

1 A Several hours, I suppose.

2 Q You never examined any of the swatches?

3 A That is correct, I have not.

4 <sup>CARTER</sup>  
MR. ~~KEEFE~~: I have no further question.

5 MR. SMITH: Thank you, sir. You may step down.

6 (Witness sworn.)

7 WILLIAM WILSON,

8 called as a witness, having been first duly sworn,

9 was examined and testified as follows:

10 DIRECT EXAMINATION

11 BY MR. SMITH:

12 Q Will you please state your name?

13 A William Wilson.

14 Q Mr. Wilson, what do you do for a living?

15 A I'm a forensic scientist at the Northern  
16 Illinois Crime Laboratory.

17 Q How long have you been working in that  
18 capacity?

19 A At the Northern Illinois Lab, I have been there  
20 since April of 1988.

21 Q Did you, prior to that work at any other  
22 similar Laboratories?

23 A Yes?

24 Q Where was that?

1           A     I worked for approximately eight years in the  
2 State of Ohio with the Bureau of Criminal Identification  
3 and Investigation.

4           Q     What is it that you do for the Northern  
5 Illinois Crime Laboratory specifically?

6           A     I'm a forensic serologist.

7           Q     Is that what you did in Ohio?

8           A     Yes..

9           Q     Tell us about your educational background?

10          A     I have a Bachelor of Arts Degree in criminal  
11 justice and I have my Forensic Scientist Degree from  
12 George Washington University, Washington D. C.

13                   I have also attended various seminars and  
14 training school in the capacity of my job.

15          Q     And exactly what does your job entail?

16          A     Serology is an all encompassing term that means  
17 the study of body fluids and blood, evidence analysis  
18 involving the comparison and analysis of evidence that  
19 would be considered microscopic in nature, fluids, hair  
20 fibers and soil.

21          Q     During the course of your employment have you  
22 had occasion to examine blood samples as well as body  
23 fluid samples?

24          A     Yes, sir.

1 Q And approximately; y how many examinations of  
2 this type have you performed during the course of your  
3 employment over these years?

4 A I would estimate several hundred.

5 Q Mr. Wilson, I would like to direct your  
6 attention to late September of 1989, did you have the  
7 occasion to receive a Vitullo evidence collection Kit  
8 from the Waukegan Police Department?

9 A Yes, sir.

10 Q And I'm going to show you People's Group  
11 Exhibit Number 13 and ask you if you recognize this  
12 exhibit. If so, what do you recognize that to be?

13 A I can recognize the evidence kit by my  
14 initials, the date and case number written on the side  
15 with my evidence tag which has been perforated.

16 Q And if one can open up the contents of this  
17 Kit, do you also recognize the contents of that kit?

18 A Yes, sir. Enclosed are various envelopes,  
19 tubes, a cardboard box, and a paper bag all bearing my  
20 initials, date and case number.

21 Q As far as the blood samples, did you examine  
22 the blood samples in this kit?

23 A Yes, I did.

24 Q And these blood samples that were labeled, was

1 the blood from [REDACTED]?

2 A Yes.

3 Q What did your examination of the blood of [REDACTED]  
4 [REDACTED] reveal?

5 A According to the analysis, we performed at the  
6 laboratory, I discovered that [REDACTED] blood type  
7 was ABO Type B. She was a secreter and that her enzyme  
8 pattern was Esterase D, Type 1, BPGM, possible  
9 phosphoglucomatase Type 2 --

10 Q Mr. Wilson, the Esterase and  
11 phosphoglucomatase, could you explain what these are?

12 A These are enzymes that are found in everyone.  
13 They are genetically controlled as to what the type is  
14 going to be.

15 For example, if your mother is 1 and your  
16 father is 1, you are going to be a 1.

17 Q And the numbering, these are scientific  
18 notations for the different types of each one of these  
19 enzymes.

20 A Yes, these are the numbers that have been  
21 assigned to the specific types.

22 Q Pardon me, did you indicate what her secreter  
23 status was?

24 A According to our analysis her secreter status

1 was that she is a secreter. She is a secreter.

2 Q Did you also perform an examination of the rest  
3 of the contents of this Kit?

4 A Yes, sir, I did.

5 Q Specifically and examining the vaginal swabs  
6 and smears in this kit, did you find any evidence of the  
7 presence of seminal material or spermatozoa cells?

