

1 now. Do not discuss the case among yourselves  
2 or allow it to be discussed in your presence.  
3 No alcohol. Do you understand? And be back  
4 here at 1:30.

5 (COURT ADJOURNS AND RECONVENES AT 1:30 P.M.)

6 THE BAILIFF:

7 Recess is now over. Court will come  
8 to order. You may be seated.

9 THE COURT:

10 Call the roll, please.

11 MINUTE CLERK CALL JURY ROLL.

12 MINUTE CLERK:

13 All present, Your Honor.

14 THE COURT:

15 Call your next witness.

16 MR. ALCOCK:

17 Call Shirley Phillips, please.

18 SHIRLEY PHILLIPS: Called to testify by the Court, upon being  
19 first duly sworn in accordance with law, was  
20 examined and testified as follows:

21 DIRECT EXAMINATION BY MR. ALCOCK:

22 Q For the record, would you give us your full  
23 name, please?

24 A My name is Shirley Phillips.

25 Q And by whom are you presently employed?

26 A I'm employed by the Louisiana State Police  
27 Crime Lab in Baton Rouge.

28 Q How long have you been employed by the Crime  
29 Laboratory?

30 A Approximately eleven or twelve years.

31 Q And generally what are your duties at the  
Crime Lab?

A I'm in the section of the Crime Lab which is

1 called the Physical Evidence Unit, and my  
2 specific duties usually include the analysis  
3 of serology. It's the analysis of blood and  
4 other body fluids, and related matter, such  
5 as hair examination and fibre comparisons.

6 Q Have you been qualified as an expert in these  
7 fields in the courts here in Terrebonne Parish?

8 A Yes, sir.

9 Q Have you been qualified in courts in any other  
10 part of the State?

11 A Yes, sir.

12 Q Can you particularize for us in what areas of  
13 the State you've been qualified?

14 A Well, our Lab primarily deals with the southern  
15 part and southeastern part of the State, and  
16 I've testified in most of the parishes in  
17 this area, in addition to some of the ones in  
18 the northern part of the State.

19 Q And have you ever failed to qualify as an expert  
20 forensic scientist....well not scientist, but  
21 a forensic person from the Lab?

22 A No, sir.

23 Q More particularly, have you been qualified as an  
24 expert in the analysis and determination of the  
25 presence or non-presence of spermatazoa on  
26 slides or samples submitted to the Lab?

27 A Yes, sir.

28 Q Have you likewise been qualified as an expert  
29 in the matching of hair samples?

30 A Yes, sir.

31 Q And the typing of blood?

A Yes, sir.

1 Q Approximately how many times have you been  
2 qualified in these areas, just approximately?

3 A Well, a couple of hundred.

4 MR. ALCOCK:

5 I will tender the witness on her  
6 expertise as forensic person from the Crime  
7 Lab in Baton Rouge.

8 CROSS-EXAMINATION BY MR. DIVENS:

9 Q What's your education?

10 A I have a Bachelor of Science Degree in zoology  
11 from LSU for formal education. I have also  
12 completed some graduate courses at LSU in  
13 Baton Rouge, and I've attended numerous schools  
14 and on-job type training sessions in my  
15 particular field.

16 Q Do you subscribe to any periodicals?

17 A I don't individually. The Crime Lab does.

18 Q Have you ever published anything?

19 A No, sir.

20 Q Have you ever taught the area of your expertise?

21 A In a formal setting.

22 A I've given guest lectures at the University,  
23 but I've not conducted an entire course on my  
24 own.

25 Q When was the first time you qualified as an  
26 expert?

27 A 1968.

28 Q Twelve years ago....fourteen years ago?

29 A Right.

30 Q Who were you employed by then?

31 A Louisiana State Police.

Q So the first time you walked into Court you

were qualified as an expert?

1 A That's correct.

2 Q And every other time that you've walked in,  
3 you've been qualified as an expert?

4 A That is correct.

5 Q Now, the first time you qualified as an expert,  
6 how much experience had you had in that  
7 particular field?

8 A Approximately eighteen months.

9 Q Eighteen months?

10 A Yes, sir.

11 Q How long does it take to become an expert in  
12 your field?

13 A A lot of that depends upon the particular  
14 individual's capabilities and on the judgment  
15 of the person who is doing their training, but  
16 we usually try to not let someone testify or  
17 not consider them an expert, not work cases  
18 independently until they've been at the Lab  
19 for approximately one year to eighteen months,  
20 maybe two years.

21 Q And it's it a fact that any time somebody from  
22 the Crime Lab appears in Court and says that  
23 they are an expert, the Judge normally accepts  
24 them as an expert?

25 A I don't know if it's absolute, but normally, yes.

26 Q Okay.

27 MR. ALCOCK:

28 I would respectfully submit .....

29 did you tender the witness?

30 MR. DIVENS:

31 Yes, sir.

MR. ALCOCK:

1 I would respectfully submit that the  
2 witness is qualified as a forensic scientist  
3 in those areas in which we have covered in this  
4 case.

5 THE COURT:

6 Let me find out exactly what her  
7 expertise is. Would you tell it to me for  
8 the record, exactly what you're qualified as  
9 an expert, so that I will know exactly what  
10 you're tendered for.

11 MRS. PHILLIPS:

12 Okay, it would be as a serologist,  
13 which would include the study and analysis of  
14 blood, other body fluids, hair and fibres.

15 THE COURT:

16 Okay. The Court will accept this  
17 witness as an expert in that field, and she  
18 may give her testimony in that field, and  
19 she may given an opinion in that field of  
20 expertise.

21 MR. DIVENS:

22 To which ruling we object. Note an  
23 objection in the record.

24 THE COURT:

25 Let the objection be noted, it's  
26 overruled.

27 BY MR. ALCOCK:

28 Q During the course and scope of your duties at  
29 the Crime Lab, did you have occasion to view  
30 and/or perform tests upon items submitted to  
31 you in this particular case?

A Yes, sir, I did.

1 Q Let me show you, if I might, first an exhibit  
2 marked S-12 and tell me whether or not you  
3 recognize this exhibit.

4 A It's....

5 Q And at this time, we are limiting ourselves,  
6 if we might, just to the outer container.

7 A Yes, sir, this particular exhibit bears my  
8 laboratory case number and my initials on the  
9 outer part of it.

10 Q The case number that you refer to, is that  
11 related in any way to this particular case?

12 A Yes, sir.

13 Q How did that package, S-12, come to you?

14 A The evidence was delivered to the Lab by  
15 a member of the Terrebonne Sheriff's Office  
16 and was received into evidence by our  
17 evidence technician, and then turned over to  
18 me for analysis.

19 Q Was it open or sealed at the time you received  
20 it?

21 A It was sealed.

22 Q Do you remember what kind of tape it was  
23 sealed with?

24 A It was sealed with masking tape.

25 Q Masking tape?

26 A Which is this, yes, uh, huh.

27 Q All right. What if anything did you do with  
28 it after you retrieved it from wherever it  
29 was stored?

30 A I analyzed it, labeled it and packaged  
31 it back up again.

Q What sort of test did you run on the matters

contained or the items contained in S-12?

1 A Well, I ran tests to detect the presence or  
2 absence of seminal fluid, microscopic tests  
3 for the presence of spermatazoa, and hair  
4 comparison analysis.

