

Charles, Ulysses

Testimony of

Stanley Bogdan, TT 7-23 to 7-45 (pages 2 to 24)

John Cope Abbott, TT 7-45 to 7-53 (pages 24 to 32)

1 STANLEY BOGDAN, Sworn

2 Direct Examination by Mr. Campo:

3 Q Please state your name?

4 A Stanley, middle initial I, Bogdan. That's B-o-g-d-a-n.

5 Q By whom are you employed?

6 A By the Boston Police Department.

7 Q In what capacity are you employed?

8 A As a senior criminalist in the Crime Laboratory.

9 Q Would you tell us what your educational background is
10 that qualifies you to be a senior criminalist?

11 A I have a Bachelor of Science degree from the College of
12 the City of New York. I have graduate study --

13 Q What do you have your Bachelor of Science degree in?

14 A Physics. I have graduate study in physics at the
15 Polytechnic Institute of Brooklyn. In addition to
16 working for many years in a laboratory as performing
17 analysis by instrumental methods, I had occasion to
18 learn a great deal of chemistry on the job during those
19 years.

20 When I came to the Boston Police Crime Lab
21 I had additional opportunity to learn chemical techniques
22 by my own reading, from others on the job, also by
23 taking courses at the F.B.I. Academy.

24 Q Would you tell us what courses you took at the F.B.I.
25 Academy when you went there?

1 A I took three courses at the academy at different times.
2 One was a course on the identification of hairs and
3 fibers. The second one was on basic serology. And the
4 third one was on biochemical methods of blood stain
5 analysis.

6 Q How long was each of those courses?

7 A Each of those courses was two weeks, a concentrated
8 two-week course; and each of the blood courses was
9 accredited as a graduate course in the University of
10 Virginia. The F.B.I. Academy being in Virginia.

11 Q Upon finishing college and graduate studies, where did
12 you work?

13 A I worked for several industrial firms in laboratories as
14 I stated earlier doing analysis of a wide variety of
15 materials by instrumental methods.

16 Q When did you start to work for the Boston Police
17 Department?

18 A In 1970.

19 Q What have your duties been as a criminalist in the
20 Boston Police Department?

21 A My duties as a criminalist have been to, number one,
22 go to crime scenes whenever requested, to examine those
23 crime scenes and collect evidence. The evidence
24 collected at these crimes scenes is taken back to the
25 laboratory and analyzed. In addition, evidence brought

1 in from crime scenes which are investigated by police
2 officers is also brought in and analyzed in the
3 laboratory.

4 As a result of my findings in the laboratory,
5 I write reports. Then I testify in court as to my
6 findings.

7 Q Have you done work in the field of serology?

8 A Yes, I have.

9 Q Would you tell us what serology entails?

10 A Serology entails the analysis of body fluids. With
11 respect to the work that we most commonly do, we work
12 with blood and semen.

13 Q Tell us how many times you've been qualified to testify
14 as an expert in serology in court?

15 A I've testified between 150 and 200 times, I would say
16 roughly 75 to 100 times.

17 MR. CAMPO: Your Honor, at this time I would
18 submit Mr. Bogdan as an expert in the field of serology
19 and ask that he be recognized as such.

20 MR. GILDEN: No objection.

21 THE COURT: He may so testify.

22 Q Mr. Bogdan, were you involved in analysis of certain
23 clothing and bedding material with regard to a rape that
24 occurred at 1626 Commonwealth Avenue?

25 A Yes.

1 Q That was back in December of 1981, is that correct --
2 strike that -- December of 1980?

3 A 1980, yes.

4 Q Would you tell us what items were turned over to you
5 regarding that investigation?

6 A I received a number of items for examination. These
7 consisted of a bed sheet, two pillow cases, an afghan,
8 a couple of -- two pieces of gold cord, a leather belt.

9 Q Did you examine the items that you just indicated?

10 A Yes.

11 Q With regard to the two pieces of cord and the gold belt,
12 did you find anything remarkable in those?

13 A No, I did not.

14 Q Were they examined chemically for prints?

15 A There was no way to -- there would be no -- you wouldn't
16 be able to obtain prints from a surface like that cord
17 had.

