loose hairs from
14 the pubic area of the victim to the known hairs
15 from the victim herself as well as to known hairs
16 from a suspect in question at the time.

17 Examination of these loose hairs reveal them to
18 have similar microscopic characteristics to the
19 known pubic hairs from the victim.

20 Q. Basically you are saying all the hairs
21 you found in State's Exhibit No. 6 were from the
22 victim?

23 A. In my opinion they exhibited those
24 characteristics.

25 Q. You found no unknown hairs in the rape

1 kit?

2 A. No hairs I felt were not from that
3 origin, being the victim.

4 MS. JONES: Pass the witness.
5

6 CROSS EXAMINATION
7

8 BY MS. IRVIN:

9 Q. Mr. Warkentin, you know Investigator
10 Johnson, don't you, Gary Johnson?

11 A. Not by name. I don't remember.

12 Q. See if you can remember this. Did you
13 at any time tell anyone, including Mr. Johnson,
14 that as a result of examinations that you made,
15 that the pubic hairs --

16 MS. JONES: If counsel wants to make any
17 statements, he doesn't even know the man.

18 THE COURT: Overruled.

19 BY MS. IRVIN:

20 Q. Have you ever told any person that the
21 hairs you examined received from the victim Mrs.
22 Evans was that from a white male?

23 A. Oh, no. Absolutely not that they were
24 from a white male. Can't do that. No one can.

25 Q. Did you ever say that?

1 A. No, not from a white male, no, ma'am.

2 Q. Are you also saying you never told
3 Investigator Johnson that, too -- maybe I should
4 more or less understand what you say that can't be
5 determined. If you took pubic hairs from a white
6 male, are you saying you cannot determine they
7 were taken from a white male?

8 A. From a male, that is correct. From a
9 Caucasian individual, that is another story.

10 Q. I'll rephrase. Have you ever told
11 Officer Johnson or anybody else that as a result
12 of examination of the pubic hairs taken from
13 Andrea Evans that they revealed they were from a
14 Caucasian male?

15 A. No, that was not the statement that was
16 made.

17 Q. At any time did you make a statement
18 indicating that you were concerned or did not
19 evidence indicating it may have been from a
20 Caucasian male?

21 A. ~~No, not from a male. That the hairs~~
22 ~~that I was examining at the time had more~~
23 ~~Caucasian characteristics than they did negroid~~
24 ~~characteristics, that they were atypical to~~
25 ~~negroid individual, be it male or female. The~~

1 victim's hairs are very atypical.

2 Q. Do you have that information listed in
3 your report?

4 A. I have my work-up sheet, yes, ma'am.

5 Q. May I see that also? Is it relevant to
6 the exam done?

7 A. No.

8 Q. Have anything to do with the evidence in
9 the case?

10 A. The whole folder does. Mr. Bolding's
11 notes as well as mine.

12 Q. If you don't mind, I'd like to look at
13 it.

14 A. Sure, enjoy.

15 MS. IRVIN: We have no further questions.

16 THE COURT: Anything else, Mrs. Jones?

17

18

REDIRECT EXAMINATION

19

20 BY MS. JONES:

21 Q. Mr. Warkentin, did you perform any
22 examinations of hair samples from the suspect in
23 this case?

24 A. I did, yes.

25 Q. Were you able to make any comparisons

1 with any hairs in that examination with any of the
2 hairs found in the rape kit examination from the
3 victim?

4 A. In terms of comparing it with those that
5 are the loose hairs found in the pubic area of the
6 victim, those hairs did not match microscopically
7 any of the hairs from the suspect.

8 Q. Is that because all -- what -- do you
9 have any opinion why there was no match regarding
10 the loose hairs in the rape kit?

11 A. The opinion is that the fact, since none
12 of them match his and did in fact match hers, that
13 they were her hairs and not his hairs.

14 MS. JONES: Pass the witness.

15 THE COURT: May he be excused?

16 MS. IRVIN: Yes, sir.

17 THE COURT: Call your next.

18 MS. JONES: Call Mr. [REDACTED].

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