

**Cowans, Stephan**

Dennis Le Blanc, fingerprint technician with the Boston Police Department (pp. 2-62)

Rosemary McLaughlin, latent print examiner with the Boston Police Department (pp. 63-91)

1 A That's what she stated.

2 MR. DILDAY: I have nothing further.

3 MR. COFFEY: No further questions.

4 THE COURT: You may step down. Thank  
5 you.

6 THE WITNESS: Thank you.

7 MR. COFFEY: Dennis LeBlanc. Police  
8 Officer Dennis LeBlanc.

9  
10 DENNIS LE BLANC, Sworn

11 DIRECT EXAMINATION

12 Q (By Mr. Coffey) Good afternoon, sir.

13 A Good afternoon.

14 Q Could you tell us your name, spelling your last  
15 name for us?

16 A Officer Dennis E. LeBlanc. That's  
17 L-e-B-l-a-n-c.

18 Q Where are you employed, sir?

19 A As a Boston police officer.

20 Q And what is your function in the Boston Police  
21 Department?

22 A I am assigned to the Identification Unit. I am  
23 a fingerprint technician and a police  
24 photographer.

1 Q And, as a member of the Identification Unit,  
2 what are your duties and responsibilities, sir?

3 A I fingerprint and photograph prisoners. I  
4 fingerprint and photograph crime scenes. I  
5 fingerprint latent prints. I photograph latent  
6 prints. I photograph crime scenes and I search  
7 for latent prints. I photograph autopsies, and  
8 I fingerprint dead bodies for the purposes of  
9 identification. I also verify prisoners over  
10 our fingerprint computer out of the  
11 Identification Unit.

12 Q Now, could you just take us through your  
13 training, your background, and your experience  
14 relative to your role as a latent print person  
15 in the Identification Unit?

16 A I have been assigned to the Boston Police Latent  
17 Print Unit since 1989. I have been trained by  
18 the FBI in a forty-hour course in basic  
19 fingerprints. I have been trained by the FBI in  
20 a forty-hour course in advanced latent prints.  
21 I have also been trained by the FBI in a forty-  
22 hour course in search for crime scene evidence  
23 and the preservation of that evidence. I have  
24 been trained in photography also by the FBI.

1 Q Have you testified in various courts throughout  
2 the Commonwealth?

3 A Yes, I have.

4 Q And would that include Suffolk Superior as well  
5 as other Superior Courts?

6 A Yes, it does.

7 Q You have also testified out of state concerning  
8 your role as a latent print person in the  
9 Identification Unit?

10 A Yes, I have.

11 Q How many prints have you compared during your  
12 time down in the Identification Unit,  
13 approximately?

14 A In the thousands.

15 Q Can you tell us what a fingerprint is, exactly?  
16 How would you define a fingerprint?

17 A There are three major classifications of a  
18 fingerprint. First we have the latent prints.  
19 That is a fingerprint that is left on an object.  
20 This fingerprint can be seen with the naked eye  
21 or it cannot be seen. If it can't be seen, I  
22 can use certain processes to make that  
23 fingerprint seen by the naked eye.

24 The second print is a -- this print

1 can be left in grease, butter, dust, dirt, and  
2 also blood. And the third fingerprint is the  
3 inked impression or what we have now, computer  
4 imaging print.

5 Q What is a fingerprint made up of? What is the  
6 makeup of a fingerprint?

7 A Everybody's fingerprint is unique; that is, that  
8 nobody has the same fingerprint. You may have  
9 the same classification. You may have a couple  
10 of characteristics that can be found. Since 80  
11 percent of the people perspire, that is what a  
12 fingerprint is. On the tips of your fingers, on  
13 your hands, your palms, you have pores. Through  
14 these pores the secretion comes, which is 98  
15 percent moisture, water. The other 2 percent  
16 are fats and oils.

17 Q So, if one was perspiring, would it enhance a  
18 fingerprint?

19 A Yes, it would.

20 Q If one were nervous and sweating, it would  
21 enhance the fingerprint?

22 A You would get more moisture on there.

23 Q Now, you talked briefly about classifications.  
24 What do you mean by that?

1       A    Each print is classified.  There are three main  
2            classifications of a print, loops, arches, and  
3            whorls.

4       Q    And could you define what a loop is for us?

5       A    I have a demonstration card.

6                   MR. COFFEY:  Your Honor, with the  
7            Court's permission, may Detective LeBlanc step  
8            down?

9                   THE COURT:  Yes.

10      Q    Sir, you said there are three different types of  
11            classifications, prints --

12      A    Three main classifications.

13      Q    What was the first one?

14      A    The first one is called a loop.  If you were to  
15            take --

16                   THE COURT:  He has to be able to see  
17            it, too.

18      A    If you were to take a Magic Marker and put it  
19            over the tip of your finger and put it on an  
20            inked impression, you may get what we classify  
21            as a loop; that is, the ridges come in and the  
22            ridges go out.

23      Q    And, the ridges, you're referring to the lines  
24            that, if you look at your own fingers, you can

1           see?

2           A    Correct.  If you put that Magic Marker, what  
3               happens is that the ink on that would adhere to  
4               what we call the hills.  And we have the  
5               valleys.  The hills will become black and the  
6               valleys are white.

7                         Another way of a loop is that the  
8               ridges come in and the flow out the other side.  
9               If you have one of these loops, 80 percent of  
10              the time it's going to be on your right hand.  
11              It's a right-handed loop.  If you had one of  
12              these on your hands, 80 percent of the time,  
13              it's going to be on your left hand.

14                        The second main classification we have  
15              are arches.  The ridge detail comes in from one  
16              side of the finger and it goes out the other  
17              side.

18           Q    Again, what ridge detail, exactly?

19           A    Ridge detail is the minutia that makes up the  
20                fingerprint.  It is what we have on an inked  
21                impression.  That is --

22           Q    So, if one were to look at their own fingers,  
23                the ridge detail is the stuff that they're  
24                seeing, the ridges and so forth and lines on

1           their own fingers?

2       A     Correct.

3       Q     Okay.

4       A     The third main classification we have are  
5           whorls. As you see, the ridges come in and they  
6           just make a circle around the middle of your  
7           finger. They can be big circles or they can be  
8           large like that.

9                       When we have a latent print and we  
10          want to compare it to an inked impression, the  
11          inked impression is when you just ink your  
12          finger and you roll it. One of the main points  
13          is an ending ridge in which a ridge comes down  
14          and ends. That is a point of identification.  
15          If we go to the latent print, we find an ending  
16          ridge. We go to the inked impression. We find  
17          that ending ridge. That we have as one point,  
18          one point of reference.

19       Q     So what you're looking for -- you have the  
20           latent print that is on the object; correct?

21       A     Correct.

22       Q     And you compare it with the inked impression,  
23           the known prints of that person.

24       A     Yes.



1 Q And you hold them up and you compare them; is  
2 that correct?

3 A Correct.

4 Q Okay. Continue.

5 A The second characteristic that we could use is  
6 the dash or a dot. If we find one of these on  
7 our latent, we then go to the inked impression  
8 to find that characteristic. Now we have two  
9 points of identification. We have a short  
10 ridge, which is a little bit bigger than the  
11 dash. We can use either end of this as a point  
12 of identification.

13 Another characteristic is a  
14 bifurcation. What we have is a ridge that comes  
15 up. All of a sudden, it breaks into two more  
16 ridges. What we call that is an upward  
17 bifurcation. We find that on the latent. We go  
18 to the inked impression and see if we can find  
19 another one.

20 Another point is an island. What it  
21 is, it also could be an upward bifurcation. I  
22 can use that as one point. Or, also, it could  
23 be a downward bifurcation. I can use that as  
24 another point of reference from my latent to my

1           inked impression. Here is the downward  
2           bifurcation which comes down and breaks into two  
3           more ridges. It is now another point of  
4           identification. We look for that on the latent  
5           to the inked.

6                       When we have our points of  
7           identification, they will look like this on my  
8           latent print. What I have as my ending ridge, I  
9           mark that as a point of identification. I go  
10          down to my Point No. 2 and 3. I have my short  
11          ridge. I count that as two more points of  
12          identification.

13                      THE COURT: Hold up just a second  
14          while the fire truck or whatever it is goes by.

15          A   Down to No. 4 point here. I have a downward  
16          bifurcation. I mark that off as another point  
17          of identification. No. 5, I have my island. I  
18          can count that as two points of reference or I  
19          can count that as one. I have a dot. I can use  
20          that as a point of identification. No. 7, I  
21          have a downward bifurcation. I can use that as  
22          a point of reference from my latent to my inked  
23          impression. And, No. 8, I have an ending ridge.

24                      What we do is that we can count one,

1 two, three, four, five. Right inside here, I  
2 don't have another point of reference. I don't  
3 have a bifurcation here. If I did, I could not  
4 match. It would not be a match.

5 Q So what you're looking for is these points of  
6 identification; is that correct?

7 A Correct.

8 Q So you take your latent print, the print that's  
9 found on the object and you compare it with the  
10 known print of the person; is that correct?

11 A Correct.

12 Q And you look for points of identification that  
13 match up?

14 A Yes.

15 Q And how many total points of identification do  
16 you need to make a positive identification?

17 A Eight.

18 Q What is the method -- are there different  
19 methods to enhance a latent fingerprint so you  
20 can see it?

21 A We have two ways that we can make a latent print  
22 seen with the naked eye. We have objects that  
23 are porous, which means that they absorb. That  
24 your fingerprint is mostly moisture, if you were

1 to touch a piece of paper or a piece of wood or  
2 any object that is paper, it would absorb it  
3 into that paper. With that, we usually come up  
4 with a ninhydrin. We apply the ninhydrin to the  
5 paper. A fingerprint would appear. It appears  
6 to be purple. We use that chemical for porous  
7 objects.

8 The other one we have is the  
9 cyanoacrylic fuming method,  
10 c-y-a-n-c-o-a-c-r-y-l-a-t-e (sic).

11 Q What is that?

12 A That is Super Glue. That chemical is used for  
13 glass bottles, jars, anything that would not  
14 absorb fingerprints. The object is put into a  
15 fish tank. The fish tank is two feet, three  
16 feet high. At the bottom of the fish tank, we  
17 have a heating element. It is an element that  
18 you would put your cup of coffee on and it  
19 heats. You then take a tray, a little tin cup.  
20 You put about eight drops of Super Glue in that.  
21 And then we plug it in. We close the tank up  
22 and we plug it in. What happens is that the  
23 Super Glue is heated. And, when it is heated,  
24 it rises. And it attaches to any moisture that

1 is in that tank.