18 Q How about the belt?

19 A The belt was checked and no prints were detected.

20 Q With regard to the pillow cases, were those examined?

21 A Yes, they were.

22 Q Was anything remarkable found?

23 A There was nothing remarkable found on the pillow cases.

24 Q Did you examine the afghan?

25 A Yes, I did.

1 Q Anything remarkable about the afghan?

2 A No.

3 Q Did you examine the sheet that was turned in to you?

4 A Yes, I did.

5 Q Could you tell us what you observed on the sheet?

6 A On the sheet I observed a large, colorless stain near
7 the center of the sheet.

8 Q Did you perform any tests on that sheet for the presence
9 of semen -- strike that.

10 Did you perform a microscopic examination for
11 the presence of sperm?

12 A Yes, I did.

13 Q What was the result of that examination?

14 A I did not detect any sperm cells.

15 Q Did you conduct an acid phosphatase for the presence
16 of semen?

17 A I performed an acid phosphatase on it -- a test on that
18 stain.

19 Q Could you tell us what acid phosphatase is?

20 A Acid phosphatase is an enzyme which is characteristically
21 present in human semen.

22 Q Could you tell us what else it is present in?

23 A It can be -- it is also present in a number of other
24 body fluids. For example, it's present in blood
25 in lower concentrations. It's present in vaginal

1 secretions.

2 Q Is it present in urine?

3 A I believe that there could be low concentrations in
4 urine.

5 Q It's also present in perspiration, is that correct?

6 A Yes, I believe so.

7 Q Is an acid phosphatase test determinative of the
8 presence of semen?

9 A No.

10 Q Is a microscopic examination for the presence of sperm
11 determinative of the presence of semen?

12 A Yes.

13 Q Do you know of any other test which is conclusive for
14 the presence of semen at this point, at this time?

15 A At this time there is a test which is considered to be
16 conclusive for the presence of semen.

17 Q What do they call that?

18 A That test is called a P-30 test.

19 Q At the time of this incident was the Boston Police
20 Department equipped to do that test?

21 A No, we were not.

22 Q Are you aware when the F.B.I. started using that test?

23 A The F.B.I. started using that test, I believe, several
24 months ago.

25 Q At present are you equipped to do that test?

1 A Not at present.

2 Q Did you examine a maroon bathrobe?

3 A Yes, I did.

4 Q Did you conduct the same tests on the bathrobe?

5 A Yes, I did.

6 Q Did you find any sperm present microscopically on the
7 bathrobe?

8 A No, I did not.

9 Q I show you Exhibit 18, which is the maroon robe, and
10 Exhibit 19, which is an off-pink sheet, and ask you if
11 you recognize those.

12 A Yes. These are the two items that we just discussed,
13 the maroon robe and the sheet.

14 Q Those are the items you examined, correct?

15 A Yes.

16 Q Did you also examine hair samples?

17 A Yes, I did.

18 Q What type of hair samples did you examine, sir?

19 A These were hair samples that were present in rape kits
20 that were submitted to the laboratory. Each of the rape
21 kits contained samples of pubic hair of the person who
22 had been examined and samples of pubic hair obtained by
23 combing the pubic region.

24 The samples of known pubic hair were removed
25 from the person to be used as standards for purposes of

1 comparison. These were removed by -- removed by
2 plucking these hairs out, so we would know for sure that
3 they were from that person.

4 Q Now, would it be fair to say that you had hair samples
5 or pubic hair samples from [REDACTED], [REDACTED]
6 and Valerie Hays?

7 A There were two rape kits here. One was --

8 Q I'm sorry, would it be -- strike that.

9 Would it be [REDACTED] and [REDACTED]?

10 A That is correct.

11 Q Now, as a result of your examination of those pubic
12 hairs did you find any hairs that were dissimilar to
13 [REDACTED] or [REDACTED]?