5 Q Were you able to determine whether or not any  
6 of the slides contained in S-12 reflected the  
7 presence of spermatazoa?

8 A Yes, sir.

9 Q Did you take a photograph of that exhibit or  
10 slide through your microscope?

11 A Yes, sir.

12 Q Did you place that photograph in that container?

13 A Yes, sir.

14 Q And when you completed your examination, was  
15 that photograph still in the container?

16 A Yes, sir.

17 Q Let me show you a photograph that is contained  
18 within S-12, and ask you whether or not you  
19 recognize the photograph, and if you do, how  
20 you recognize it.

21 A This photograph also has the case number, the  
22 origin of the photograph, the item number and  
23 my initials inscribed on it.

24 Q And does that case number favorably compare  
25 with the case number assigned to the matter  
26 of State v. Clyde Charles?

27 A Yes, sir.

28 Q Does that particular photograph reflect what  
29 you saw through the microscope on that occasion?

30 A Yes, sir.

31 Q Are any spermatazoa visible in that photograph?

1 A Yes, sir, they are.

2 Q Let me show you if I might a small plastic  
3 container which is contained S-12, rather  
4 two of them. Can you tell us whether you  
5 handled and/or used those containers or the  
6 contents of them in your work in this case?

7 A Yes, sir, both of these have the case number  
8 and my initials inscribed on the ID tag, or  
9 on the name tag which is affixed to the container.  
10 Both of them are also resealed. They each  
11 contain slides which were stained at the Lab  
12 and examined microscopically.

13 Q Was one of these slides used in the photograph  
14 that you have identified?

15 A Yes, sir.

16 Q Let me show you if I might two vials and ask  
17 you whether or not you can identify these and  
18 if so, how?

19 A Both of these also have the case number and  
20 my initials inscribed on the name tags.

21 Q And did you perform any tests on the contents  
22 of those particular vials?

23 A Yes, sir, I ran blood typing analysis on these.

24 Q And did you come up with a blood type?

25 A Yes, sir.

26 Q And what type was that?

27 A Type O.

28 Q Do you know from what source the blood came?

29 A I know what is labeled on the vials. I wasn't  
30 actually present when they were drawn.

31 Q All right. Let me show you, if I might, two  
elongated boxes that were contained in S-12,



1 did you have occasion to view them when you  
2 viewed the rest of the evidence in that  
3 container?

4 A Yes, sir, and each of these are also labeled  
5 with the case number and my initials.

6 Q And is that the case number that has been  
7 assigned to the matter State v. Clyde Charles?

8 A Yes, sir.

9 Q What is contained in those?

10 A They contain swabs which are sort of like  
11 elongated Q-Tips.

12 Q Did you use those in your analysis at all?

13 A I ran preliminary tests on them.

14 Q Let me, if I might, show you a series of  
15 envelopes and ask you whether or not going  
16 through them, you can recognize these envelopes.

17 A Each individual envelope has the case number  
18 and initials inscribed upon it.

19 Q Were they sealed or unsealed when you received  
20 them?

21 A They were sealed.

22 Q Would you have to open them to perform these  
23 tests?

24 A Yes, sir.

25 Q Did you reseal them?

26 A Yes, sir.

27 Q Did they appear to be in the same condition as  
28 they were when you put them back into S-12?

29 A Yes, sir.

30 Q What sort of tape did you use to seal those?

31 A For the most part, evidence tape, which is the  
red plastic tape.

1 Q Now referring, if I might, to the envelope  
2 which indicates saliva specimen on cloth, air  
3 dried. Did they perform any tests upon the  
4 contents of that particular envelope?

5 A No, sir.

6 Q And why not?

7 A The saliva sample is used as a reference to  
8 detect whether or not the person is a secretor.  
9 By a secretor we mean a person who will secrete  
10 their blood type substances in all of their  
11 body fluids, not only in their blood. We have  
12 used this test to detect....when we're running  
13 blood typing on such things as seminal stains,  
14 we use it to find out whether or not the person  
15 or the victim in this case, could possibly have  
16 been secreting a substance along with the other  
17 seminal stains. In this instance I had nothing  
18 to blood type so I didn't need to run it.

19 Q All right. Let me show you, if I might, an  
20 envelope indicating pubic hair combings. Did  
21 you perform any tests upon the contents of that  
22 envelope?

23 A Yes, sir.

24 Q Did you make any judgments as to what it may  
25 or may not have contained?

26 A Yes, sir, I examined these pubic hairs and found  
27 that they were all similar to the reference  
28 material submitted.

29 Q By reference material, what are you referring  
30 to?

31 A The envelope that's listed as "pubic clippings."

Q All right. Are you referring to this envelope?

1 A Right. Uh, huh. The clippings are known pubic  
2 hair removed from the person. The combings are  
3 combings which may contain all known hair or may  
4 contain any foreign hair which is present. In  
5 this instance, the combings all matched the  
6 clippings.

7 Q Okay. Now, I have an envelope, or two envelopes  
8 rather, one fingernail clippings with a "R"  
9 encircled and the other fingernail clippings with  
10 an "L" encircled. Can you tell us what those  
11 are? First of all, what do the R and L refer to?  
12 A Left and right. Okay. On these I do a physical  
13 examination of the nail clippings to see exactly  
14 what is present. If there is anything such as  
15 hair or fibres or blood or tissues, they are  
16 then analyzed in the Lab. In this instance,  
17 there was none.

18 Q Did you make an effort to determine whether or  
19 not there was?

20 A Yes. There was none.

21 Q I'm now going to show you what purports to be  
22 an envelope of head hair combings. Did you use  
23 that at all?

24 A Right. This is similar to the pubic hair  
25 combings. It's a combing to see if any foreign  
26 hairs can be removed from the head hair area  
27 when it is combed, and all of these were examined  
28 and found to be similar to the reference hair,  
29 which is in the other envelope.

30 Q All right. And lastly, the head hair standard.  
31 Is that what you're referring to as reference  
hair?

1 A Right. That's the standard from the individual  
2 or reference material.

3 Q That would be the hair of the alleged victim?

4 A That is correct.

5 Q Let me show you an item that is contained also  
6 in S-12, and ask you whether or not you can  
7 identify this particular item.

8 A Yes, sir, this is a slide holder which I have  
9 inscribed with the case number and list it as  
10 'hair removed from Exhibit 7' and my initials.

11 Q All right. Do you have a record which indicates  
12 what Exhibit 7 was?

13 A Right, Exhibit 7 is listed as one shirt, men's  
14 black and white.

15 Q I'm going to show you an item marked for  
16 identification as S-1, and ask you whether or  
17 not this is the shirt that you are referring  
18 to in your testimony as Exhibit 7?

19 A Okay, this shirt has the case and item number 7  
20 and my initials inscribed near the collar area.  
21 Yes, sir, this is Exhibit 7 on my receipt.

22 Q What did you say was contained in this exhibit  
23 which is in 12, and how does it relate to  
24 Exhibit 7?

25 A This contains two hairs which I removed off of  
26 this exhibit, mounted on microscope slides for  
27 comparison to the standards which are included  
28 in this particular kit. The reason I kept it  
29 in a kit is to keep it from getting lost.