2 If I put my hand on the side of the  
3 tank, my palm print and fingers would appear.  
4 If I put an object in there, whatever moisture  
5 is on that glass cup, any jewelry box, it would  
6 appear. When it is done, the object will have  
7 white on it. And that is the moisture that is  
8 left.

9 Q What does the term "lifting a fingerprint" mean?

10 A Lifting a fingerprint is when you find a  
11 fingerprint on an object. Usually, it is an  
12 object that we cannot bring back into our  
13 office. It could be the outside of a window.  
14 It could be a car. We observe a fingerprint on  
15 it. This fingerprint could have been done by  
16 Super Glue or it could have been done just by  
17 plain dusting with black, gray, or white powder.  
18 We see it. We take a lift, clear plastic lift.  
19 It has a sticky side. We open up the plastic  
20 lift. We put it right over where the print is.  
21 We then lift the lifter, close it, and the  
22 fingerprint has been transferred from the car or  
23 the window to that lift.

24 Q Now, the lift process is done on an object such

1 as if you have a fingerprint inside of a  
2 building or something like that; is that fair to  
3 say?

4 A Correct.

5 Q Something you cannot bring back to the  
6 Identification Unit?

7 A Correct.

8 Q In this particular case, you didn't have to do  
9 that because the mug, you could bring back and  
10 do the Super Glue method; is that right?

11 A Right.

12 Q Concerning this particular matter, the shooting  
13 of Sergeant Gregory Gallagher, did you, in fact,  
14 respond to the scene at some point, sir, of  
15 29 School Street?

16 A Yes. I was requested on May 31st to respond  
17 there.

18 Q What was your function when you went over to  
19 29 School Street?

20 A I responded with Sergeant Folib. My main  
21 function was to relieve Officer McLaughlin.

22 Q And who is Officer McLaughlin?

23 A Officer McLaughlin was the fingerprint  
24 technician and photographer at the scene.

1 Q And she and you were partners or colleagues, I  
2 should say?

3 A Colleagues.

4 Q You worked together in the Identification Unit?

5 A We worked the same tour of duty, yes.

6 Q Now, once you arrived at 29 School Street on May  
7 31st, 1997, what did you do, sir?

8 A Officer McLaughlin requested me to take some  
9 photographs of some latents that were on a door.

10 Q And was that part of your function, to  
11 photograph various items?

12 A Correct.

13 Q And why would you photograph the door, sir?

14 May I approach the witness, your  
15 Honor?

16 THE COURT: Yes.

17 Q For any potential prints?

18 A There could have been potential prints. There  
19 were ridge details.

20 Q Nothing identifiable, however?

21 A No, sir.

22 Q This is standard practice, to photograph the  
23 various areas where the crime took place?

24 A Yes, it is.

1 Q I show you a photograph. Do you recognize what  
2 is depicted in that photograph?

3 A Yes.

4 Q And what is that, sir?

5 A It's a photograph of a No. 4 with  
6 Officer McLaughlin's initials on it right beside  
7 a possible latent print.

8 Q Did you ascertain later -- no prints were taken  
9 off of that door?

10 A As far as I know, yes.

11 MR. COFFEY: Your Honor, I move to  
12 introduce the photograph of the door.

13 (Photograph was entered and  
14 marked Exhibit No. 86 in  
15 Evidence.)

16 Q What else did you do after photographing the  
17 area?

18 A She asked me to check the doorknob for possible  
19 latent prints.

20 Q And did you do that, sir?

21 A Yes.

22 Q And tell us what process you did concerning the  
23 doorknob.

24 A I did a visual on it. I did not see anything.



1           Then I added powder, black powder.

2           Q    And, as a result of adding the black powder, was  
3           anything enhanced or magnified in any way?

4           A    No, it wasn't.

5           Q    Did you get any prints at all off the doorknob?

6           A    No, I didn't.

7           Q    And you're referring to the doorknob of the back  
8           -- side door of 29 School Street?

9           A    Yes.

10          Q    Now, at some point, did you return back to the  
11          Identification Unit later that day?

12          A    Yes, I did.

13          Q    And what was your function later on that day  
14          concerning the evidence in this matter?

15          A    I was requested to process an item.

16          Q    And which item is that?

17          A    A glass mug.

18          Q    Why were you asked, particularly, to do this  
19          mug?

20          A    Because the object supposedly had been handled  
21          by someone.

22          Q    By the suspect?

23          A    By a suspect.

24          Q    I approach you, sir. I show you what's been

1 marked Exhibit 81. Do you recognize that?

2 A Yes, I do.

3 Q And what is that, sir?

4 A It's the mug that I processed for fingerprints  
5 on May 31st.

6 Q If you could, take us through that process that  
7 you're referring. Was that mug Super Glued, the  
8 process you just told us about?

9 A Yes.

10 Q And where is this taking place? Where is the  
11 identification unit?

12 A At that time, the Identification Unit was out in  
13 some trailers in East Boston.

14 Q Tell us what happened concerning the process.

15 A The mug was placed into the fuming tank by  
16 Sergeant Folib. He then added Super Glue. He  
17 then closed it up and plugged it in. And, about  
18 twenty minutes later, we went back there and --  
19 he had the Super Glue out of the tank.

20 Q When it came out, the mug, did it appear to have  
21 some white substance on it?

22 A Correct.

23 Q What is that again, sir?

24 A That substance -- the white is the Super Glue

1           attaching itself to any moisture that is on that  
2           object.

3           Q    Did you photograph the mug and -- strike that.

4                       First of all, did you identify a  
5           fingerprint on that mug?

6           A    I recovered identifiable prints, yes.

7           Q    And how many prints did you recover?

8           A    Two.

9           Q    Were you then provided by various detectives  
10          with the name of an individual?

11          A    Yes, I was.

12          Q    And what name was that?

13          A    Stephan Cowans.

14          Q    As a result of being provided that name, what  
15          did you do with that information?

16          A    I obtained an inked impression, a set of inked  
17          impressions, and I matched them up to this  
18          latent print. I compared all ten fingers to  
19          this latent print.

20          Q    What is an inked impression?

21          A    An inked impression is when someone has control  
22          of your finger and he applies black printer's  
23          ink, takes your finger, puts it down on one spot  
24          on that card or piece of paper; and he rolls

1 from nail to nail. That is what we call an  
2 inked impression.

3 Q Did you have Stephan Cowans's inked impressions  
4 with you?

5 A Yes, I have.

6 Q Could you take those out, please?

7 MR. DILDAY: Objection. Side bar,  
8 your Honor?

9

10 (Side-bar conference.)

11 MR. DILDAY: I want to renew my  
12 objection for the record because I know what's  
13 going to be the next question after the latents  
14 come out, the identification and comparison of  
15 the latent prints with the print on the jar,  
16 which they say is my client's. And I know that  
17 the Court has said it's going to allow that, but  
18 I want to make my objection for the record now.

19 THE COURT: Okay. You are objecting  
20 to that because, as I understand it, you say  
21 there is no evidence that he was in the house.

22 MR. DILDAY: Correct.

23 THE COURT: Your objection is noted.

24 In conjunction with that, as I said before, now,

1 after having heard evidence up to this point in  
2 the case, there is sufficient evidence in this  
3 case to warrant a rational trier of fact in  
4 concluding that inferentially, the evidence  
5 supports his presence in that house.

6 MR. DILDAY: Okay. I'd also like to  
7 add as part of the buttress of my objection that  
8 the burden is on the Commonwealth to show that  
9 the print could not have been impressed there at  
10 another time, and they have yet to do that.

11 THE COURT: Oh, I think there is ample  
12 evidence to establish that.

13 MR. COFFEY: The woman testified  
14 she never saw him before.

15 THE COURT: Excuse me?

16 MR. COFFEY: The woman testified she  
17 never saw him before.

18 THE COURT: Oh, I understand that.  
19 There is evidence that somebody fitting his  
20 description was in the area. The policeman has  
21 testified and has identified him before this  
22 jury as the person who accosted him, and that  
23 person immediately after that disappears. He  
24 couldn't be found. Lo and behold, this stranger

1 appears in this lady's house with his gun.

2 MR. COFFEY: And the sweatshirt has  
3 been identified.

4 (End side-bar conference.)

5  
6 Q Now, Detective, where we left off, you were  
7 talking about inked impressions; is that  
8 correct?

9 A Correct.

10 Q And what is inked impressions, exactly? What  
11 are they?

12 A An inked impression is a set of fingerprints of  
13 all of your fingers, inked, hand rolled by a  
14 fingerprint technician.

15 Q And, does the Boston Police Department, as a  
16 matter of policy, maintain inked impressions of  
17 people?

18 A Yes, they do.

19 Q And that could be for people who apply for  
20 various licenses; is that correct?

21 A Correct.

22 Q People who have been arrested, of course,  
23 before; correct?

24 A Correct.

1 Q There's various reasons you'd have inked  
2 impressions of people in your files, so to  
3 speak?

4 A Right.

5 Q You have thousands and thousands of inked  
6 impressions of people?

7 A At least 500,000.

8 Q And I asked you to take out the inked  
9 impressions concerning Mr. Cowans. Do you have  
10 those today?

11 A Yes.

12 Q Would you take it out, please?

13 A (Witness complies.)

14 Q Would you display that?

15 With the Court's permission, could  
16 Detective LeBlanc get down and show that to the  
17 jury, your Honor?

18 THE COURT: Have you seen this?

19 MR. DILDAY: No, I haven't, your  
20 Honor.

21 THE COURT: Show it to him first.

22 Q Would you describe to the jury what that  
23 document is, sir?

24 A This is a fingerprint card by the Boston Police

1 Department. Each of these images is each finger  
2 on both hands, rolled. It is a controlled  
3 rolled fingerprint. Down here, we have  
4 fingerprints of your four fingers together. The  
5 main reason why we do that, sometimes these  
6 fingers get interchanged. This is to make sure  
7 the fingerprints are in the right positions and  
8 not --

9 Q Thank you. You can resume the stand.

10 Now, after the detectives provided you  
11 with the name of Stephan Cowans, you retrieved  
12 that inked impression; correct?