14 A No, I did not.

15 Q You did not find any Negro pubic hairs, is that correct?

16 A No, I did not.

17 Q Did you perform any other tests on the sheet and the
18 bathrobe?

19 A I did grouping tests on the stains which were tested.

20 Q When you say "grouping tests" would you explain to the
21 jury what you mean by that?

22 A In most people, most persons are secreters. By that I
23 mean that if a person is a secreter, the blood group
24 substances that are found in his blood are also found
25 in his other body fluids, such as saliva, perspiration,

1 semen in the case of a male, vaginal secretions in the
2 case of a female. So in the -- roughly 80 percent of
3 the population which are secreters you will find these
4 blood group substances in their other body fluids. It
5 is possible to perform tests on samples of those body
6 fluids to determine the person's blood type.

7 Q Now, with regard to the bathrobe and sheet, did you
8 perform an absorption-inhibition test?

9 A Yes. That is the name of the test that is used to
10 determine the blood group from the stain if the person
11 from whom the stain came is a secreter. I did perform
12 such tests.

13 Q As a result of your tests, would you tell us -- well,
14 would you tell us the results of the tests?

15 A All right. In both cases, I determined that the stains
16 originated from a person having Group O blood.

17 Q Did you examine the blood of [REDACTED]?

18 A Yes, I did.

19 Q Would you tell us what blood grouping [REDACTED]
20 is?

21 A [REDACTED] had Group O blood.

22 Q Did you examine the blood of the defendant Rodriguez
23 Charles?

24 A Yes, I did.

25 Q What was the result of that?

1 A I found that his blood was Group B.

2 Q Did you examine the blood of [REDACTED]?

3 A Yes.

4 Q Would you tell us what her blood grouping is?

5 A Her blood was Group O.

6 Cross-Examination by Mr. Gilden:

7 Q Mr. Bogdan, is it possible by the tests that you conduct --
8 by the blood tests, to determine whether or not a person
9 is or is not a secreter with the different blood types?

10 A Yes.

11 Q Do you know whether [REDACTED] was a Group O
12 secreter or not?

13 A Yes, she was.

14 Q What about [REDACTED]?

15 A She was a Group O nonsecreter.

16 Q Mr. Bogdan, when you refer to semen is there a chemical
17 difference between male seminal fluid and female
18 vaginal secretion? In other words, can you determine
19 by the tests that you conducted whether the stains or
20 items that were tested by you were stained by male
21 secretions or female secretions?

22 A Not by the tests I performed.

23 Q Are you aware of any tests that are available that could
24 make that differentiation?

25 A Well, the test that I mentioned, the P-30 test is

1 considered to be specific for semen. So if that were
2 present, it would be concluded that the stain was of
3 seminal origin.

4 Q In other words, that P-30 test could determine whether or
5 not the stain you found which your tests say is semen or
6 seminal fluid comes from a male or a female?

7 A That would be --

8 MR. CAMPO: I'm going to object to the
9 phrasing of that question. He did not testify that the
10 stains were seminal stains, or to the contrary.

11 MR. GILDEN: I'm asking about the test.

12 THE COURT: Is your question related to a
13 hypothetical examination and not this case?

14 MR. GILDEN: No, I'm asking if that test could
15 determine whether a stain --

16 THE COURT: You're asking about the test?

17 MR. GILDEN: Yes, Your Honor.

18 THE COURT: But not anything performed in this
19 case? You're talking about the P-30?

20 MR. GILDEN: Not yet; I may get to that.

21 THE COURT: Right. But are you talking to
22 this extent about the P-30?

23 MR. CAMPO: Yes, Your Honor.

24 THE COURT: Okay.

25 A Well, the P-30, if present, would be specific for stating

1 that the stain contained material of seminal origin.

2 Q From a male?

3 A Yes. That would be from a male.

4 Q Just for my own education, sir, when we talk -- when we
5 talk about semen, we're talking about male ejaculate
6 less any sperm, the fluid that they ejaculate -- that
7 a male ejaculates during intercourse; would that be
8 fair to say?