30 Q And did you make a comparison between the hairs  
31 taken off of Exhibit 7 with the standard hair  
or reference hair?

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Yes, sir.

And what if anything was the result of that comparison?

The hair removed from the shirt, Exhibit 7, was found to be Caucasian head hair with microscopic similarities to the reference hair.

Can you eliminate all possible..... let me ask you this question: Is the field of expertise in identifying hair refined to such a point where you can say that the hair that is found on a given piece of clothing definitely came from one person?

No, sir.

What can you say about the hair that....the two hairs that were found on that shirt in reference to the standard hair?

Just in general, in hair comparisons, the race of an individual can be determined.

Was the hair on the shirt of the Caucasian or Negroid race?

Caucasian. The body area can be determined. That's referring to head hair as opposed to pubic hair, as opposed to leg or arm hair or mustache hair or whatever.

Did you make a determination as to whether or not that was head hair as distinguished from the other areas of the body?

Right. That was head hair. Then a physical comparison can be made to see if the characteristics of any given reference sample match the characteristics in the questioned sample. If the two do match, then the probabilities are that

1 the hair could have come or did come from the  
2 same individual, however, it is not an absolute  
3 science, since you can find people whose hair  
4 is the same. The probability exists that it  
5 could have come from the same individual.

6 Q After you completed the tests that you have  
7 been testifying about, what did you do with  
8 the various items? First of all, those  
9 contained in S-12.

10 A Well, all of the items were labeled as I  
11 stated and resealed and then packaged back  
12 into the box and sealed up again and along with  
13 the rest of the evidence turned over to our  
14 evidence clerk or evidence technician.

15 Q And then you have nothing further to do with it  
16 personally?

17 A That's correct.

18 Q Until you come here in Court.

19 A That's correct.

20 Q If I might, let me show you an exhibit which  
21 I have previously marked for identification  
22 as S-4, and ask you whether or not you recognize  
23 this garment?

24 A It's kind of hard to read but it does have  
25 the case number and item number and my initials  
26 inscribed on it.

27 Q Do you recall whether or not you performed any  
28 tests on that particular piece of clothing?

29 A Yes, sir, on the front area of the garment,  
30 in the area that's labeled T-1. I performed  
31 blood typing analysis.

Q And did you arrive at a blood type?

1 A Yes, sir. I found that the sweater had a  
2 stain of human blood Type O.

3 Q And how does that compare with the standard  
4 or reference sample?

5 A It was the same blood type.

6 Q I will show you an exhibit which I have marked  
7 S-14, and ask you whether you recognize it and  
8 if you do, how?

9 A This has the case number and our item number and  
10 my initials inscribed on the back of the bag.

11 Q Did you perform any tests upon the hair contained  
12 in that particular exhibit?

13 A Yes, sir, I examined it microscopically and  
14 examined it for comparison with the known  
15 reference hair.

16 Q And how did it compare with the reference hair?

17 A It was similar. The same characteristics.

18 Q And how did it compare with the two hairs taken  
19 from Exhibit 7, the man's shirt?

20 A That also had the same microscopic characteris-  
21 tics.

22 Q If I might...this particular bag...do you  
23 recognize this bag and if so, how?

24 A Yes, this is a packaging material. It bears  
25 the State Police case number, the parish, the  
26 submitting agency, the date...no, the agency's  
27 file number, the persons involved and the date  
28 of submission to the Crime Lab.

29 Q And what is the date of submission?

30 A 3/13/81.

31 Q The S.P. number, is that the number....does  
that compare favorably with the number assigned

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to this case?

A Yes, sir.

Q I show you S-16 and ask you whether or not you recognize that bag?

A Okay, this bag also has the State Police number inscribed on the back part of the tag.

Q And is that the number assigned to this particular case?

A Yes, sir.

Q S-17.

A This also has the State Police number, and my initials inscribed on the bag.

Q And lastly if I might, S-18.

A Okay, likewise, this has the State Police number and my initials inscribed on it.

Q Generally how do these pieces of evidence arrive at the Crime Lab?

A Well, they are brought to the Crime Lab by a representative of the submitting agency's department, and some of the larger departments there have one or two particular people assigned to evidence and are like evidence custodians who cart it back and forth and store it in their place. In other departments, they may just happen to be whoever worked the case or whoever sent it to Baton Rouge at that time. The evidence, after it's analyzed it's released to the representative of the submitting agency to be brought back to that particular agency's storage area.

Q Where is it stored in Baton Rouge at the Crime Lab?



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It's stored in our evidence vault.

That piece of green paper, that you have there, can you tell us what that document is?

This is the copy of the request for analysis form. Whenever something is submitted to the Lab, the agency who brings it in fills out one of these forms, and on it they state their case number, their agency's name, the officer who is charge of the case, what they're requesting, what type of case it is, the people involved, so that we can make an index by name so that whenever we get a subpoena or whatever we can find out which case it is, and then a detailed list of the exhibits. When it is brought to the Lab, the person who brings it signs it and dates it and the person who receives it signs it and dates it, and then when it's released, it's stamped on the bottom as being released and the person who receives it and the person who releases it both sign it.

When you say "released", do you mean returned to the submitting agency?

Right, uh, huh.

MR. ALCOCK:

May I have just a moment, Your Honor?

THE COURT:

Yes, you may.

(Mr. Alcock looks through exhibits).

I will show you if I might State Exhibit No. 19, and ask you whether or not you recognize this exhibit, and if you do, how you recognize it.

This also has our case number, and my initials

1 inscribed and it's a pair of pantyhose.

2 Q Did you perform any tests on this particular item?

3 A Yes, sir, I did.

4 Q And did you reach any results as a result of the

5 test?

6 A I found that the pantyhose had stains of human

7 Blood Type O.

8 Q I show you State Exhibit 20.

9 A Yes. This likewise has the case number and item

10 number and my initials, and it's a pair of ladies

11 panties.

12 Q And did you perform any particular test on that

13 exhibit?

14 A Yes, sir.

15 Q And what was the results?

16 A I found that the panties had stains of human

17 blood, but it was an insufficient amount for

18 blood typing analysis.

19 Q I show you State Exhibit No. 21 and ask if you

20 had occasion to examine that particular piece

21 of clothing, and what if any were the results.

22 Did you examine the contents of S-21?

23 A Yes, sir. This contains one pair of jockey

24 type shorts and I found them to be free of blood

25 and seminal stains.

26 Q What sort of condition were they in when you

27 received them?

28 A They were dirty.

29 Q Did you perform a test on them?

30 A Yes, sir.

31 Q Now, I notice that all of these are sealed, is

that correct?

1 A Yes, sir.

2 Q Did you seal these items when you finished your  
3 analysis on them?

4 A Yes, sir.

5 Q And what was done with it then?

6 A Then it was packaged up with the rest of the  
7 evidence and returned.

8 MR. ALCOCK:

9 I tender the witness.

10 CROSS-EXAMINATION BY MR. DIVENS:

11 Q To make sure I understand, S-21 would be the  
12 jockey shorts belonging to the defendant is  
13 that correct?

14 A I assume so.

15 Q They are men's jockey shorts?

16 A That is correct.

17 Q And you found those shorts to be free of both  
18 blood and seminal stains is that correct?

19 A That's correct.

20 Q Did you also analyze those shorts for the  
21 presence of any hair?

22 A I examined them. If any would have been  
23 observed they would have been mounted and  
24 compared, since none were observed....I mean  
25 since none were mounted I apparently did not  
26 observe any.