13 A Yes, I did.

14 Q Tell us what you did next.

15 A I did a comparison. I went for what my latent  
16 print was. I tried to find a couple of  
17 bifurcation or ending ridges in my latents. And  
18 I go to the first finger. I don't see it there.  
19 I go to the second finger, third, fourth, fifth,  
20 and then the sixth.

21 Q What do you mean by the "latent"? You're  
22 referring to the print that was taken off of  
23 that mug, one of the two prints?

24 A Correct.



1 Q Would you be kind enough, Detective, to show the  
2 members of the jury where exactly that print is  
3 on that mug.

4 A Police officer.

5 Q Police officer. I'm sorry.

6 Officer, show us on that mug where the  
7 print is located.

8 A The print is located --

9 Q You can get off the stand, with the Court's  
10 permission.

11 THE COURT: Yes. Show -- then show  
12 each of them, going down.

13 A The fingerprint is right here, just before the  
14 handle. What I have is a black background.  
15 With that black background, it shows up, the  
16 white ridges. If I had a black background here,  
17 blank prints, if I inked it with black, I'll put  
18 a white background. The background being black,  
19 you can see the white ridges. They really come  
20 out. You can see them with the naked eye.

21 Q Is that print in the same condition it was back  
22 a year ago on May 31st, 1997?

23 A Yes. The print -- it has been boxed since that  
24 night I found the print.

1 Q What did you do next?

2 A After observing that print, I then brought it  
3 into the photo room to be photographed.

4 Q And is that standard procedure concerning these  
5 matters, to photograph the prints?

6 A I could have lifted this print, but my protocol  
7 is to photograph it because with a photograph,  
8 I've got a negative. And, with the negative, I  
9 make my blowups and my charts.

10 Q By "photographing," you leave that print in the  
11 exact same manner it was the day of May 31st,  
12 1997?

13 A That print is in the same condition. It may  
14 have the white powder, which you use because the  
15 Super Glue is white -- I can use white powder to  
16 enhance it.

17 Q Now, you said you photographed the latent print;  
18 is that correct?

19 A Correct.

20 Q And you have a photograph of the inked  
21 impressions?

22 A Yes.

23 Q Tell us what you did.

24 A On the 31st or --

1 Q No. During the process to identify this through  
2 comparison, tell us what you did, comparison of  
3 the latent print and the inked impression.

4 A To the suspect?

5 Q Yes.

6 A What we do is we have a computer which would  
7 blow up this print five times its size. Then  
8 what we do is we take the latent print,  
9 negative. I, in turn, blow that up five times  
10 its size. From there, I make my comparison of  
11 the points.

12 Q Do you have two photographs relative to the  
13 latent print on the bottom and the inked  
14 impressions?

15 A Yes. I have the photographs.

16 Q What finger left the impression on the mug, sir?

17 A It was the left thumb, although we say the sixth  
18 finger.

19 Q So you took a photograph of the left thumb, the  
20 inked impressions, compared that with the inked  
21 -- strike that -- the latent print off that mug?

22 A Correct.

23 Q Do you have those photographs with you today?

24 A Yes.

1 Q Would you take them out, please?

2 A (Witness complies.)

3 Q Would you tell us what you have taken out of the  
4 envelope there, sir?

5 A There is a negative and a photograph of the  
6 No. 6 finger or left thumb on the card. It is a  
7 negative and a photograph of the print on the  
8 glass.

9 Q Again, with the Court's permission, can you step  
10 down and show the jurors those last two  
11 photographs you referred to.

12 A This here is the photograph of the print. This  
13 is the negative of the print. Photograph of the  
14 No. 6 finger and a --

15 THE COURT: Okay. Hold it. Hold it,  
16 please.

17 A This is a negative of the picture with a print  
18 on it. And this is the negative and a  
19 photograph of the No. 6 finger.

20 MR. COFFEY: I would move to introduce  
21 the two photographs, your Honor.

22 THE COURT: Just the photograph?

23 MR. COFFEY: The --

24 THE COURT: Okay. Photograph of the

1 latent --

2 MR. DILDAY: Note my standing  
3 objection.

4 THE COURT: Photo of the latent,  
5 Exhibit 88.

6 COURT REPORTER: Exhibit 87, your  
7 Honor.

8 THE COURT: What is the photo of the  
9 door? Is that 86?

10 COURT REPORTER: Yes.

11 (Photograph of fingerprint  
12 negative was entered and  
13 marked Exhibit No. 87 in  
14 Evidence.)

15 (Photograph of No. 6  
16 negative was entered and  
17 marked Exhibit No. 88 in  
18 Evidence.)

19 Q Now, sir, did you begin your comparison  
20 concerning those two fingerprints?

21 A Yes.

22 Q Did you blow up those photographs in order for  
23 demonstrative purposes, to demonstrate how you  
24 made the comparison?

1 A Yes, I did.

2 Q Do you have those with you, the enlargements?

3 A Yes, I do.

4 Q Would you take them out, please?

5 A (Witness complies.)

6 Q Open them up, please, if you would. Tell us  
7 what you have here.

8 A What I have --

9 MR. COFFEY: With the Court's  
10 permission, if the officer could step down, your  
11 Honor?

12 THE COURT: Yes.

13 A What I have is an enlargement of the inked  
14 fingerprint and an enlargement of the latent  
15 print. It is approximately ten times its size.

16 Q So on the left is Stephan Cowans' inked  
17 impression; is that correct?

18 A Correct.

19 Q And on the right is the fingerprint you took off  
20 the mug?

21 A The photograph of the mug.

22 Q Photograph, yes. Tell us what you did with  
23 that, sir.

24 A After the enlargement, what I do now is I go

1 through my inked impressions. I find the  
2 starting point. I find an ending ridge, a  
3 bifurcation, dash, a dot, downward bifurcation,  
4 or an island. I go to my latent print. I start  
5 my numbering, one to how many points I want to  
6 demonstrate.

7 I go to my number one point. I go to  
8 my latent print. I have a bifurcation. It is --  
9 I go to my number one point. Downward  
10 bifurcation. I then go to my inked impression.  
11 I find that bifurcation right here. I mark them  
12 both one. That is one point of identification  
13 between this latent print and this inked  
14 impression.

15 Q So the first point of identification you found  
16 on the left-hand side of the inked impression.  
17 You found it in the identical place on the  
18 right-hand side in the print off the mug?

19 A Correct.

20 Q After you make your first point of  
21 identification, what do you do next?

22 A From the first point, I went down one point. I  
23 went down one ridge. I came to an ending ridge  
24 right here. Came down. Two points. I marked

1 off a second point. I went over here to my  
2 inked impression. I came down one ridge.  
3 Again, I found one ending ridge. I marked that  
4 as my second point of identification.

5 THE COURT: Wait one moment, please.

6 Q For my number two point on my inked impression,  
7 I counted over three ridges, three ridges. I  
8 went to the left of number two. One, two,  
9 three. I found again another ending ridge. I  
10 go to my number two point on my inked  
11 impression. I counted three ridges over. I  
12 found an ending ridge. I then marked both of  
13 these cards point number three.

14 From my point number three, I went two  
15 ridges to the left of number three. I came  
16 across another ending ridge, short ridge. I  
17 went to my inked impression, counted over two  
18 ridges from my number three point. And I found  
19 another short ridge or an ending ridge.

20 From my number four point -- I made  
21 that my main one to get over to this side of the  
22 latent print. I counted over one, two, three,  
23 four. From there, I found my point number five  
24 on my latent. I counted over from number four,



1 one, two, three, four. I found my bifurcation  
2 of my inked impression. I marked that off as  
3 point number five.

4 Again, from my center of my print, the  
5 number four point, I counted over seven ridges.  
6 I went to the left. Seven ridges. I got my  
7 ending ridge here, which I went over to my inked  
8 impression, found it, marked it as number six.

9 Again, from my number four, I get to  
10 point number seven. Again, I counted seven  
11 ridges over, came down, found a bifurcation.  
12 For my inked impression, I went over to number  
13 four, over seven, came down. I found my  
14 bifurcation. I marked that as number seven.

15 To get to point eight, I went four  
16 ridges to the left of the number seven point,  
17 one, two, three, four. I have an ending ridge.  
18 On my latent, I counted over. I have my ending  
19 ridge -- on my inked impression.

20 For number nine, I went two ridges to  
21 the right of number eight. One ridge, two  
22 ridge. I have an ending ridge on my latent. I  
23 have an ending ridge on my inked.

24 To get to the number ten point, I went

1 three ridges to the right of number nine. The  
2 nine point, one, two, three. I have an ending  
3 ridge. Then I went to my inked impression,  
4 counting three ridges over. I have an ending  
5 ridge.

6 Q So you have charted out exactly ten points of  
7 identification on that diagram?

8 A I charted out ten. I numbered them and show the  
9 lines. Each line will go to each point. As you  
10 see, they are almost identical space and  
11 everything else.

12 Q How many points of identification did you find  
13 in total?

14 A I marked off another six just by putting dots  
15 there.

16 Q So you have a total of 16 dots on that diagram;  
17 is that correct?

18 A Correct.

19 Q And you have charted out ten of them for the  
20 jury's consideration?

21 A Correct.

22 Q Thank you. Based on your comparison, Officer,  
23 of the latent print and the inked impression,  
24 what conclusion did you come to, sir?

1 A That they were identical.

2 Q Whose print was it?

3 A Stephan Cowans'.

4 Q Now, you said you found another print. Strike  
5 that.

6 Your Honor, I move to introduce the  
7 diagram here.

8 MR. DILDAY: Note my objection based  
9 upon our side-bar discussion.

10 THE COURT: Okay. Eighty-nine.

11 (Diagram was entered and  
12 marked Exhibit No. 89 in  
13 Evidence.)

14 Q Now, you said there was another print that you  
15 identified on that mug, sir?

16 A Yes, there was.

17 Q And where was that print located on the mug?

18 A On the backside of the mug, underneath the  
19 handle.

20 Q During your taking photographs of that mug, did  
21 you crack the bottom of that mug, sir?

22 A Yes.

23 Q Concerning the second print, tell us about that.  
24 What did you do with that second print?

1       A    I received certain inked impressions or what we  
2            call elimination prints from anybody who could  
3            have touched the glass.