9 A Well, yes. The way you're phrasing it, I would say yes.

10 Q Well, how would you describe it more clearly?

11 A Well, it may or may not contain sperm cells.

12 Q Okay. But when we're talking about semen, we're
13 talking about that fluid ejaculated by a male which
14 may or may not --

15 A The fluid portion of the male ejaculate, yes.

16 Q All right. Just so we're talking about the same thing.

17 It would be fair to say then, sir, that none
18 of the stains that you found could have come from the
19 defendant Rodriguez Charles, is that correct, based on
20 your tests that you performed?

21 A The tests that I performed showed the presence of
22 acid phosphatase. That did not say, I believe I
23 testified earlier, that it was semen conclusively or that
24 it was not semen.

25 Q None of the materials that you tested in any of the

1 tests that you performed came from a Type B secreter,
2 did they?

3 A I did not detect any Type B blood substance in the
4 stains I checked.

5 Q So that if any of the stuff -- the stains that you
6 checked came from the defendant, they would show evidence
7 of a Type B secreter, is that correct?

8 A They should show presence of the B blood group substance.

9 Q Now, did you make examination of any sort of the robe
10 to determine whether or not there were any pubic hairs
11 present in that robe?

12 A Examined the robe, and according to my note, hairs are
13 not mentioned, so none were found.

14 Q Well, I ask you, sir, do you recall whether or not
15 you specifically did the checking?

16 A Yes, I did.

17 Q Did you go to the crime scene?

18 A Yes.

19 Q Some of these items, did you take them into your own --
20 your possession personally?

21 A The items that I mentioned earlier were brought to the
22 laboratory by the police. I did not collect them at the
23 scene at that time. The items that I collected at the
24 scene consisted of the cardboard box which -- two boxes
25 actually, which I took back to the laboratory to check

1 for the presence of fingerprints.

2 Q Do you work in the Fingerprint Division also?

3 A No. We do chemical tests for development of latent
4 prints. If by those chemical tests we do bring out any
5 prints, then we take them to the Identification Section
6 for evaluation.

7 Q In other words, there are tests that can be performed
8 even on cardboard that would -- that could bring out
9 fingerprints?

10 A Yes.

11 Q Those boxes that you brought back -- strike that.

12 When you went to the apartment personally did
13 you go alone or were you with someone else?

14 A I went with somebody else.

15 Q Was that one of the victims in this matter?

16 A I know I was there with Detective -- Officer Powers,
17 William Powers, from the Identification Section. And my
18 recollection is that [REDACTED] was there.

19 Q When [REDACTED] was there did she point out some items
20 that might be of interest to you as a criminologist?

21 A I don't recollect.

22 Q Do you recall whether or not you went through the entire
23 apartment?

24 A Yes, I did.

25 Q Did you examine the beds in the apartment?

1 A Yes.

2 Q Did you examine the beds for stains?

3 A My recollection is that I did examine the beds. I would
4 have looked for stains at the time. The bedding that
5 was brought to the laboratory was brought there before I
6 went to the apartment.

7 Q So do I understand it, sir, that the bedding had
8 already been removed by the time you arrived at the
9 crime scene?

10 A Yes. Right.

11 Q Did you make -- I ask you again, do you recall whether
12 you made any further examinations of the bedding or the
13 beds themselves for stains of any sort?

14 A My recollection is that I did look at the beds when I
15 was there.

16 Q Just a fast visual check?

17 A I looked -- yes.

18 Q Do you recall whether you found anything of interest to
19 you?

20 A I have no note to the effect that anything was found, so
21 my recollection -- so I would say that I did not see
22 anything.

23 Q You don't have much recollection of the actual duties,
24 is that correct -- I mean, what you did that day, other
25 than what's in your notes?

1 A I can picture the apartment. I remember being there and
2 looking at the beds. I can't remember specifically
3 details further than that.

4 Q You were given some bedding to examine, is that correct?

5 A That's correct.

6 Q What types of bedding were received by you?

7 A The bedding consisted of a bed sheet, pillowcases. That
8 was the actual -- and an afghan.

9 Q Did you make an examination of this bedding to determine
10 whether or not any hair was found in this bedding?

11 A Yes.

12 Q Do you recall whether or not you found any hair in this
13 bedding?

14 A No, I did not.

15 Q Is there a standard procedure in the Boston Police
16 Department or was there at that time as to preservation
17 of this type of evidence? In other words, is there some
18 set procedure that officers are to follow when they're
19 examining or gathering evidence at a crime scene such as
20 this?