27 Q Isn't it a fact, Miss Phillips, that in most  
28 instances where the perpetrator of a rape is  
29 apprehended a relatively short period after the  
30 rape that you do find either evidence of seminal  
31 fluid or of foreign pubic hair?

A No, sir.

1 Q That's not a fact?

2 A I think in cases where I receive clothing from  
3 accused persons, I may get positive seminal  
4 stains and/or hair maybe one out of every twenty  
5 cases.

6 Q One out of every twenty. Do you read any of  
7 the literature that relates to the particular  
8 area of your expertise?

9 A Oh, yes.

10 Q Then tell me what do you read? What do you  
11 subscribe to?

12 A Let's see, we get The Journal of Forensic  
13 Sciences in the Lab. We get the Journal of  
14 The American Academy. We get the Canadian  
15 Journal, and we get one out of England that I  
16 can never remember the name of.

17 Q And you're telling this jury that those Journals  
18 that you read, that you have read, do not  
19 indicate that when there is an arrest of a rape  
20 suspect shortly after the rape that you will find  
21 evidence of seminal fluid normally in the shorts?

22 A I'm telling the jury what I have observed from  
23 experience not what I have read in books.

24 Q Okay. Now, how were the items of clothing  
25 received in your office? How were they packaged?

26 A As they are now, except they didn't have the  
27 State Police evidence tape on them, but they  
28 were individually packaged.

29 Q Okay. And you took them out of the individual  
30 packages?

31 A That is correct.

1 Q Was each package marked and labeled with what  
2 was contained therein?

3 A I don't remember whether they were or not. I  
4 assume they were, but I don't remember, per se.

5 Q So when you got this bag, were you able to look  
6 at the exterior of the bag and determine what  
7 was in there, what was supposed to be in there?

8 A Well....no...according to this, it was listed  
9 as one bag of assorted items, so I would have  
10 had to get into it to see what was in it.

11 Q What about this bag? Were you able to look at  
12 the exterior of the bag and determine what was  
13 in the bag before you opened it?

14 A No, sir.

15 Q Do you have an independent recollection of what  
16 was in this bag?

17 A No, sir.

18 Q Did you see this clothing right here?

19 A I just saw two of the items here on the desk,  
20 and I couldn't state for a fact that they other  
21 items were what I analyzed without looking at  
22 the labels to see if they are in fact there.

23 Q But you see the way they're here on the floor,  
24 don't you?

25 A Yes, sir.

26 Q They didn't come to you like that?

27 A No, sir.

28 Q Now, let's talk about a secretor.

29 A Okay.

30 Q I think you indicated that a secretor is a person  
31 whose ABO blood typing is present in any and all

1 body fluids, is that correct?

2 A Basically, yes, sir.

3 Q And that would mean that if you are able to get

4 a sample of an individual's teardrops, provided

5 you had a large enough quantity, if the person

6 were a secretor, you could perform certain

7 scientific tests on a teardrop and determine

8 the blood type?

9 A That's correct.

10 Q The same thing with saliva? The same thing with

11 seminal fluid, is that correct?

12 A Yes, sir.

13 Q Now, is there a certain or specific quantity of

14 the body fluid necessary in order to make a

15 determination as to whether or not the person

16 who secreted that particular body fluid was in

17 fact a secretor?

18 A Are you asking what amount is needed?

19 Q No, I'm asking you first of all, is a certain

20 amount needed?

21 A Well, you have to have enough to work with.

22 Q Okay. How much?

23 A In the microlitre quantities....a drop.

24 Q What is a non-secretor?

25 A It's a person who does not secrete their ABO

26 antigens into their other body fluids.

27 Q So basically a non-secretor would be a person

28 who, if you ran the same tests on his saliva

29 or teardrops, you could not determine what his

30 blood type was?

31 A That is correct.

Q Now what percentage of the general population

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are secretors?

A Approximately eighty.

Q Eighty per cent?

A That is correct.

Q Did you perform any tests in this case in an effort to determine whether the person who secreted the seminal fluid that you found was in fact a secretor?

A I didn't find any seminal fluid.

Q You didn't find any seminal fluid?

A No, sir.

Q You found spermatazoa?

A That is correct.

Q Do you recall getting a letter from me asking you whether you had performed any tests in this case?

A Not really. I'm not saying I didn't, I'm just saying I don't remember.

Q Okay. You don't recall calling my office one day when I wasn't there?

A Not really. I talk to some many attorneys....I don't know. I really don't recall.

Q Now, you claim to have found certain hair on S-1?

A Yes, sir.

Q Do you recall where on the shirt you found it.

A It just states two strands of light brown hair removed.

Q Okay. You don't know how those strands of hair got on that shirt, do you?

A No, sir.

Q And it's possible that if these two items were

1 held together, and later presented to you....  
2 like that.....(hold two exhibits together).....  
3 that you could wind up with strands of hair on  
4 it? Isn't that true?

5 A Yes, sir.

6 Q I think you also said that it is not now  
7 scientifically possible to state with any degree  
8 of scientific certainty that a strand of hair  
9 found here, came from any one individual.

10 A Well it can not be individualized to say this  
11 hair had to have come from this particular  
12 individual. You can characterize it into saying  
13 that it's possible or probable but not that it is  
14 definitely.

15 Q Now, in detecting the spermatazoa, you used a  
16 microscope?

17 A That is correct.

18 Q An electronic microscope?

19 A No, sir.

20 Q What power was that microscope?

21 A What power does it go?

22 Q Yes, ma'am.

23 A I have an all immersion 100 power objective on  
24 it that will with the eye pieces on it magnify  
25 up to 1,200 times.

26 Q Now, explain to me first of all, how long  
27 can spermatazoa be detected once it has been  
28 placed on a slide?

29 A If the slide has been preserved or fixed or  
30 stained, virtually forever. This is after it  
31 has been placed on the slide itself. If it  
has not been preserved in any way, it can



1 deteriorate within a matter of oh, a week or so.  
2 It really depends upon the slide preparation  
3 more than the slide itself.

4 Q Does it require somebody who has some special  
5 training to preserve these slides?

6 A Normally a preservative....it's just kind of like  
7 a spray can, like hair spray, and you smear the  
8 slide and let it dry and that's it, it's  
9 preserved. It really doesn't take any amount of  
10 training.

11 Q When did you get the slide?

12 A It was received in the Lab March 13, '81.

13 Q And you did not sign off on the chain of custody,  
14 did you?

15 A No, sir.

16 Q Anybody in your office? Do you recognize any  
17 signature of anybody in that chain of custody  
18 who is in your office?