4       Q    Did you receive some elimination prints from a  
5            woman named Bonnie Lacy?

6       A    Yes, I did.

7       Q    And, when you say "elimination prints," did  
8            someone do what you described a few minutes  
9            earlier, take the finger and roll it back and  
10          forth?

11      A    Correct.  Officer McLaughlin took a card, inked  
12          every single finger by doing nail to nail.

13      Q    Is that the best way to do someone's  
14          fingerprints, is nail to nail?

15      A    Correct.  You get the full roll.  And there is a  
16          possibility that I could identify any part of  
17          that fingerprint.

18      Q    Now, after you received Bonnie Lacy's inked  
19          impressions, what did you do with that, sir?

20      A    I did a comparison between the second print and  
21          her prints.

22      Q    And did you do a similar -- strike that.

23                   Did you take pictures of that, as  
24          well?

1 A Yes, I did.

2 Q Do you have those photographs with you  
3 concerning the second -- on that mug?

4 A Yes.

5 Q Would you take them out, please?

6 A (Witness complies.)

7 Q What you have in your hand now, is that  
8 Bonnie Lacy's inked impressions?

9 A Yes, it is.

10 Q Would you just hold that up for the jury's  
11 consideration, please?

12 A (Witness complies.)

13 Q And, elimination prints, that's standard  
14 procedure throughout the Boston Police  
15 Department?

16 A Yes. Mostly we take them of the victim of a  
17 crime scene, usually on a break. We take  
18 elimination prints in case we find a latent  
19 print at the scene. We want to eliminate the  
20 victim's prints.

21 Q And did you do that in this matter, sir?

22 A Yes, I did.

23 Q Do you have photographs of Ms. Lacy's prints and  
24 the second print on that mug?

1       A    What I have here is a photograph of the other  
2            print.  And I have the inked impression.

3       Q    Did you enlarge the -- similar to what you had  
4            done with Mr. Cowans' print, did you enlarge the  
5            inked impression of Ms. Lacy and the second  
6            print on the mug?

7       A    Yes, I did.

8       Q    And do you have that enlargement with you here  
9            today?

10      A    Yes, I do.

11      Q    Would you take that out, please.

12      A    (Witness complies.)

13      Q    Would you display that for the jury?

14      A    This is a photograph approximately ten times its  
15            original size.  There is the second print on the  
16            glass.  This is the latent print.  And this  
17            print is the inked impression.  And what I can  
18            do to identify this right away is go right to  
19            this short little ridge.  It's right there.  And  
20            a short little ridge right here on the piece of  
21            glass.  And, from there, I just counted all the  
22            way up, marked off all my ten points.

23      Q    And, you went through the same process you just  
24            went through concerning Mr. Cowans' print; is

1           that correct?

2           A     Correct.

3           Q     And how many points of identification did you  
4                 find concerning the second print?

5           A     I marked out ten, and there's three other points  
6                 that I marked --

7           Q     So a total of thirteen points of identification,  
8                 ten of which I believe you charted out there?

9           A     Correct.

10          Q     You can resume the stand.

11                         As a result of your comparison between  
12                 the inked impression of Ms. Bonnie Lacy and the  
13                 second print on that mug, what conclusions did  
14                 you come to, Officer LeBlanc?

15          A     That they were one and the same; and, that is,  
16                 of the No. 9 finger.

17          Q     No. 9? Which finger is that, sir?

18          A     The left ring finger.

19          Q     The left ring finger? And that was the print of  
20                 Bonnie Lacy?

21          A     Correct.

22                         MR. COFFEY: Your Honor, I move to  
23                 introduce this document here.

24                         MR. DILDAY: Standing objection.

1 THE COURT: Exhibit 90.

2 (Enlarged inked and latent  
3 of Bonnie Lacy was entered  
4 and marked Exhibit No. 90  
5 in Evidence.)

6 MR. COFFEY: One moment, your Honor.

7 Q Concerning the first print that you've  
8 identified of Stephan Cowans, what is the date  
9 that you did the comparison, sir? The date of  
10 your comparison?

11 A May I look at my report?

12 Q Yes, sir. Take a look at your report.

13 If I showed you a document, would that  
14 refresh your memory?

15 A It was on June 13th.

16 THE COURT: '97?

17 THE WITNESS: 1997. Yes.

18 Q Now, is it standard procedure with the Boston  
19 Police Identification Unit to have a second  
20 person you work with confirm your findings?

21 A Yes.

22 Q Did you have Rosemary McLaughlin from the  
23 Identification Unit look at the prints, as well,  
24 concerning Mr. Cowans' print?



1 A Yes. She looked at them two days later.

2 Q Did she confirm your findings?

3 A Yes, she did.

4 MR. COFFEY: Thank you.

5 THE COURT: Cross-examination.

6

7 CROSS-EXAMINATION

8 Q (By Mr. Dilday) Good afternoon, Officer.

9 A Good afternoon.

10 Q Officer, one of the first things you said on  
11 direct testimony as part of what you do in the  
12 Identification Unit is you said you verify  
13 prisoners over the computer system; is that  
14 correct?

15 A Correct.

16 Q And would you explain how that is done?

17 A Every person who is arrested for a crime in  
18 Boston now is booked at the station. Years ago,  
19 they were brought down to the Identification  
20 Unit, where we took a full set of inked  
21 impressions, classified them and searched them.  
22 Now, because of the computer age, they book at  
23 the station in which a booking officer who is  
24 designated for that tour of duty would do what I

1 have done in years past. Instead of using ink,  
2 they use the computer. The computer would take  
3 a picture -- take -- take a picture of it, nail  
4 to nail. You would do all ten fingers plus the  
5 four flat fingers. And, through the age of  
6 computers, it is sent down to the Identification  
7 Unit in which we verify prisoners by their  
8 fingerprints.

9 Q And, so, in doing this, it means that the  
10 computer system already has in it fingerprints  
11 of people that you have had previously take  
12 prints or give prints, I should say?

13 A It has -- since 1995, it has a full set of  
14 prints of everybody arrested since 1995. The  
15 other prints, what they did was they scanned a  
16 card that has your two thumbs.

17 Q So anybody who has been arrested by the Boston  
18 Police since 1995 would have his or her prints  
19 within that computer system?

20 A Boston Police computer system, yes.

21 Q And is there another computer system called  
22 A.F.I.S.?

23 A A.F.I.S. is a state police computer. It's the  
24 automated fingerprint identification system.

1 Q And could you explain to the Court what that is?

2 A It is a state law that anybody arrested or  
3 applicants who are applying for a job, their  
4 prints be sent to the state police so they can  
5 do a search. Some of these prints are entered.  
6 Some prints aren't.

7 Q And the process with this A.F.I.S. computer  
8 system, you use that all the time when you're  
9 looking to compare prints once you get them;  
10 isn't that correct?

11 A Boston uses that system where we have a found  
12 latent print at a crime scene which we have no  
13 suspect to match it with.

14 Q And, often, when you find these latent prints  
15 with no suspect and you put them in the  
16 A.F.I.S., sometimes, you'll come back with a hit  
17 and sometimes you won't; is that correct?

18 A Correct.

19 Q Now, do you know how Boston puts its prints into  
20 the A.F.I.S. computer system?

21 A Since 1995, they are printed for our computer  
22 onto an inked impression card. They are then  
23 sent to the state police in Sudbury, Mass.,  
24 where they, at some time, maybe a week, two

1 weeks, a month, are entered into the A.F.I.S.  
2 computer by the civilians who work at Sudbury.

3 Q So, if I understand you correctly, Officer,  
4 anyone who is arrested by the Boston Police  
5 since 1995 would have his or her prints sent  
6 into the A.F.I.S. computer system?

7 A Correct. And also print. When a person is  
8 fingerprinted by Boston, there is a Boston card  
9 taken and then there is a state card taken that  
10 has state police, 1010 Commonwealth Avenue, at  
11 that time when they were at 1010. That card can  
12 be printed, signed by us, signed by the person  
13 who is being printed. And, at some time, that  
14 would be brought over to the state police, when  
15 the state police would take over and do what  
16 they have to.

17 Q Now, Officer, going back to May 30th or May  
18 31st, I guess, of 1997, you went and  
19 Rosemary McLaughlin went to the crime scene and  
20 gathered up evidence for the Identification  
21 Unit; is that correct?

22 A I went there after -- I went there in the  
23 morning around ten o'clock to relieve  
24 Rosemary McLaughlin.

1 Q Okay. As a result of the two of you going  
2 there, you gathered a number of items to see if  
3 you could lift latent prints from them; is that  
4 correct?

5 A I did not gather any evidence. She had it all  
6 packed and ready to go. I was cleanup.

7 Q So you were the cleanup man?

8 A Cleanup person.

9 Q And so Ms. McLaughlin, you're aware, are you  
10 not, that she kept about nine or ten items for  
11 herself to run the latents on?

12 A Correct.

13 Q And she gave you one item to do; is that  
14 correct?

15 A Sergeant Folib gave me the item to process.

16 Q And who is Sergeant Folib, sir?

17 A He was my sergeant in charge of the latent print  
18 room at that time.

19 Q Okay. So Ms. McLaughlin processed all of the  
20 items except for the mug that was given to you?

21 A I processed the mug first. When she came back  
22 to work at five, six o'clock that night, she  
23 processed the rest of the items.

24 Q Now, on May 31st of 1997, you lifted a latent

1 print from that mug; did you not?

2 A I photographed the print. I did not lift it.

3 Q Okay. So you photographed the print and you  
4 traced it; is that correct?

5 A Correct.

6 Q And then you -- so that gives you a good  
7 understanding of that print by photographing it  
8 and tracing it; is that correct?

9 A Correct. I traced it in order to put it into  
10 the state police computer.

11 Q And, when you put it into the state police  
12 computer system, that's the A.F.I.S. system; is  
13 that correct?

14 A Correct.

15 Q And, at that time, it came back with no match  
16 whatsoever; is that correct?

17 A Correct.

18 Q Now, on direct examination, sir, you testified  
19 of how you make a lift. If I remember  
20 correctly, you said that what you do is once you  
21 dust off the print, you put the Super Glue or  
22 whatever and it's identifiable. You then place  
23 a sticky substance on that print?