21 A You mean if a police officer goes to a scene and examines
22 the scene and collects evidence?

23 Q Yes, particularly in a rape case of this nature.

24 A He will try to collect anything that he determines to be
25 of evidential value, try to collect the evidence in such

1 a way that one bit of evidence is not contaminated by
2 another. He would, for example, package things that
3 were separated at the scene in separate packages; so
4 that evidence of one type, whatever it might be couldn't
5 be transferred from one item to another.

6 Q To the best of your knowledge was this procedure followed
7 in this case?

8 A This procedure has been followed rather closely in
9 recent years by the officers examining scenes. My
10 recollection is that there was nothing incorrect in the
11 handling of the evidence when it was brought to the
12 laboratory.

13 Q So to the best of your recollection, this procedure was
14 followed; that items taken together were segregated from
15 each other so they wouldn't contaminate the other?

16 A Yes.

17 Q Were they delivered to you in a plastic bag of some
18 sort?

19 A I cannot tell you whether they were in a plastic bag or
20 a paper bag or a shopping bag; I don't remember.

21 Q But they're normally delivered in some kind of
22 container?

23 A Yes.

24 Q Were they delivered in a different container than those
25 shown you by the Assistant District Attorney?

1 A Yes. Those are the bags, plastic bags, in which we
2 package our evidence for storage.

3 Q So the bags that were delivered to you would be
4 different than what we see today?

5 A They might or they might not be. Sometimes we give
6 police officers a number of plastic bags. When they
7 have investigatory duties very often they like to have
8 bags available. Otherwise, they have to find some
9 suitable container.

10 Q So you try to provide your investigators with some tools
11 to investigate a crime scene?

12 A Well, if they come up and ask, yes, we will.

13 Q Do you recall whether or not you would have examined
14 the container that these materials came to you in?

15 A Yes, I would have.

16 Q To see if maybe there was some hair in there or something
17 like that?

18 A Definitely.

19 Q So you would have made that type of examination?

20 A Yes.

21 Q You found none in any of the items that you -- that were
22 presented to you, is that correct?

23 A That is correct.

24 Q Is there a difference between Negroid pubic hair and
25 Caucasian pubic hair?

1 A Yes.

2 Q What's that difference?

3 A There's a difference between Negroid hair and
4 Caucasian hair, and this difference extends to different
5 types of body hair. The difference is basically in the
6 appearance and color of the pigment, the presence in
7 pigment, how it's located, the size of the particles,
8 density and so forth.

9 Q Did you take a sample of the defendant's hair, or were
10 you provided with a sample of the defendant's hair?

11 A I was provided with a sample of the defendant's -- no,
12 no, I'm sorry. I was not.

13 Q You were not. But you were present when samples of his
14 blood and saliva were given to a medical person, is that
15 correct?

16 A Yes, I was.

17 Q And you took those samples into your custody and tested
18 them, is that correct?

19 A That is correct.

20 Q Now, when you say there was nothing remarkable about an
21 item what does that mean?

22 A I didn't detect anything that I considered to be of
23 evidential value.

24 Q What types of things would you consider to be of
25 evidential value?

1 A Fingerprints, hairs, stains, holes, tears, rips, things
2 of that nature.

3 Q You say you received two rape kits?

4 A Yes.

5 Q I believe one was of [REDACTED] and one was of
6 [REDACTED], is that correct?

7 A That's correct.

8 Q What is a rape kit?

9 A When a rape victim goes to the hospital they're usually
10 examined in the emergency ward. At the present time
11 they have special personnel for treating and examining
12 these persons.

13 A rape kit is usually a prepared type of box
14 containing certain envelopes and swabs and so forth,
15 slides, for the purpose of collecting any type of
16 evidence from the person that might be of use in
17 evaluating the situation.