19 A No, sir.

20 Q None of those people?

21 A No, sir. We don't sign them when they're  
22 brought to the Lab.

23 Q What do you sign to establish a chain of  
24 custody?

25 A I receipt for them. That's standard policy in  
26 the Crime Lab.

27 Q Somebody named Suzanne Morrow?

28 A Right.

29 Q After you finished your examination, what did  
30 you do with the items?

31 A Packaged it up and gave it back to the evidence  
technician, and wrote my report.

1 Q And who is that?  
2 A At that time it was Suzanne.  
3 Q You gave it back to her?  
4 A That's correct.  
5 Q And does this show where she got it back?  
6 A When? From me?  
7 Q Yes.  
8 A No, sir. We keep those records in the Lab.  
9 Q Do you have any knowledge of the procedures  
10 that Suzanne Morrow and the people who work in  
11 that section where she works follow?  
12 A Yes, sir, they're standard operating procedures  
13 in the Lab. We're all familiar with the way it's  
14 run.  
15 Q And how is it run?  
16 A Well, when the evidence is submitted to the Lab,  
17 the evidence technician first makes sure that  
18 everything is sealed. If it's not properly  
19 sealed, she makes a notation on the folder or  
20 else on the request for analysis form, and then  
21 once it is submitted to her, she places it in  
22 the preliminary evidence locker, which is a part  
23 of our evidence locker, but it's separate from  
24 the back. She then takes the copy that we keep  
25 in the Lab and puts it in a folder and brings  
26 it to the particular section in which the case  
27 is going to be worked. In this case, it was  
28 a serology case so it was brought to my section.  
29 If it had been a narcotics case it would have  
30 been brought to the narcotics section. When the  
31 person who is going to analyze the evidence is  
ready for it, they go back up to the front

1 evidence locker carrying the folder. They have  
2 a big log book. They date it, put the time and  
3 sign out their name for this particular case,  
4 and she retrieves it out of the locked evidence  
5 vault, hands it over to the person who is going  
6 to work it and they take the case back to their  
7 Lab and run their analysis. When they're  
8 finished with the analysis, they package it back  
9 up again, bring it back up to her, sign it back  
10 into the book, give it to her and then she puts  
11 it in the storage vault. Each part of the  
12 storage vault is divided up according to agencies,  
13 such as, you know, Terrebonne Sheriff's Office,  
14 Houma Police Department, Baton Rouge City Police  
15 or whatever. When a representative from that  
16 agency comes to the Lab, which is usually about  
17 once every couple of months, the completed cases  
18 are then turned over to him. He signs for them  
19 on the bottom of our green form. He's given a  
20 copy of what he received, and he takes the  
21 evidence back with him. And once it leaves the  
22 custody of the Lab, I have no knowledge of what  
23 happens to it.

24 Q Did you find any evidence of shells or rocks on  
25 any of these....on these trousers?

26 A I didn't perform an anlysis for shells or rocks.

27 Q Did you observe anything?

28 A I have no notation of that.

29 Q How about grass?

30 A I have no notations of that either.

31 Q Did you observe any grass on the shirt...any shells  
or anything of that nature?

1 A Like I said, I have no notation of having  
2 observed any.

3 Q Now, had you observed either shells or grass or  
4 something of that nature, you would have made a  
5 notation of that, would you not?

6 A Normally, yes.

7 MR. DIVENS:

8 That's all. Thank you very much.

9 RE-DIRECT EXAMINATION BY MR. ALCOCK:

10 Q May I have that green form that you've been  
11 testifying from, please? I would like to mark  
12 this if I might S-22.....let me, if I might,  
13 in lieu of the original green, with the same  
14 S-22 marking return this to the witness, and  
15 with that, I have no further questions at this  
16 time.

17 MR. DIVENS:

18 I have one final thing.

19 RE-CROSS EXAMINATION BY MR. DIVENS:

20 Q With reference to your examination of S-21,  
21 did you detect whether or not this item had  
22 been subjected to any chemical test or analysis  
23 prior to coming to your office?

24 A They had an area from the Sheriff's Office  
25 marked that they had run a field test on it.

26 Q You didn't find it?

27 A I found the area.

28 Q Did you find any seminal fluid on it?

29 A I didn't find any seminal fluid.

30 MR. DIVENS:

31 Thank you.

contained or the items contained in S-12?

1 A Well, I ran tests to detect the presence or  
2 absence of seminal fluid, microscopic tests  
3 for the presence of spermatazoa, and hair  
4 comparison analysis.

5 Q Were you able to determine whether or not any  
6 of the slides contained in S-12 reflected the  
7 presence of spermatazoa?

8 A Yes, sir.

9 Q Did you take a photograph of that exhibit or  
10 slide through your microscope?

11 A Yes, sir.

12 Q Did you place that photograph in that container?

13 A Yes, sir.

14 Q And when you completed your examination, was  
15 that photograph still in the container?

16 A Yes, sir.

17 Q Let me show you a photograph that is contained  
18 within S-12, and ask you whether or not you  
19 recognize the photograph, and if you do, how  
20 you recognize it.

21 A This photograph also has the case number, the  
22 origin of the photograph, the item number and  
23 my initials inscribed on it.

24 Q And does that case number favorably compare  
25 with the case number assigned to the matter  
26 of State v. Clyde Charles?

27 A Yes, sir.

28 Q Does that particular photograph reflect what  
29 you saw through the microscope on that occasion?

30 A Yes, sir.

31 Q Are any spermatazoa visible in that photograph?

1 A Yes, sir, they are.

2 Q Let me show you if I might a small plastic  
3 container which is contained S-12, rather  
4 two of them. Can you tell us whether you  
5 handled and/or used those containers or the  
6 contents of them in your work in this case?

7 A Yes, sir, both of these have the case number  
8 and my initials inscribed on the ID tag, or  
9 on the name tag which is affixed to the container.  
10 Both of them are also resealed. They each  
11 contain slides which were stained at the Lab  
12 and examined microscopically.

13 Q Was one of these slides used in the photograph  
14 that you have identified?

15 A Yes, sir.

16 Q Let me show you if I might two vials and ask  
17 you whether or not you can identify these and  
18 if so, how?

19 A Both of these also have the case number and  
20 my initials inscribed on the name tags.

21 Q And did you perform any tests on the contents  
22 of those particular vials?

23 A Yes, sir, I ran blood typing analysis on these.

24 Q And did you come up with a blood type?

25 A Yes, sir.

26 Q And what type was that?

27 A Type O.

28 Q Do you know from what source the blood came?

29 A I know what is labeled on the vials. I wasn't  
30 actually present when they were drawn.

31 Q All right. Let me show you, if I might, two  
elongated boxes that were contained in S-12,

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did you have occasion to view them when you viewed the rest of the evidence in that container?

A Yes, sir, and each of these are also labeled with the case number and my initials.

Q And is that the case number that has been assigned to the matter State v. Clyde Charles?

A Yes, sir.

Q What is contained in those?

A They contain swabs which are sort of like elongated Q-Tips.

Q Did you use those in your analysis at all?

A I ran preliminary tests on them.

Q Let me, if I might, show you a series of envelopes and ask you whether or not going through them, you can recognize these envelopes. Each individual envelope has the case number and initials inscribed upon it.

Q Were they sealed or unsealed when you received them?

A They were sealed.

Q Would you have to open them to perform these tests?

A Yes, sir.

Q Did you reseal them?

A Yes, sir.

Q Did they appear to be in the same condition as they were when you put them back into S-12?

A Yes, sir.

Q What sort of tape did you use to seal those?