24 A We call it -- it's a clear plastic. It's a

1 lift. When we open up the lift, one side is  
2 sticky. The other side is not sticky. We put  
3 the sticky side right on the lift, right on the  
4 object that has the print. We then lift it,  
5 close it. And now the print is transferred from  
6 the object to the left.

7 Q Now, once you take the lift, that print is now  
8 on the lift; is that correct?

9 A Correct.

10 Q If I were to take the lift like that with the  
11 print on it and put it on another item, a print  
12 would occur on that item; would it not?

13 A Not this print.

14 Q No. I'm asking you, sir, if I were to take a  
15 lift and I were to put it on another item, then  
16 that print could appear on that item; could it  
17 not?

18 A I don't know.

19 Q You don't know?

20 A I don't know.

21 Q Now, you've been to various training at the FBI;  
22 is that correct?

23 A Correct.

24 Q And, at the FBI, they taught you how to pull

1 lifts, make lifts, and do things like that;  
2 isn't that correct?

3 A They taught me how to dust, find latent prints.

4 Q They taught you how to find prints?

5 A Right.

6 Q And, at the FBI, didn't they also say that,  
7 sometimes, people can fabricate by putting  
8 prints where they weren't originally?

9 MR. COFFEY: Objection, your Honor.

10 THE COURT: No. He can have it. Do  
11 you understand his question?

12 A You could do it.

13 Q So your answer is that it could be done?

14 A Anything can be done.

15 Q And, at the FBI, in their training sessions,  
16 they let you know that it has been done in the  
17 past; didn't they?

18 A They bring out a couple of cases, yes.

19 Q And the way that would be done is by taking a  
20 lift and imprinting that lift on another object;  
21 is that correct? That's one of the ways it can  
22 be done?

23 A I do not know if that print would stay on that  
24 object.



1 Q That's not my question. I'm just saying based  
2 on what you were taught at the FBI, is that one  
3 of the ways that a print could be put on an  
4 object?

5 MR. COFFEY: Objection, your Honor.

6 THE COURT: If he knows the answer to  
7 it. If he doesn't, he can say so.

8 A They say it can be done.

9 Q Pardon me?

10 A They say it can be done.

11 Q And so they taught you that at the FBI; is that  
12 correct?

13 A They didn't reach. They said it has happened in  
14 the past.

15 MR. DILDAY: I have nothing further.  
16 One moment.

17 Q On direct, you testified that the prints are  
18 mainly moisture?

19 A Yes.

20 Q And so, if I perspired and was sweating, then I  
21 would have a much better chance of leaving a  
22 print than if I had just come in and wiped my  
23 fingers dry; is that correct?

24 A The more moisture on your hand, it's a good

1 possibility that all we're going to get is a  
2 smudge because the water is going to be on your  
3 hands. After it's processed, all there is is a  
4 white spot.

5 Q Now, when you did the analysis of this glass  
6 mug, did you find any smudges?

7 A Yes, there is.

8 Q And about how many did you find, sir?

9 A Right on this print or right on the latent  
10 print, underneath that latent print, there is a  
11 smudge.

12 Q And that one you couldn't identify from  
13 anything; is that correct?

14 A No. That smudge means someone else handled it  
15 or the same person handled it in the same spot  
16 at the same time twice.

17 Q Although what I'm saying is, from that one  
18 smudge, you couldn't identify anything?

19 A No.

20 Q And you called the two latents. One latent, you  
21 say, is Ms. Lacy's print.

22 A Correct.

23 Q And the other latent, you say, is my client's  
24 print.

1 A Correct.

2 Q But you further state that on May 31st, when you  
3 sent my client's print -- strike that.

4 On May 31st, when you sent the print  
5 that was taken from the mug that you traced to  
6 A.F.I.S., there was no match; is that correct?

7 A No.

8 MR. DILDAY: Thank you.

9 MR. COFFEY: A few questions.

10

11 REDIRECT EXAMINATION

12 Q (By Mr. Coffey) Concerning A.F.I.S., again,  
13 describe what that is. What's it stand for, the  
14 initials?

15 A It's the automated fingerprint identification  
16 system.

17 Q And prints are forwarded up there in kind of a  
18 database --

19 A It is a large database of approximately a  
20 million prints.

21 Q And, in this particular matter, you sent up as a  
22 matter of course the fingerprint found on the  
23 mug into the A.F.I.S. system; is that correct?

24 A Both fingerprints were entered into A.F.I.S.

1 Q And you got negative results. What does that  
2 mean?

3 A When I enter a fingerprint into the A.F.I.S., I  
4 ask the computer for ten candidates. I take my  
5 latent print. I photograph that print five  
6 times its size. I then trace with tracing paper  
7 all the ending ridges, the bifurcations, the  
8 dots, the dashes, any points of identification  
9 that I can find on that latent print. After I  
10 trace it, I then reduce it back to its original  
11 size of one to one.

12 I then -- where the computer is, we  
13 have a computer terminal at the identification  
14 unit. I scan that photograph of that latent  
15 into the computer. It then comes up on the  
16 screen five times its size. I then go into that  
17 computer, and I make any kind of corrections I  
18 want. Sometimes they make two ridges that come  
19 together. That's giving me extra points. I  
20 don't want that. Sometimes when I make my curve  
21 to join two ridges, they combine that. The  
22 computer combines that and it gives me more  
23 points. I don't want that. What I want is the  
24 computer to check my nine points against what

1           they have in their computer base.

2           Q    And, when you send the print up there to the  
3                computer, does it come back with a match or does  
4                it come back with candidates that generally fit  
5                the description of the fingerprint?

6           A    It comes back with possible candidates.

7           Q    You don't get a match from the computer; is that  
8                correct?

9           A    No.  It's a fingerprint technician who compares  
10               what the computer has sent back to us.

11          Q    So it would give you, for instance, ten possible  
12                candidates or ten people who fall into the  
13                classification of a whorl; is that correct?

14          A    Correct.

15          Q    And then what do you do with those ten  
16                candidates?

17          A    My latent print would come up on one side of the  
18                screen five times its size.  And then the image  
19                that the computer says could or could not be  
20                comes up on the other.  Then I go from my latent  
21                print, I go to the computer image.  I try to  
22                find an ending ridge, bifurcation, dot, dash,  
23                whatever.  If I don't see it, I click on to the  
24                next possible candidate.

1 Q And, if you get a possible candidate, do you  
2 ultimately, however, go to your files and get  
3 the inked impressions and do your comparison  
4 like you did here?

5 A Correct.

6 Q Tell us about that.

7 A If the computer -- if the image on the  
8 computer -- and I match it up to the latent  
9 print and I have a feel that it is, it could, it  
10 may be, I could call up the state. I could ask  
11 them who the card belongs to. I then get the  
12 name. I go to our filing system. I see if we  
13 have a card. And then I compare my latent to  
14 the inked impression on that card.

15 Q So the actual comparison is done based on inked  
16 impressions; is that correct?

17 A Correct.

18 Q The computer doesn't do the comparison?

19 A No.

20 Q It gives you some possible candidates?

21 A Correct.

22 Q You actually have to do the manual labor like  
23 you did in front of this jury, connect the  
24 various points?

1 A Correct.

2 Q From your inked impressions.

3 A Yes.

4 Q Now, in the last, let's say, from January to  
5 June, today, how many prints have you sent up to  
6 the A.F.I.S. computer, approximately?

7 A I've entered about 250.

8 Q And, out of those 250, how many come back  
9 potential candidates, a potential match?

10 A After comparing what the computer gave me, I  
11 have five positive identifications.

12 Q So that would suggest you have 245 negative  
13 results; is that right?

14 A Correct.

15 Q So, if my math is correct, you get hits about  
16 two percent of the time?

17 A Correct.

18 Q That doesn't sound like a very efficient  
19 machine; is it?

20 MR. DILDAY: Objection, your Honor.

21 THE COURT: Sustained in that form.

22 Q Well, what's the success rate of this machine if  
23 it's only two percent?

24 MR. DILDAY: Objection again, your

1 Honor.

2 THE COURT: That's a conclusion. That  
3 conclusion can be drawn by the jury.

4 Q Did I ask you to retrieve Mr. Cowans' print from  
5 the A.F.I.S. machine?

6 A Yes, I did.

7 Q Did you?

8 A Yes.

9 Q Would you take a look at it?

10 A Yes.

11 Q Is there something on there that you noted? Did  
12 you feel that this was a good print or a poor  
13 print? In other words, was there enough there  
14 to compare it?

15 A Compare it with my latent print that I had, no.

16 Q Why was that?

17 A Because the part of my latent prints that I had  
18 was a good -- the ridges were fine. You could  
19 see the ridges. I could see my core. I had  
20 definitely three points in my latent print and  
21 definitely with my inked impression that I could  
22 match up no problem.

23 Q So what are some of the reasons why you would  
24 not get potential candidates out of the A.F.I.S.



1 machine?

2 A The A.F.I.S. machine --

3 MR. DILDAY: Objection, your Honor.

4 THE COURT: He may have it.

5 Q Go ahead, sir.

6 A The A.F.I.S. machine has eight fingers in there.  
7 When you send them up a card, they have eight  
8 fingers. They leave out the baby fingers. That  
9 could be one reason why you don't get a hit,  
10 because maybe you have a baby finger. They will  
11 not put them in.

12 The second reason why you don't get a  
13 hit is that they are also classified by the  
14 civilian workers up there. The typed card is  
15 scanned in there. Now, they will classify a  
16 loop, an arch, a whorl. If they classify it  
17 wrong and I question the computer, question all  
18 whorls, that is, the pattern that goes around to  
19 make a circle, I will not get a hit. The  
20 computer is as good as the image that is put in  
21 there.

22 Q What if the image is slightly off, in other  
23 words, you take a photograph of an image that's  
24 slightly at an angle?

1       A    Again, they classify the prints as a loop, arch,  
2           or whorl; and they center it.  If they center it  
3           wrong and it's supposed to be facing this way  
4           and I put it in straight up and down or I put it  
5           over this way, I'm not going to get a good  
6           response.