8 A My microscopic examination of the vaginal and  
9 rectum smears that were submitted --

10 MR. KEEFE: I object to the witness reading from the  
11 report.

12 THE COURT: Don't read from your report. Use the  
13 report to refresh your memory.

14 THE WITNESS: According to my notes and my reports,  
15 I determined that there were no spermatozoa present on  
16 the microscopic slides submitted in the kit.

17 Q Did you also examine People's Exhibit 13,A and  
18 if you could open the contents of this bag -- let's start  
19 offering -- again, if you could open the contents of  
20 People's Exhibit Number 13, A and tell me if you  
21 recognize the contents of that Exhibit and if so, tell  
22 me what they are and whether or not you examined and  
23 analyzed them?

24 A Yes, sir, I have my initials and date written on

1 the back. This is a pair of women's underwear.

2 Q That was submitted to you ;in the rest of the  
3 kit?

4 A Yes, sir.

5 Q Did you examine that pair of underwear?

6 A Yes, sir, I did.

7 Q And what did your examination of that pair of  
8 underwear reveal?

9 A According to my microscopic examination of the  
10 three areas that I removed from the underwear, I  
11 determined the presence of spermatozoa cells.

12 Q And you say there are three areas that you  
13 removed, are these the cut out areas found in the crotch  
14 section of the underwear?

15 A Yes, sir.

16 Q Did you examines each one of these three  
17 separately;y?

18 A Yes, sir, I did.

19 Q Could you explain to us what the testing  
20 process that you used in that examination is?

21 A When an article of clothing is submitted to our  
22 laboratory, I go through what is known as a chemical  
23 test. It is a tests that screens possible stains that  
24 could be of forensic use on situations like this on a

1 pair of underwear.

2 I stake a piece of filter paper and moisten it  
3 with distilled water.

4 MR. <sup>CARTER</sup>~~KEEFE~~: I object. The witness appears to be  
5 testifying to a standard procedure.

6 THE COURT: He should state what he did in this  
7 case.

8 BY MR. SMITH:

9 Q If you could tell us what you did specifically  
10 with this underwear?

11 A This is what I did.

12 Q If you could finish with your answer?

13 A I moistened the filter paper with distilled  
14 water and placed it against the crotch area of the  
15 underwear and dropped certain chemical solutions on the  
16 moistened filter paper and where there are positive  
17 reactions, I further go into the panties and remove the  
18 area that comes up positive.

19 Q Is that what you did in this case?

20 A Yes, sir.

21 Q After having removed these areas, what did you  
22 then do?

23 A I extracted a small bit of the cloth and  
24 extracted any type of stain material on the microscope

1 slide and examined it under the microscope.

2 Q In this case, what did your examination under  
3 the microscope of these three separate stains reveal?

4 A They revealed the presence of spermatozoa  
5 cells.

6 Q After you performed that microscopic  
7 examination, what did you then do with regard to Exhibit  
8 13,A?

9 A I further removed a cut up portion and soaked  
10 them in test tubes to determine if there were any  
11 secreted blood group presences.

12 Q Of these three different samples, what did your  
13 examination in that regard reveal?

14 A According to the results, I determined that two  
15 of the stains revealed a Type A and H or B and O secreted  
16 substances present and on one stain I found the presence  
17 of secreter typ H and type O secreted substance.

18 Q You said Type H or Type O, could you explain  
19 that, what H and O are and if there is an equivalent  
20 term?

21 A As a baby is developing as a fetus, the blood  
22 type begins its Type H and as the Type develops according  
23 to the genetic pattern, H becomes A with the additional  
24 molecular sugar or H becomes B or becomes A by the



1 addition of both sugars.

2 If no sugars are added, Type H becomes Type O.

3 Q So, Type H is a fetal equivalent to Type O in a  
4 delivered baby or adult?

5 A Right. It is a foundation blood type.

6 Q After having done that, what did you then do?

7 A I proceeded to perform Electrophoresis on the  
8 three stains I removed from the panties.

9 Q Will you explain what Electrophoresis is?

10 A Electrophoresis is a serological technique used  
11 in separating enzymes according to their non-genetic  
12 pattern, you embed stained material into a milimetarthic  
13 (phonetic) jell, run an electric current through the  
14 jell itself and the protein is delivered into the jell  
15 according to their specific charge and molecular size.