A For the most part, evidence tape, which is the red plastic tape.

1 Q

Now referring, if I might, to the envelope which indicates saliva specimen on cloth, air dried. Did they perform any tests upon the contents of that particular envelope?

2  
3  
4 A

No, sir.

5 Q

And why not?

6 A

7 The saliva sample is used as a reference to  
8 detect whether or not the person is a secretor.  
9 By a secretor we mean a person who will secrete  
10 their blood type substances in all of their  
11 body fluids, not only in their blood. We have  
12 used this test to detect....when we're running  
13 blood typing on such things as seminal stains,  
14 we use it to find out whether or not the person  
15 or the victim in this case, could possibly have  
16 been secreting a substance along with the other  
17 seminal stains. In this instance I had nothing  
18 to blood type so I didn't need to run it.

19 Q

All right. Let me show you, if I might, an envelope indicating pubic hair combings. Did you perform any tests upon the contents of that envelope?

20  
21  
22 A

Yes, sir.

23 Q

Did you make any judgments as to what it may or may not have contained?

24  
25 A

Yes, sir, I examined these pubic hairs and found that they were all similar to the reference material submitted.

26  
27  
28 Q

By reference material, what are you referring to?

29  
30 A

The envelope that's listed as "pubic clippings."

31 Q

All right. Are you referring to this envelope?



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A Right. Uh, huh. The clippings are known pubic hair removed from the person. The combings are combings which may contain all known hair or may contain any foreign hair which is present. In this instance, the combings all matched the clippings.

Q Okay. Now, I have an envelope, or two envelopes rather, one fingernail clippings with a "R" encircled and the other fingernail clippings with an "L" encircled. Can you tell us what those are? First of all, what do the R and L refer to?

A Left and right. Okay. On these I do a physical examination of the nail clippings to see exactly what is present. If there is anything such as hair or fibres or blood or tissues, they are then analyzed in the Lab. In this instance, there was none.

Q Did you make an effort to determine whether or not there was?

A Yes. There was none.

Q I'm now going to show you what purports to be an envelope of head hair combings. Did you use that at all?

A Right. This is similar to the pubic hair combings. It's a combing to see if any foreign hairs can be removed from the head hair area when it is combed, and all of these were examined and found to be similar to the reference hair, which is in the other envelope.

Q All right. And lastly, the head hair standard. Is that what you're referring to as reference hair?

1 A Right. That's the standard from the individual  
2 or reference material.

3 Q That would be the hair of the alleged victim?

4 A That is correct.

5 Q Let me show you an item that is contained also  
6 in S-12, and ask you whether or not you can  
7 identify this particular item.

8 A Yes, sir, this is a slide holder which I have  
9 inscribed with the case number and list it as  
10 'hair removed from Exhibit 7' and my initials.

11 Q All right. Do you have a record which indicates  
12 what Exhibit 7 was?

13 A Right, Exhibit 7 is listed as one shirt, men's  
14 black and white.

15 Q I'm going to show you an item marked for  
16 identification as S-1, and ask you whether or  
17 not this is the shirt that you are referring  
18 to in your testimony as Exhibit 7?

19 A Okay, this shirt has the case and item number 7  
20 and my initials inscribed near the collar area.  
21 Yes, sir, this is Exhibit 7 on my receipt.

22 Q What did you say was contained in this exhibit  
23 which is in 12, and how does it relate to  
24 Exhibit 7?

25 A This contains two hairs which I removed off of  
26 this exhibit, mounted on microscope slides for  
27 comparison to the standards which are included  
28 in this particular kit. The reason I kept it  
29 in a kit is to keep it from getting lost.

30 Q And did you make a comparison between the hairs  
31 taken off of Exhibit 7 with the standard hair  
or reference hair?

1 A Yes, sir.

2 Q And what if anything was the result of that  
3 comparison?

4 A The hair removed from the shirt, Exhibit 7, was  
5 found to be Caucasian head hair with microscopic  
6 similarities to the reference hair.

7 Q Can you eliminate all possible..... let me ask  
8 you this question: Is the field of expertise  
9 in identifying hair refined to such a point  
10 where you can say that the hair that is found on  
11 a given piece of clothing definitely came from  
12 one person?

13 A No, sir.

14 Q What can you say about the hair that....the two  
15 hairs that were found on that shirt in reference  
16 to the standard hair?

17 A Just in general, in hair comparisons, the race  
18 of an individual can be determined.

19 Q Was the hair on the shirt of the Caucasian or  
20 Negroid race?

21 A Caucasian. The body area can be determined.  
22 That's referring to head hair as opposed to  
23 pubic hair, as opposed to leg or arm hair or  
24 mustache hair or whatever.

25 Q Did you make a determination as to whether or  
26 not that was head hair as distinguished from  
27 the other areas of the body?

28 A Right. That was head hair. Then a physical  
29 comparison can be made to see if the character-  
30 istics of any given reference sample match the  
31 characteristics in the questioned sample. If  
the two do match, then the probabilities are that

1 the hair could have come or did come from the  
2 same individual, however, it is not an absolute  
3 science, since you can find people whose hair  
4 is the same. The probability exists that it  
5 could have come from the same individual.

6 Q After you completed the tests that you have  
7 been testifying about, what did you do with  
8 the various items? First of all, those  
9 contained in S-12.

10 A Well, all of the items were labeled as I  
11 stated and resealed and then packaged back  
12 into the box and sealed up again and along with  
13 the rest of the evidence turned over to our  
14 evidence clerk or evidence technician.

15 Q And then you have nothing further to do with it  
16 personally?

17 A That's correct.

18 Q Until you come here in Court.

19 A That's correct.

20 Q If I might, let me show you an exhibit which  
21 I have previously marked for identification  
22 as S-4, and ask you whether or not you recognize  
23 this garment?

24 A It's kind of hard to read but it does have  
25 the case number and item number and my initials  
26 inscribed on it.

27 Q Do you recall whether or not you performed any  
28 tests on that particular piece of clothing?

29 A Yes, sir, on the front area of the garment,  
30 in the area that's labeled T-1. I performed  
31 blood typing analysis.

Q And did you arrive at a blood type?

1 A Yes, sir. I found that the sweater had a  
2 stain of human blood Type O.

3 Q And how does that compare with the standard  
4 or reference sample?

5 A It was the same blood type.

6 Q I will show you an exhibit which I have marked  
7 S-14, and ask you whether you recognize it and  
8 if you do, how?

9 A This has the case number and our item number and  
10 my initials inscribed on the back of the bag.

11 Q Did you perform any tests upon the hair contained  
12 in that particular exhibit?

13 A Yes, sir, I examined it microscopically and  
14 examined it for comparison with the known  
15 reference hair.

16 Q And how did it compare with the reference hair?

17 A It was similar. The same characteristics.

18 Q And how did it compare with the two hairs taken  
19 from Exhibit 7, the man's shirt?

20 A That also had the same microscopic characteris-  
21 tics.

22 Q If I might...this particular bag...do you  
23 recognize this bag and if so, how?

24 A Yes, this is a packaging material. It bears  
25 the State Police case number, the parish, the  
26 submitting agency, the date....no, the agency's  
27 file number, the persons involved and the date  
28 of submission to the Crime Lab.