18 The particular rape kit, I believe, that we
19 received was -- I think was called the Johnson Rape Kit.
20 In this kit, which is a plastic box, there are envelopes
21 for collecting known samples of the victim's pubic hair,
22 for collecting combings of the victim's pubic region.
23 The theory being that if there are any loose hairs
24 included among the victim's in the victim's pubic region,
25 that they might not be from the victim.

1 Swabs are taken of the vaginal area. If the
2 circumstances dictate, swabs are taken, rectal swabs and
3 oral swabs. Slides are made from those swabs. In
4 other words, the material swabbed for the various body
5 openings are smeared on slides and allowed to dry. The
6 swabs themselves are also included in the kit.

7 So we have samples of hair, swabs, slides, and
8 in some of the newer rape kits they also include things
9 like fingernail -- envelopes for fingernail clippings or
10 scrapings. They include tubes for samples of blood of
11 the victim.

12 Some of the newer kits are getting even more
13 extensive. I don't know what else; there may be other
14 envelopes. There are extensive directions inside the
15 kit.

16 The rape personnel in the hospital collects
17 these various types of evidence as indicated, includes
18 them in the kit. The police officer transmits that kit
19 from the hospital to the laboratory.

20 Q After that material comes to you -- and I believe you
21 said you used the Johnson Rape Kit -- you believe that
22 the Johnson --

23 A I believe it was a Johnson Rape Kit, yes.

24 Q So at least you had combings from the pubic area of each
25 of those two victims; you would have a known sample of

1 the pubic hair of each of those victims; you would have
2 swabs probably from each of those victims; you might
3 have a slide taken from that swab; is that correct?

4 A I might have; I might not. I mean, the procedure is not
5 completely uniform. We're trying very hard. We consult
6 with the various rape personnel and try to get them to
7 include things in a way that is of value to us.

8 According to my notes here, these rape kits
9 each contained samples of hair known and possibly
10 strange, or hairs that might not belong to the victim.
11 I don't have any note as to there being anything else.
12 So it's possible they just included hairs in those kits.

13 Q So it's your testimony that both of those -- the rape
14 kits on both of those young women contained no Negroid
15 hairs?

16 A That is my testimony.

17 Q And your testimony is that no stains that you examined
18 were from a Type B secreter?

19 A That is correct.

20 MR. GILDEN: I have no further questions

21 Redirect Examination by Mr. Campo:

22 Q Mr. Bogdan, with regard to the sheet, in your testing
23 of the sheet blood grouping you found that the stains
24 were deposited by a Group O secreter?

25 A That is correct.

1 Q And with regard to the bathrobe, you examined that and
2 found that the stains on the bathrobe came from a
3 Group O secreter?

4 A That is correct.

5 Q With regard to [REDACTED], would you tell us once
6 again what [REDACTED] blood grouping is?

7 A She was a Group O secreter.

8 MR. CAMPO: Thank you. Nothing further.

9 MR. GILDEN: I have no further questions.

10 THE COURT: Thank you, sir.

11

12 JOHN COPE ABBOTT, Sworn

13 Direct Examination by Mr. Campo:

14 Q Would you please state your name?

15 A John Cope Abbott, A-b-b-o-t-t.

16 Q Mr. Abbott, would you tell us what your occupation is?

17 A I'm a forensic serologist with Serological Research
18 Institute, East Coast Office, Burlington, Massachusetts.

19 Q Would you tell us what your educational background is
20 with regard to qualifying you in the field of serology?

21 A I have a Bachelor of Arts degree in premedical and
22 professional biology from Gordon College in Wenham,
23 Massachusetts. I have a Master of Science degree in
24 forensic chemistry from Northeastern University in
25 Boston. I'm a registered medical technologist.

1 Q Would you tell us, sir, what your practical experience
2 has been in the field?

3 A As a registered medical technologist and courses I took
4 in that area, after my graduation from Gordon College,
5 I was employed by Carnegie Institute in Boston, a school
6 of medical technology, where I was senior lecturer in
7 immunohematology and hematology, which is the
8 identification of blood and blood diseases, the
9 identification of blood groups, cross-matching of
10 blood, identifying blood antibodies and antigens, the
11 proteins in their cross-matching, purposes for medical
12 transfusion.