7                   If the print is smudged -- what I mean  
8           is sometimes if the fingerprint technician over-  
9           inks, too much ink in the middle of the finger  
10          or the outside of the finger or the bottom of  
11          the finger, what the computer reads is a blob.  
12          Now, that blob, they may give me 15 points in  
13          the middle.  I don't have 15 points in the  
14          middle of my print.  I only have three.  So the  
15          computer ain't going to reach that high, those  
16          15 points.

17                   THE COURT:  How many points do you  
18          need to make a positive comparison?

19                   THE WITNESS:  Eight and above,  
20          according to the FBI.

21                   THE COURT:  Eight and above?

22                   THE WITNESS:  Yes.

23       Q    In the last six months, the success rate of  
24           A.F.I.S. machine is about two percent?

1 A About two percent, yes.

2 MR. COFFEY: Thank you.

3

4 RECROSS-EXAMINATION

5 Q (By Mr. Dilday) You said that the A.F.I.S.  
6 machine can spit you out about ten candidates;  
7 is that correct?

8 A From ten candidates up to two hundred.

9 Q Now, was Stephan Cowans spit out as a candidate  
10 when you ran the print through A.F.I.S.?

11 A I don't know if he was one.

12 Q This was an important investigation; was it not?

13 A Correct.

14 Q Not only was it a shooting, but it was a police  
15 officer who was shot?

16 A Correct.

17 Q And you're going to tell me that you don't know  
18 whether or not the initial investigation showed  
19 if this gentleman was a potential suspect?

20 A He was a potential?

21 Q Okay. So what you're telling me is you don't  
22 know who the computer spit out as possible  
23 candidates to match that print?

24 A The computer gave ten images between my latent

1           print --

2           Q    No. My question to you is once you said the  
3                computer can give you candidates that might fit  
4                that print; is that correct?

5           A    Correct.

6           Q    Did it give you candidates that might have fit  
7                that latent print?

8           A    It gave me numbers.

9           Q    And, with those numbers, can you follow through  
10               and get a particular person?

11          A    If I agree that this print -- my latent print  
12               agrees with what's on the computer.

13          Q    And, as a result, you didn't get anybody; is  
14               that correct?

15          A    I did not match them up to anybody.

16          Q    And you talked about the issue that one of the  
17               reasons the computer may not be the greatest  
18               avenue is that it doesn't do little fingers, is  
19               that correct, baby fingers?

20          A    Correct.

21          Q    But this was the thumb; was it not?

22          A    The computer takes what it is given.

23          Q    But you put in a thumbprint; did you not?

24          A    I put in eight prints.

1 Q And it turned out to be a thumbprint; was it  
2 not?

3 A On June 15th, yes.

4 Q So, if that was a thumbprint and you know that  
5 Mr. Cowans' prints are in the computer, his  
6 thumbprint should have been there; is that  
7 correct?

8 A No, sir.

9 Q You've got a print from the A.F.I.S. system in  
10 front of you; isn't that correct?

11 A Correct.

12 Q And so you're telling me that since 1995, all  
13 prints taken by Boston are put in the A.F.I.S.;  
14 isn't that correct?

15 A No. Only one set of prints is put into A.F.I.S.  
16 These prints were put in in 1990. They stay no  
17 matter what condition they are in.

18 Q So, therefore, he does have prints within  
19 A.F.I.S.?

20 A As of 1990.

21 Q And you never got a match; isn't that correct?

22 A The print is distorted.

23 Q I asked you a question, sir. I ask that be  
24 stricken. The question calls for a simple "yes"

1 or "no." You never got a match or a candidate  
2 from putting into A.F.I.S. that print which  
3 designated Stephan Cowans; did you, sir?

4 A I did not match my tracing of my latent print to  
5 anybody.

6 MR. DILDAY: Thank you.

7  
8 FURTHER REDIRECT EXAMINATION

9 Q (By Mr. Coffey) When you say the print was  
10 destroyed, what do you mean by that?

11 THE COURT: No. That's the end of the  
12 questioning. You may stand down.

13 MR. COFFEY: Side bar, your Honor, for  
14 a moment?

15  
16 (Side-bar conference.)

17 MR. COFFEY: I am going to call  
18 Detective William Hussey. I want to bring this  
19 to the Court's attention. The printing of the  
20 gun, a woman, Sharon Wong, she did the printing.  
21 There is nothing on the gun. I just want to  
22 show the jury that we made the effort to print  
23 the gun. Sharon Wong is on vacation and is in  
24 Las Vegas right now. Hussey will be able to

1 apologize.

2 THE COURT: All right. You may stand  
3 over there while the others come down now.

4 (End side-bar conference.)

5

6 (Jury in.)

7 THE CLERK: For the record, your  
8 Honor, this is the continuation of the  
9 Stephan Cowans matter, Docket No. 97-11231.  
10 Present in the courtroom is Mr. Cowans, with  
11 Attorney James Dilday. Representing the  
12 Commonwealth is Assistant District Attorney  
13 James Coffey. All jurors are present.

14 THE COURT: All right. Good morning,  
15 ladies and gentlemen. Everything is in order  
16 with the instructions, I hope? The jury  
17 indicates that is so.

18 Next witness, please.

19 MR. COFFEY: Thank you, your Honor.  
20 Rosemary McLaughlin, please.

21

22 ROSEMARY MC LAUGHLIN, Sworn

23 DIRECT EXAMINATION

24 Q (By Mr. Coffey) Good morning, ma'am.

1 A Good morning, sir.

2 Q Could you tell us your name, spelling your last  
3 name for us?

4 A My name is Rosemary McLaughlin,  
5 M-c-L-a-u-g-h-l-i-n.

6 Q And where are you employed, ma'am?

7 A I am a Boston police officer, presently assigned  
8 to the Identification Unit.

9 Q And how long have you been with the Boston  
10 Police Department?

11 A For twenty years.

12 Q And how long have you been with the  
13 Identification Unit?

14 A Nine years.

15 Q And what is your function down at the  
16 Identification Unit?

17 A At the present time, I am a latent print  
18 examiner.

19 Q And, briefly, could you take us through your  
20 training and experience relative to your role as  
21 a latent print examiner, please?

22 A As far as schooling goes, I have taken forty-  
23 hour courses in conjunction with the  
24 Massachusetts Criminal Justice Training Council



1 and taught by special agents of the FBI in basic  
2 fingerprinting, fingerprint comparison, the  
3 collection, preservation of evidence, and  
4 advanced latent fingerprints. Through the  
5 International Association of Identification and  
6 Massachusetts Criminal Justice Training Council,  
7 I have taken a forty-hour course in advanced  
8 ridgology, dealing with latent fingerprints; and  
9 a three-day symposium on the identification and  
10 comparison of palm prints.

11 I have also taken a three-day course  
12 in crime scene photography at the Boston Police  
13 Academy, taught by the FBI; and I am a member of  
14 the New England Division of the International  
15 Association of Identification.

16 Q And approximately how many comparisons have you  
17 made relative to fingerprints?

18 A Thousands.

19 Q And you've been doing this for the last nine  
20 years, you said?

21 A That's correct.

22 Q Drawing your attention to May 30th, 1997, were  
23 you working that particular evening?

24 A Yes, sir. I was.

1 Q And where were you stationed at that time?

2 A At that time, the Identification Unit was  
3 located in East Boston.

4 Q Were you summonsed to go someplace on that day,  
5 ma'am?

6 A Yes, sir.

7 Q And where did you go?

8 A We were initially told to go to 7 School Street  
9 Place in Jamaica Plain.

10 Q What was your function? Why were you going  
11 there?

12 A The function of the unit at that time was to  
13 photograph the crime scene and process or  
14 collect fingerprint evidence for possible latent  
15 fingerprints.

16 Q Do you work with Dennis LeBlanc? Is he a  
17 colleague of yours?

18 A Yes, sir. He is.

19 Q So your function was to gather evidence and try  
20 to print certain evidence for potential  
21 fingerprints?

22 A Yes, sir.

23 Q And did you do that that particular evening?

24 A Yes, sir. I did.

1 Q In particular, concerning some fencing, did you  
2 print or do some testing or process various  
3 items out of a fence, in particular, wooden  
4 pickets?

5 A Yes, sir.

6 Q Tell us about that. Where did you do that?  
7 Where were they located?

8 A From the backyard area of 7 School Street Place,  
9 three tall pickets from a stockade fence were  
10 removed from the scene, and four broken pieces  
11 of stockade fencing. Also, from the rear  
12 portion of the yard at a portion of the fence  
13 which abuts or is next to 29 School Street, four  
14 large stockade pickets were removed from the  
15 scene and brought back to the unit for  
16 processing.

17 Q Now, is it standard procedure to test various  
18 items throughout the crime scene?

19 A Yes, sir. It is.

20 Q And that's what you were doing that particular  
21 afternoon or evening?

22 A Yes.

23 Q What time did you arrive there, approximately?

24 A I believe we responded shortly after 5:30 p.m.

1 Q I show you a picture, ma'am, that has been  
2 marked as Exhibit 73.

3 May I approach the witness, your  
4 Honor?

5 THE COURT: Yes.

6 Q Do you recognize what is depicted in that  
7 photograph?

8 A Yes, sir. I do.

9 Q Would you hold that up for the jury?

10 And did you analyze or process any of  
11 those pickets concerning the fence there, ma'am?

12 A Yes, sir. I did.

13 Q And would you point to the area where you  
14 processed the pickets?

15 A The four pickets were taken from the corner area  
16 in the backyard of 7 School Street Place.

17 Q And, after processing those four pickets, tell  
18 us what results, if any, you got.

19 A As a result of processing, no identifiable ridge  
20 detail was developed.

21 Q You said you also did three pickets in the gate  
22 entrance; is that correct?

23 A That's correct, sir.

24 Q I show you, if I could -- may I approach the

1 witness, your Honor?

2 THE COURT: Yes.

3 Q I show you Exhibit 47. Do you recognize what's  
4 depicted in there, ma'am?

5 A Yes, sir. I do.

6 Q And what's that?

7 A These are pickets that were on the ground in the  
8 gate area in the rear of 7 School Street Place.

9 Q I show you another photograph that has been  
10 marked Exhibit No. 14. Back there -- is that  
11 the area where you saw those pickets?