29 Q And what is the date of submission?

30 A 3/13/81.

31 Q The S.P. number, is that the number....does  
that compare favorably with the number assigned

1 to this case?

2 A Yes, sir.

3 Q I show you S-16 and ask you whether or not you  
4 recognize that bag?

5 A Okay, this bag also has the State Police number  
6 inscribed on the back part of the tag.

7 Q And is that the number assigned to this  
8 particular case?

9 A Yes, sir.

10 Q S-17.

11 A This also has the State Police number, and my  
12 initials inscribed on the bag.

13 Q And lastly if I might, S-18.

14 A Okay, likewise, this has the State Police number  
15 and my initials inscribed on it.

16 Q Generally how do these pieces of evidence arrive  
17 at the Crime Lab?

18 A Well, they are brought to the Crime Lab by a  
19 representative of the submitting agency's  
20 department, and some of the larger departments  
21 there have one or two particular people assigned  
22 to evidence and are like evidence custodians  
23 who cart it back and forth and store it in  
24 their place. In other departments, they may just  
25 happen to be whoever worked the case or whoever  
26 sent it to Baton Rouge at that time. The  
27 evidence, after it's analyzed it's released to  
28 the representative of the submitting agency to  
29 be brought back to that particular agency's  
30 storage area.

31 Q Where is it stored in Baton Rouge at the Crime  
Lab?

1 A

It's stored in our evidence vault.

2 Q

That piece of green paper, that you have there, can you tell us what that document is?

3  
4 A

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21 Q

When you say "released", do you mean returned to the submitting agency?

22

23 A

Right, uh, huh.

24

MR. ALCOCK:

25

May I have just a moment, Your Honor?

26

THE COURT:

27

Yes, you may.

28

(Mr. Alcock looks through exhibits).

29 Q

I will show you if I might State Exhibit No. 19, and ask you whether or not you recognize this exhibit, and if you do, how you recognize it.

30

31

A

This also has our case number, and my initials

1 inscribed and it's a pair of pantyhose.

2 Q Did you perform any tests on this particular item?

3 A Yes, sir, I did.

4 Q And did you reach any results as a result of the

5 test?

6 A I found that the pantyhose had stains of human

7 Blood Type O.

8 Q I show you State Exhibit 20.

9 A Yes. This likewise has the case number and item

10 number and my initials, and it's a pair of ladies

11 panties.

12 Q And did you perform any particular test on that

13 exhibit?

14 A Yes, sir.

15 Q And what was the results?

16 A I found that the panties had stains of human

17 blood, but it was an insufficient amount for

18 blood typing analysis.

19 Q I show you State Exhibit No. 21 and ask if you

20 had occasion to examine that particular piece

21 of clothing, and what if any were the results.

22 Did you examine the contents of S-21?

23 A Yes, sir. This contains one pair of jockey

24 type shorts and I found them to be free of blood

25 and seminal stains.

26 Q What sort of condition were they in when you

27 received them?

28 A They were dirty.

29 Q Did you perform a test on them?

30 A Yes, sir.

31 Q Now, I notice that all of these are sealed, is

that correct?



1 A Yes, sir.

2 Q Did you seal these items when you finished  
3 analysis on them?

4 A Yes, sir.

5 Q And what was done with it then?

6 A Then it was packaged up with the rest of the  
7 evidence and returned.

8 MR. ALCOCK:

9 I tender the witness.

10 CROSS-EXAMINATION BY MR. DIVENS:

11 Q To make sure I understand, S-21 would be the  
12 jockey shorts belonging to the defendant is  
13 that correct?

14 A I assume so.

15 Q They are men's jockey shorts?

16 A That is correct.

17 Q And you found those shorts to be free of both  
18 blood and seminal stains is that correct?

19 A That's correct.

20 Q Did you also analyze those shorts for the  
21 presence of any hair?

22 A I examined them. If any would have been  
23 observed they would have been mounted and  
24 compared, since none were observed....I mean  
25 since none were mounted I apparently did not  
26 observe any.

27 Q Isn't it a fact, Miss Phillips, that in most  
28 instances where the perpetrator of a rape is  
29 apprehended a relatively short period after the  
30 rape that you do find either evidence of seminal  
31 fluid or of foreign pubic hair?

A No, sir.

1 Q

That's not a fact?

2 A

I think in cases where I receive clothing from accused persons, I may get positive seminal stains and/or hair maybe one out of every twenty cases.

6 Q

One out of every twenty. Do you read any of the literature that relates to the particular area of your expertise?

9 A

Oh, yes.

10 Q

Then tell me what do you read? What do you subscribe to?

11

12 A

Let's see, we get The Journal of Forensic Sciences in the Lab. We get the Journal of The American Academy. We get the Canadian Journal, and we get one out of England that I can never remember the name of.

13

14

15

16

17 Q

And you're telling this jury that those Journals that you read, that you have read, do not indicate that when there is an arrest of a rape suspect shortly after the rape that you will find evidence of seminal fluid normally in the shorts?

20

21

22 A

I'm telling the jury what I have observed from experience not what I have read in books.

23

24 Q

Okay. Now, how were the items of clothing received in your office? How were they packaged?

25

26 A

As they are now, except they didn't have the State Police evidence tape on them, but they were individually packaged.

27

28

29 Q

Okay. And you took them out of the individual packages?

30

31 A

That is correct.

1 Q Was each package marked and labeled with what  
2 was contained therein?  
3 A I don't remember whether they were or not. I  
4 assume they were, but I don't remember, per se.  
5 Q So when you got this bag, were you able to look  
6 at the exterior of the bag and determine what  
7 was in there, what was supposed to be in there?  
8 A Well....no...according to this, it was listed  
9 as one bag of assorted items, so I would have  
10 had to get into it to see what was in it.  
11 Q What about this bag? Were you able to look at  
12 the exterior of the bag and determine what was  
13 in the bag before you opened it?  
14 A No, sir.  
15 Q Do you have an independent recollection of what  
16 was in this bag?  
17 A No, sir.  
18 Q Did you see this clothing right here?  
19 A I just saw two of the items here on the desk,  
20 and I couldn't state for a fact that they other  
21 items were what I analyzed without looking at  
22 the labels to see if they are in fact there.  
23 Q But you see the way they're here on the floor,  
24 don't you?  
25 A Yes, sir.  
26 Q They didn't come to you like that?  
27 A No, sir.  
28 Q Now, let's talk about a secretor.  
29 A Okay.  
30 Q I think you indicated that a secretor is a person  
31 whose ABO blood typing is present in any and all

1 body fluids, is that correct?

2 A Basically, yes, sir.

3 Q And that would mean that if you are able to get

4 a sample of an individual's teardrops, provided

5 you had a large enough quantity, if the person

6 were a secretor, you could perform certain

7 scientific tests on a teardrop and determine

8 the blood type?

9 A That's correct.

10 Q The same thing with saliva? The same thing with

11 seminal fluid, is that correct?

12 A Yes, sir.

13 Q Now, is there a certain or specific quantity of

14 the body fluid necessary in order to make a

15 determination as to whether or not the person

16 who secreted that particular body fluid was in

17 fact a secretor?

18 A Are you asking what amount is needed?

19 Q No, I'm asking you first of all, is a certain

20 amount needed?