13 A number of additional courses I taught there.
14 At the same time, near the end of my tenure with
15 Carnegie Institute, I got my degree through Northeastern
16 University and subsequent to that was employed by the
17 Michigan Department of Police as a forensic serologist
18 at the Bridgeport Laboratory in Bridgeport, Michigan.

19 I spent two years there, from January 1978
20 until November 1979, attached to the Microchemical
21 Unit, specializing in forensic serology.

22 From November 1979 until December 1982 I was
23 employed -- 1981 -- I was employed by the Commonwealth
24 of Massachusetts Department of Public Safety at
25 1010 Commonwealth Avenue, the chemical laboratory there

1 commonly referred to as State Police Chemical Lab. I
2 was the forensic serologist for that department.

3 In January of 1982 I was employed by
4 Serological Research Institute. I went to the home
5 office in Emoryville, California; spent seven months
6 there, and then returned to Massachusetts to open the
7 East Coast Office in Burlington, where I am the
8 forensic serologist and office manager.

9 Q Would you tell us if you have any professional
10 affiliations or titles?

11 A Yes, I do, sir.

12 Q Would you tell us what those are, sir?

13 A I am a registered medical technologist with American
14 Medical Technologists. I am the president of the
15 Massachusetts State Society, American Medical
16 Technologists. I am a commissioner with the Accrediting
17 Bureau of Health Education Schools.

18 I am a member of the Northeastern Association
19 of Forensic Scientists, the Midwestern Association of
20 Forensic Scientists.

21 Q Would you tell us how many times you've been qualified
22 to testify as an expert in serology in the courts of
23 Massachusetts?

24 A In the Commonwealth of Massachusetts I have testified
25 approximately 40 times.

1 Q How many times have you been qualified to testify in
2 other states?

3 A In other states, approximately 30 to 40 times.

4 Q Would it be fair to say that you've testified for the
5 prosecution and for the defense?

6 A Yes, sir.

7 MR. CAMPO: Your Honor, I would submit
8 Mr. Abbott as an expert in the field of serology, and
9 would again ask that he be recognized as such.

10 MR. GILDEN: No problem, Your Honor.

11 THE COURT: He may so testify.

12 Q Mr. Abbott, would you tell us exactly what the field of
13 serology entails?

14 A Well, forensic serology in specific is that science
15 dealing with blood and other body fluid analysis,
16 paying particular attention to the identification of
17 the item; what is the fluid; is it blood; is it semen;
18 is it saliva; is it vaginal fluid; tears; nasal
19 secretions; any type of body fluid. And could it be
20 human or animal in origin. And if it is human, then
21 from whom may that fluid have derived.

22 Q Mr. Abbott, were you asked to examine certain bedding
23 and clothing regarding a rape that occurred at
24 1626 Commonwealth Avenue?

25 A I'm not sure whether that was the address, but I was

1 asked to examine bedding and clothing, yes, sir.

2 Q I show you Exhibits 18 and 19 and ask you to look at
3 those.

4 A Yes, sir.

5 Q Would you tell us if you've seen those two items before?

6 A Yes, I have, sir.

7 Q Where would that be?

8 A I saw them at my laboratory on January 12th, 1984.

9 Q Could you tell us for what purposes you were asked to
10 examine those two items?

11 A I was asked to examine those items to determine whether
12 there was any staining present and if that staining
13 could be seminal fluid.

14 Q Now, did you in fact -- strike that.

15 Would you tell us what tests are conclusive
16 for the presence of semen?

17 A There are only two tests considered conclusive for the
18 presence of semen.

19 Q What is the most conclusive test?

20 A The most conclusive test for the presence of semen is
21 the finding of spermatozoa, the male reproductive cells.
22 Since women do not produce spermatozoa -- only men are
23 capable of that -- the finding of spermatozoa is beyond
24 question proof of the presence of semen.

25 Q Did you examine both the sheet and the bathrobe

1 microscopically for the presence of semen?