12 A Yes, sir. It is. The gate area is located in  
13 this area of the backyard to the rear of the  
14 house.

15 Q And you said you processed three of those  
16 pickets; is that correct?

17 A There were three whole pickets. Yes, sir.

18 Q And, as a result of processing those pickets,  
19 what conclusions, if any, did you come to?

20 A I concluded there were no identifiable  
21 fingerprints as a result of processing.

22 Q Did you also process a piece of plywood?

23 A Yes, sir. I did.

24 Q And where was that located?

1       A     That was located in the rear of 7 School Street  
2             Place in the same portion of fencing where the  
3             four large pickets were found at the section of  
4             the fence that abuts 29 School Street.

5       Q     I show you Exhibit 73.  Would you take a look at  
6             that.  Does that picture depict a piece of the  
7             fencing -- strike that -- the wood that you  
8             processed?

9       A     Yes, sir.  The piece of wood is located right  
10            here next to the picket fence.

11      Q     And, as a result of processing that piece of  
12            wood, what conclusions, if any, did you come to?

13      A     I found no identifiable fingerprints.

14      Q     Moving along, ma'am, at some point, did you  
15            process two cars that were located in the  
16            driveway of 7 School Street Place?

17      A     Yes, sir.  I did.

18      Q     Again, is this standard procedure in the Boston  
19            Police Department to process various items at  
20            the crime scene?

21      A     Yes, sir.  It is.

22      Q     Concerning a red Toyota, did you process that,  
23            ma'am?

24      A     Yes, sir.

1 Q Where was that located, ma'am?

2 A That was located in the driveway of 7 School  
3 Street Place.

4 Q I show you this photograph here, if I may,  
5 Exhibit 46. Do you recognize that, ma'am?

6 A Yes, sir. I do.

7 Q Hold it up, if you would.

8 Is that the red Toyota that you  
9 processed?

10 A Yes, sir. It is.

11 Q And, as a result of processing the red Toyota,  
12 what conclusions, if any, did you come to?

13 A As a result of processing, I developed a partial  
14 palm print and one fingerprint, both which had  
15 sufficient ridge detail for a possible  
16 identification. They were located in this  
17 portion of the rear of the motor vehicle at the  
18 driver's side rear fender, behind the gas tank.

19 Q Were you able to identify that particular print  
20 that you processed?

21 A No, sir. I was not.

22 Q Could you tell the age of that particular print?

23 A No, sir.

24 Q Could you tell the gender of the person that put

1 the print there or donated the print?

2 A No, sir.

3 Q Could you tell the age of the donor of that  
4 print?

5 A No, sir.

6 Q So you don't know who put that print there?

7 A No, sir. I do not.

8 Q Now, concerning the Dodge Caravan, did you  
9 process that?

10 A Yes, sir. I did.

11 Q And tell us about your examination. What did  
12 you process?

13 A As a result of processing the Dodge Caravan, I  
14 took three fingerprint lifts, one of which  
15 contained sufficient ridge detail, without  
16 enough points of identification for a possible  
17 identification.

18 Q I show you Exhibit No. 41. Would you just hold  
19 that up. Is that the Dodge Caravan that you  
20 processed, ma'am?

21 A Yes, sir. It is.

22 Q And you said you were able to identify a  
23 particular print?

24 A Yes, sir.



1 Q And, as a result of getting that print, did you  
2 compare it with some elimination prints?

3 A Yes, sir. I did.

4 Q And what is an elimination print?

5 A An elimination print is a deliberate or inked  
6 impression taken of individuals who have ready  
7 access or usual access to items that are being  
8 processed from a crime scene. That would  
9 include occupants of an apartment, owners of  
10 items and the like.

11 Q For instance, elimination prints were done on  
12 the Lacy family, to the best of your knowledge?

13 A Yes, sir. They were.

14 Q And they were done on the Pitre family, to the  
15 best of your knowledge?

16 A Yes, sir. They were.

17 Q And the Pitres own 7 School Street Place, where  
18 that Caravan was located; is that right?

19 A Yes, sir.

20 Q And did you take Benjamin Pitre's, the owner of  
21 7 School Street Place, and review his prints?

22 A Yes, sir. I did.

23 Q And did you compare his inked impressions with  
24 the latent print that you recovered off the

1 Dodge Caravan?

2 A Yes, sir. I did.

3 Q And, as a result of your comparison, what  
4 conclusions, if any, did you come to, ma'am?

5 A I found the latent fingerprint on the Dodge  
6 Caravan to be identical to the Nos. 8 and 9  
7 fingers, or the left middle and ring fingers, of  
8 Benjamin Pitre.

9 Q Did you become aware that he owned that  
10 particular vehicle?

11 A Yes, sir. I did.

12 Q Now, on May 31st, you -- did you become involved  
13 in some testing done at 29 School Street?

14 A Yes, sir.

15 Q And was that as a result of a search warrant?

16 A Yes, sir. It was.

17 Q And what time, again, did you arrive at the  
18 scene, approximately?

19 A I believe approximately 6:00 a.m.

20 Q I am talking at the scene, itself, at 29 School  
21 Street -- strike that -- at 7 School Street  
22 Place.

23 A At 7 School Street Place, we received a call at  
24 approximately 5:30 p.m. on the 30th of May.

1 Q So you were working throughout the night at this  
2 point?

3 A Yes, sir.

4 Q Now, at approximately 6:00 a.m., you went to 29  
5 School Street?

6 A Yes, sir.

7 Q And you began collecting various items at  
8 29 School Street, the home of the Lacys?

9 A Yes, sir.

10 Q In particular, did you collect one glass jar?

11 A Yes, sir. I did.

12 Q What else did you collect, ma'am, at that  
13 residence, if you recall?

14 A At the residence, I also collected a handled  
15 glass mug; a razor handle, a shaving razor  
16 handle; three plastic runners from the floor of  
17 the kitchen; and a plastic water bottle from the  
18 table.

19 Q Now, concerning the glass mug with the handle,  
20 did you collect that yourself?

21 A Yes, sir. I did.

22 Q And what was done with that glass mug with the  
23 handle?

24 A I transported it back to the Identification

1 Unit.

2 Q And did Dennis LeBlanc do initial testing on  
3 that mug, itself?

4 A Yes, sir. He did.

5 Q Concerning the second item, a glass jar, did you  
6 examine that, ma'am?

7 A Yes, sir. I did.

8 Q Tell us about that. Did you process that  
9 particular jar?

10 A Yes, sir. I did.

11 Q And, as a result of processing, did you get any  
12 identifiable prints?

13 A Yes, sir. I found one latent fingerprint with  
14 sufficient ridge detail for a possible  
15 identification.

16 Q And, again, did you go to your elimination  
17 prints concerning the Lacy family?

18 A Yes, sir. I did.

19 Q And did you retrieve Carl Lacy's, which would be  
20 the owner of the -- the husband of the household  
21 there, his print?

22 A Yes, sir.

23 Q And did you compare his print with the print  
24 found on that second glass jar?

1 A Yes, sir. I did.

2 Q And, as a result of comparing those two prints,  
3 what conclusions, if any, did you come to?

4 A I found that the ridge detail on the glass jar  
5 was identical to the inked impressions of the  
6 No. 6 finger or left thumb of Mr. Carl Lacy.

7 Q Concerning the plastic water bottle, did you  
8 process that, as well, ma'am?

9 A Yes, sir. I did.

10 Q And, after processing that, what conclusions, if  
11 any, did you come to?

12 A I found that the ridge detail was not sufficient  
13 for a possible identification.

14 Q Concerning the razor handle, did you process  
15 that, as well?

16 A Yes, sir. I did.

17 Q Would you tell us what conclusions, if any, did  
18 you come to concerning that razor handle?

19 A I found no identifiable fingerprints.

20 Q Now, these three plastic runners, these were  
21 located on the kitchen floor near the hutch or  
22 the cabinet area near the kitchen table, as  
23 well?

24 A Yes, sir.

1 Q And did you process those three plastic runners?

2 A Yes, sir. I did.

3 Q And, as a result of processing those three  
4 runners, what conclusions, if any, did you come  
5 to?

6 A On two of the runners, I found a small amount of  
7 ridge detail which proved insufficient or not  
8 enough for a positive identification.

9 Q There simply weren't enough points of  
10 identification?

11 A That's correct.

12 Q Now, on 6/3, June 3rd, 1997, were you furnished  
13 with Sergeant Gregory Gallagher's gun belt and  
14 attachments and radio?

15 A Yes, sir. I was.

16 Q In particular, the gun belt and attachments,  
17 what was included within the attachments?

18 A Included were a can of pepper mace, handcuffs  
19 and holder and a radio holder.

20 Q And did you process that material?

21 A Yes, sir. I did.

22 Q And, as a result of processing that, what  
23 conclusions, if any, did you come to?

24 A I found no identifiable fingerprints located

1           there.

2           Q     And, concerning Sergeant Gallagher's radio, that  
3                 would be a police radio?

4           A     That's correct, sir. Department issue Motorola  
5                 walkie-talkie.

6           Q     And did you process that, as well, ma'am?

7           A     Yes, sir. I did.

8           Q     Again, did you come to any conclusions relative  
9                 to that?

10          A     Yes, sir. I found no identifiable prints.

11          Q     Now, concerning the mug that your colleague,  
12                 Dennis LeBlanc, tested, did you have an  
13                 opportunity to look at that on May 31st of 1997?

14          A     Yes, sir. I did.

15                         MR. COFFEY: May I approach the  
16                 witness, your Honor?

17                         THE COURT: Yes.

18          Q     I show you Exhibit No. 81. Do you recognize  
19                 that mug?

20          A     Yes, sir. I do.

21          Q     And what do you recognize that mug to be, ma'am?

22          A     This is the mug that I transported from  
23                 7 School Street Place and was processed by  
24                 Officer LeBlanc.

1 Q And, on May 31st, was a print identified on that  
2 particular mug, ma'am?

3 A Yes, sir. It was.

4 Q Is that print in the same condition today, June  
5 24th, I believe, or 25th, excuse me, as it was  
6 on May 31st, 1997, the print, itself?