21 A Well, you have to have enough to work with.

22 Q Okay. How much?

23 A In the microlitre quantities....a drop.

24 Q What is a non-secretor?

25 A It's a person who does not secrete their ABO

26 antigens into their other body fluids.

27 Q So basically a non-secretor would be a person

28 who, if you ran the same tests on his saliva

29 or teardrops, you could not determine what his

30 blood type was?

31 A That is correct.

Q Now what percentage of the general population

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are secretors?  
A Approximately eighty.  
Q Eighty per cent?  
A That is correct.  
Q Did you perform any tests in this case in an effort to determine whether the person who secreted the seminal fluid that you found was in fact a secretor?  
A I didn't find any seminal fluid.  
Q You didn't find any seminal fluid?  
A No, sir.  
Q You found spermatazoa?  
A That is correct.  
Q Do you recall getting a letter from me asking you whether you had performed any tests in this case?  
A Not really. I'm not saying I didn't, I'm just saying I don't remember.  
Q Okay. You don't recall calling my office one day when I wasn't there?  
A Not really. I talk to some many attorneys....I don't know. I really don't recall.  
Q Now, you claim to have found certain hair on S-1?  
A Yes, sir.  
Q Do you recall where on the shirt you found it.  
A It just states two strands of light brown hair removed.  
Q Okay. You don't know how those strands of hair got on that shirt, do you?  
A No, sir.  
Q And it's possible that if these two items were

1 held together, and later presented to you....  
2 like that.....(hold two exhibits together).....  
3 that you could wind up with strands of hair on  
4 it? Isn't that true?

5 A Yes, sir.

6 Q I think you also said that it is not now  
7 scientifically possible to state with any degree  
8 of scientific certainty that a strand of hair  
9 found here, came from any one individual.

10 A Well it can not be individualized to say this  
11 hair had to have come from this particular  
12 individual. You can characterize it into saying  
13 that it's possible or probable but not that it is  
14 definitely.

15 Q Now, in detecting the spermatazoa, you used a  
16 microscope?

17 A That is correct.

18 Q An electronic microscope?

19 A No, sir.

20 Q What power was that microscope?

21 A What power does it go?

22 Q Yes, ma'am.

23 A I have an all immersion 100 power objective on  
24 it that will with the eye pieces on it magnify  
25 up to 1,200 times.

26 Q Now, explain to me first of all, how long  
27 can spermatazoa be detected once it has been  
28 placed on a slide?

29 A If the slide has been preserved or fixed or  
30 stained, virtually forever. This is after it  
31 has been placed on the slide itself. If it  
has not been preserved in any way, it can

1 deteriorate within a matter of oh, a week or so.  
2 It really depends upon the slide preparation  
3 more than the slide itself.

4 Q Does it require somebody who has some special  
5 training to preserve these slides?

6 A Normally a preservative....it's just kind of like  
7 a spray can, like hair spray, and you smear the  
8 slide and let it dry and that's it, it's  
9 preserved. It really doesn't take any amount of  
10 training.

11 Q When did you get the slide?

12 A It was received in the Lab March 13, '81.

13 Q And you did not sign off on the chain of custody,  
14 did you?

15 A No, sir.

16 Q Anybody in your office? Do you recognize any  
17 signature of anybody in that chain of custody  
18 who is in your office?

19 A No, sir.

20 Q None of those people?

21 A No, sir. We don't sign them when they're  
22 brought to the Lab.

23 Q What do you sign to establish a chain of  
24 custody?

25 A I receipt for them. That's standard policy in  
26 the Crime Lab.

27 Q Somebody named Suzanne Morrow?

28 A Right.

29 Q After you finished your examination, what did  
30 you do with the items?

31 A Packaged it up and gave it back to the evidence  
technician, and wrote my report.

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And who is that?  
At that time it was Suzanne.  
You gave it back to her?  
That's correct.  
And does this show where she got it back?  
When? From me?  
Yes.  
No, sir. We keep those records in the Lab.  
Do you have any knowledge of the procedures that Suzanne Morrow and the people who work in that section where she works follow?  
Yes, sir, they're standard operating procedures in the Lab. We're all familiar with the way it's run.  
And how is it run?  
Well, when the evidence is submitted to the Lab, the evidence technician first makes sure that everything is sealed. If it's not properly sealed, she makes a notation on the folder or else on the request for analysis form, and then once it is submitted to her, she places it in the preliminary evidence locker, which is a part of our evidence locker, but it's separate from the back. She then takes the copy that we keep in the Lab and puts it in a folder and brings it to the particular section in which the case is going to be worked. In this case, it was a serology case so it was brought to my section. If it had been a narcotics case it would have been brought to the narcotics section. When the person who is going to analyze the evidence is ready for it, they go back up to the front



1 evidence locker carrying the folder. They have  
2 a big log book. They date it, put the time and  
3 sign out their name for this particular case,  
4 and she retrieves it out of the locked evidence  
5 vault, hands it over to the person who is going  
6 to work it and they take the case back to their  
7 Lab and run their analysis. When they're  
8 finished with the analysis, they package it back  
9 up again, bring it back up to her, sign it back  
10 into the book, give it to her and then she puts  
11 it in the storage vault. Each part of the  
12 storage vault is divided up according to agencies,  
13 such as, you know, Terrebonne Sheriff's Office,  
14 Houma Police Department, Baton Rouge City Police  
15 or whatever. When a representative from that  
16 agency comes to the Lab, which is usually about  
17 once every couple of months, the completed cases  
18 are then turned over to him. He signs for them  
19 on the bottom of our green form. He's given a  
20 copy of what he received, and he takes the  
21 evidence back with him. And once it leaves the  
22 custody of the Lab, I have no knowledge of what  
23 happens to it.

24 Q Did you find any evidence of shells or rocks on  
25 any of these....on these trousers?

26 A I didn't perform an anlysis for shells or rocks.

27 Q Did you observe anything?

28 A I have no notation of that.

29 Q How about grass?

30 A I have no notations of that either.

31 Q Did you observe any grass on the shirt...any shells  
or anything of that nature?

1 A Like I said, I have no notation of having  
2 observed any.

3 Q Now, had you observed either shells or grass or  
4 something of that nature, you would have made a  
5 notation of that, would you not?

6 A Normally, yes.

7 MR. DIVENS:

8 That's all. Thank you very much.

9 RE-DIRECT EXAMINATION BY MR. ALCOCK:

10 Q May I have that green form that you've been  
11 testifying from, please? I would like to mark  
12 this if I might S-22.....let me, if I might,  
13 in lieu of the original green, with the same  
14 S-22 marking return this to the witness, and  
15 with that, I have no further questions at this  
16 time.

17 MR. DIVENS:

18 I have one final thing.

19 RE-CROSS EXAMINATION BY MR. DIVENS:

20 Q With reference to your examination of S-21,  
21 did you detect whether or not this item had  
22 been subjected to any chemical test or analysis  
23 prior to coming to your office?

24 A They had an area from the Sheriff's Office  
25 marked that they had run a field test on it.

26 Q You didn't find it?

27 A I found the area.

28 Q Did you find any seminal fluid on it?

29 A I didn't find any seminal fluid.

30 MR. DIVENS:

31 Thank you.