2 A Yes, I did, sir.

3 Q Would you tell us what the result of your examination
4 was?

5 A I did not find spermatozoa present on any of the areas
6 I examined.

7 Q What is the second test that is conclusive for the
8 presence of semen?

9 A The second test that is considered conclusive for the
10 presence of semen is a protein test known as P-30. It
11 is a test of fairly recent development. It is a protein
12 which is found only in human seminal fluid -- or in
13 seminal fluid.

14 Q Did you conduct such a test on the bathrobe and the
15 sheet?

16 A Yes, I did, sir.

17 Q Could you tell us the results of that test?

18 A I did not detect any protein P-30 in any of the areas
19 I examined on those two items.

20 Q Now, as a result of your testing both items, based on
21 your education and experience, can you give us an
22 opinion as to whether or not the stains that appear on
23 the bathrobe and on the sheet are semen?

24 A Yes, sir.

25 Q What is that opinion, sir?

1 A The stains on the bathrobe and the bed sheet are not
2 seminal fluid or not consistent with seminal fluid.

3 MR. CAMPO: Thank you. Your witness.

4 Cross-Examination by Mr. Gilden:

5 Q Sir, the P-30 test, what is its degree of reliability?
6 Has a percentage reliability been established for that
7 test?

8 A I do not know whether a percentage has -- an exact
9 figure of percentage has been applied. But using verbal
10 predicates, a recent article published in January 1984
11 from the Metropolitan Police Laboratory in London, which
12 is commonly called Scotland Yard, has reviewed the P-30
13 test and compared that with acid phosphotase techniques.
14 One of their conclusions was that the P-30 technique is
15 conclusive for the presence of semen as opposed to the --
16 even the quantitative acid phosphotase test.

17 Q What is the quantitative acid phosphotase?

18 A There are two ways of doing acid phosphotase tests. One
19 way is a qualitative, which means you simply look for a
20 color. You apply chemicals to a stained area or extract
21 a stain and apply chemicals. If a purple color develops,
22 it means acid phosphotase is present. It gives you
23 very little, if any, idea of quantity; just that there
24 is acid phosphotase present.

25 The quantitative technique is to extract the

1 stain and actually attempt to determine how much
2 acid phosphatase is present; not only is it present, but
3 how much. The quantitative test has been until recently
4 considered a reasonable technique for the identification
5 or indication of semen, but still not conclusive.

6 Q Now, when you received the items from the -- I assume
7 from the District Attorney's Office, or whoever you
8 received those items from -- did you receive any other
9 items for comparison purposes?

10 A I do not recall receiving any other items, sir.

11 Q Did you receive any other information for purposes of
12 comparison?

13 A I believe I received some information concerning prior
14 testing that may have been done on those items.

15 Q Did you -- can you determine from the tests that you are
16 capable of doing whether or not a particular person was
17 the secreter of the stains that you find on a piece of
18 cloth?

19 A The particular tests which I did, you cannot make such a
20 determination.

21 Q You were not asked to make that determination, is that
22 correct?

23 A No, I was not, sir.

24 Q So all you were asked to do is find out whether or not
25 in your professional opinion based on the tests that

1 you're capable of performing, semen was present on the
2 items that you received?

3 A That is correct, sir.

4 Q And you found none?

5 A I found no semen present, sir.

6 MR. GILDEN: Okay. Thank you very much.

7 Redirect Examination by Mr. Campo:

8 Q Just one other question with regard to acid phosphotase,
9 Mr. Abbott, would you tell us what other body fluids
10 acid phosphotase is found in?

11 A The predominant other body fluid is vaginal fluid.

12 MR. CAMPO: I have nothing further. Thank you.

13 THE COURT: Thank you.

14 THE WITNESS: Am I excused, Your Honor?

15 THE COURT: Yes, you are.

16 (Bench conference:)

17 MR. CAMPO: I am about to conclude the
18 Government's case. There are several points that
19 Mr. Gilden and I have agreed to by way of stipulation.
20 If Your Honor would consider taking the morning recess
21 now, we can work out any final details. Then we can
22 submit that, and I will rest.

23 MR. GILDEN: That's fine. I'm taken a little
24 bit by surprise. I may have some problems, because I
25 expected not to start any testimony until tomorrow