7 A Yes, sir. It is.

8 Q Now, is it standard procedure at the  
9 Identification Unit once one technician has  
10 found a print, made a comparison and made an  
11 identification, positive identification from a  
12 latent to an inked print, is it standard  
13 procedure for a colleague to confirm that  
14 person's findings?

15 A Yes, sir. It is. It is always done in any  
16 comparison when we have a positive result.

17 Q For instance, the prints that you just mentioned  
18 to this jury about Mr. Pitre and Carl Lacy, you  
19 found positive prints there; is that correct?

20 A That's correct.

21 Q Did you have one of your colleagues confirm your  
22 findings concerning Pitre and the Lacy prints?

23 A Yes, sir. I did.

24 Q Relative to the mug that I just showed you,



1 Exhibit 81, what did you do concerning that mug  
2 relative to your confirmation process?

3 A As far as confirming the print, I examined the  
4 mug and examined the latent fingerprint on the  
5 mug and compared it to the inked impression.

6 Q Tell us about your comparison, if you would.  
7 What did you do, exactly?

8 A In the comparison, I was looking for specific  
9 points of identification or specific  
10 characteristics to be present in each of the two  
11 prints in the same relative space in each print.  
12 And, as a result of my comparison, I concluded  
13 that the latent fingerprint on the glass mug was  
14 identical to the inked impression of one  
15 Stephan Cowans.

16 Q And when did you do your testing, ma'am?

17 A I did that comparison on June 15th.

18 Q So the print on the mug was identified or  
19 developed, I should say, on May 31st; is that  
20 correct?

21 A That's correct.

22 Q And when did the Identification Unit become  
23 aware of Stephan Cowans's name?

24 A Mr. Cowans's name was given to us on June the

1 12th.

2 Q So you had the print for shortly -- a little  
3 less than two weeks?

4 A That's correct.

5 Q And, as a result of getting his name,  
6 Officer LeBlanc did his initial comparisons?

7 A Yes, sir. He did.

8 Q And then you confirmed his findings?

9 A I did.

10 Q Did you also do that with -- strike that.

11 Was there a second print found on that  
12 mug, ma'am?

13 A Yes, sir. There was.

14 Q And was that from one Bonny Lacy, the owner of  
15 29 School Street?

16 A Yes, sir.

17 Q And did you take her inked impressions,  
18 elimination prints, and compare them with a  
19 second print on Exhibit 81?

20 A Yes, sir. I did.

21 Q Did you go through the same procedure, by that,  
22 look for points of identification, compare the  
23 latent print with the inked impressions and find  
24 the various points of identification identical

1 | in each print?

2 A Yes, sir. I did.

3 Q And, at the conclusion of your tests, what  
4 conclusion did you come to?

5           A     I found that the second latent print was  
6                   identical to the inked fingerprint of  
7                   Bonnie Lacy.

8 Q Is there any way you can transfer an actual  
9 Super Glue print from one object to another?

10 A A Super Glue print cannot be transferred to any  
11 other item. In Super Glue process, the Super  
12 Glue, itself, contains a chemical polymer. That  
13 polymer adheres to the moisture within the ridge  
14 detail on an item. The process hardens that  
15 moisture, making it almost crystalline and bonds  
16 it to the surface, so that the actual Super Glue  
17 print is bonded to that surface and cannot be  
18 removed.

19 Q And that was the process that was done on that  
20 mug concerning Mr. Cowans's print; is that  
21 right?

22 A That's correct.

23 Q And that mug, as you just told this jury, is in  
24 the same condition it was on May 31st, 1997?

1 A Yes, sir.

2 Q And that's approximately two weeks before you  
3 even had this individual's name; is that  
4 correct?

5 A Yes, sir. It is.

6 MR. COFFEY: One moment, your Honor?

7 THE COURT: Sure.

8 MR. COFFEY: I appreciate your time,  
9 ma'am. Thank you.

10 THE COURT: Cross-examine.

11

12 CROSS-EXAMINATION

13 Q (By Mr. Dilday) Good morning, Ms. McLaughlin.

14 A Good morning, sir.

15 Q Ms. McLaughlin, during the process of this  
16 investigation, you were at that house on  
17 School Street on both May 30th of '97 and  
18 May 31st; is that correct?

19 A I was at 7 School Street Place on the 30th and  
20 inside 29 School Street on the 31st.

21 Q Now, on the 30th of May, you got -- there were  
22 certain items that were retrieved that you  
23 examined; is that correct?

24 A Yes, sir. It is.

1 Q And they included the seven planks of stockade  
2 fencing?

3 A Yes, sir.

4 Q Four broken pieces of stockade fencing?

5 A Yes, sir.

6 Q One piece of plywood?

7 A Yes, sir.

8 Q Seven fingerprint lifts taken from a red Toyota?

9 A Pardon me, sir?

10 Q Seven fingerprint lifts taken from a red Toyota?

11 A Yes, sir.

12 Q Three fingerprint lifts taken from a Dodge  
13 Caravan?

14 A That's correct.

15 Q And that was all done on May the 30th; is that  
16 correct?

17 A No, sir. The lifting on --

18 Q No, no. I'm saying you retrieved those on May  
19 30th?

20 A The motor vehicles were transported to the  
21 Homicide garage at District 6. They were  
22 actually processed on the evening of the 31st.

23 Q Okay. And, then, on May 31st of '97, pursuant  
24 to a search warrant, various items were seized

1 from 29 School Street; is that correct?

2 A That's correct, sir.

3 Q And amongst those items were one glass mug with  
4 a handle?

5 A Yes, sir.

6 Q One glass jar?

7 A Yes, sir.

8 Q One plastic water bottle?

9 A Yes, sir.

10 Q One razor handle?

11 A Yes, sir.

12 Q And three plastic rug runners?

13 A That's correct.

14 Q Now, out of all these items that were taken on  
15 May 30th and May 31st, you did the analysis on  
16 all of them except for the glass mug with the  
17 handle; is that correct?

18 A That's correct, sir.

19 Q And, after that -- the glass mug with the handle  
20 was processed by Police Officer LeBlanc; is that  
21 correct?

22 A Yes, sir. It is.

23 Q And were you involved in the processing of that  
24 mug at all?

1 A No, sir. I was not.

2 Q And were you with him when he processed that  
3 mug?

4 A No, sir.

5 Q And did you handle that mug and work with it  
6 between May 31st of 1997 and June 15th, when you  
7 did your review of it?

8 A No, sir. I did not.

9 Q So it's your testimony that from May 31st of '97  
10 through June 15th of '97, you didn't have any  
11 access to that mug, per se?

12 A I had no dealing with it at that time. No, sir.

13 Q And so you did -- so, when you say the mug is in  
14 the same condition as it was on May the 31st of  
15 1997 --

16 A Yes.

17 Q -- you didn't see that mug when it was  
18 processed; did you, ma'am?

19 A I did not see the actual processing of the item,  
20 no, sir.

21 Q Now, Mr. Coffey asked you about whether you  
22 could transfer a print from one item to another.  
23 You have been to various classes on fingerprint  
24 analysis, including the ones in Quantico run by

1 the FBI; is that correct?

2 A I have not been to Quantico.

3 Q But you've been to various classes; is that  
4 correct?

5 A Yes, sir.

6 Q And you are aware that there is a way that you  
7 can lift a print and then place it on another  
8 object; isn't that correct?

9 A In theory, sir. I have never seen it directly.

10 Q Oh, I understand that you may have never seen  
11 it. But you are aware that it can be done?

12 A I understand the theory, sir.

13 Q And, in reference for this particular mug, for a  
14 two-week period from May 31st through June 15th  
15 of 1997, you don't specifically know what was  
16 done with that mug; do you, ma'am?

17 A During that period, no, sir.

18 MR. DILDAY: I have nothing further,  
19 your Honor.

20 THE COURT: Anything else?

21 MR. COFFEY: A couple quick questions,  
22 your Honor.

23 \*

24 \*



REDIRECT EXAMINATION

Q (By Mr. Coffey) Concerning the mug, the process that was used on that was the Super Glue method?

A Yes, sir. It was.

Q Not any lifting method; is that correct?

A That's correct.

MR. DILDAY: Objection, your Honor.

THE COURT: No. He may have the question.

MR. DILDAY: May we approach side bar.

(Side-bar conference.)

MR. DILDAY: She wasn't there when the analysis was done.

THE COURT: Well, you can come back on redirect. She is answering a question that he put to her, and she may do so.

(End side-bar conference.)

Q The process that was used was the Super Glue method concerning that mug?

A Yes, sir.

Q And that print is in the same condition that you saw it on May 31st, 1997?

1 A Yes, sir.

2 Q And, concerning your hours that night, what time  
3 did you start, about 4:00 on May 30th in the  
4 afternoon?

5 A That's correct, sir.

6 Q And what time did you work until?

7 A I was relieved at 10:00 a.m. on May 31st of '97,  
8 sir.

9 Q Was that mug a priority item because you were  
10 informed that the suspect had touched that  
11 particular mug?

12 A Yes, sir. I was told at the scene that that  
13 item had been identified positively as having  
14 been touched.

15 MR. COFFEY: Thank you.

16  
17 RECROSS-EXAMINATION

18 Q (By Mr. Dilday) Ms. McLaughlin, you weren't  
19 there when the analysis on this mug was done;  
20 were you?

21 A The actual processing?

22 Q Yes.

23 A No, sir.

24 Q And you didn't see who did it; did you?

1 A No, sir.

2 Q And you didn't actually see how it was done; did  
3 you, ma'am?

4 A The actual processing, no, sir.

5 MR. DILDAY: Thank you.

6 THE COURT: Thank you. You may step  
7 down.

8 MR. COFFEY: May I have one moment,  
9 your Honor, please?

10 THE COURT: Yes.

11 MR. COFFEY: The Commonwealth calls  
12 Tennille Davis, your Honor.

13  
14 TENNILLE DAVIS, Sworn

15 DIRECT EXAMINATION

16 Q (By Mr. Coffey) Good morning, ma'am.

17 A Good morning.

18 Q If you would be kind enough to just get a little  
19 closer to that microphone.

20 Would you tell us your name, please,  
21 spelling your first and last name?

22 A Tennille Davis, T-e-n-n-i-l-l-e D-a-v-i-s.

23 Q Ms. Davis, how old are you?

24 A Twenty-one.