16 Q Could you tell us what the results of that  
17 were?

18 A Could I use my notes.

19 Q If you could use them to refresh your memory  
20 and tell us what the results were?

21 A Of the three stains that I removed from the  
22 stained piece, after the Electrophoresis procedure was  
23 completed, I found there was inactivity or inconclusive  
24 results.

1 Q Did you perform any tests on the stains  
2 themselves or the samples themselves?

3 A Could I refer to my notes.

4 Q If they will refresh your memory?

5 A I performed an Amylase Dispersion test and  
6 Anti-P30 Test.

7 Q What are these kinds of tests?

8 A An Amylase Dispersion tests determines the  
9 presence of Amylase which may be present due to the  
10 presence of saliva.

11 Anti-P30 is something that is found in the male  
12 prostrate gland.

13 Q Now then, after having performed all these  
14 tests on these different samples that are submitted that  
15 you took from the underwear, did you on a subsequent date  
16 in december, approximately December the 12 or shortly  
17 thereafter receive a note there's a set of blood samples  
18 from the Waukegan Police Department for testing in  
19 comparison with the earlier submitted sample?

20 A Yes, sir.

21 Q I'm going to show you People's Exhibit Number  
22 12 and I'll ask you if you could examine this and tell me  
23 if you recognize it and if you could open the contents  
24 and tell me if you recognize these contents?

1           A     Yes, sir. This is the Waukegan Police  
2 Department envelope that I recognize because it has my  
3 initials, the date and my evidence tag when I sealed it.

4                     Contained within is one plastic bag that has my  
5 initials, the date and case number which contains two  
6 tubes and blood wrapped in a paper towel with my  
7 initials, date and case number on the bottom.

8           Q     These blood samples are labeled from Alejandro  
9 Dominguez?

10          A     Yes, sir, according to the label.

11          Q     Did you perform an examination of these blood  
12 samples?

13          A     Yes.

14          Q     Could you tell us what the result of your  
15 examination of these blood samples were?

16          A     Yes, sir. According to the tests that I  
17 performed, I determined that Alejandro Dominguez is a  
18 type O Secreter while the genetic pattern is Esterase  
19 D2-1, PGM2. (phonetic).

20          Q     Did you compare that against the results of the  
21 blood tests from [REDACTED] and from the semen stains  
22 that you found in the underwear of [REDACTED]?

23          A     Yes, sir, I did.

24          Q     Could you tel us what your comparison revealed

1 as a result of each of these three different stains?

2 A Based on the Electrophoresis results, I could  
3 not draw any conclusion at all because my determination  
4 in the examination of the stains from the underwear were  
5 inconclusive or showed no activity.

6 Q What about based on the fluids grouping?

7 A Based on the fluids grouping, I found Alejandro  
8 Dominguez is a Type O secreter and eliminates him as  
9 being a possible source of one of the stains on [REDACTED]'s  
10 panties.

11 Q Of the one stain that you found in the panties  
12 that you could not eliminate him as the possible source,  
13 were you able to eliminate [REDACTED] as the source of  
14 that stain?

15 A Yes.

16 Q As to the other two stains, were you able to  
17 draw any conclusion or ability to eliminate [REDACTED]  
18 or Alejandro Dominguez?

19 A I could not eliminate [REDACTED] of the type B  
20 substances found there.

21 Oftentimes in secreter's type H substances will  
22 also be secreted in body fluids. Therefore, I could not  
23 eliminate her as being a possible source of the type H  
24 secretion I found in the underwear.

1 Q And were you able to make similar  
2 determinations in the third stain?

3 A Yes, sir, the third stain only showed type H  
4 secretions present.

5 Q Now, is People's Exhibit Number 12 in  
6 substantially the same condition as when you examined it?

7 A Yes, sir.

8 Q And then also People's Exhibit 13, is that in  
9 the same or substantially the same condition?

10 A Yes, sir.

11 Q And then also People's Exhibit 13-A, the  
12 underwear are they also in the same or substantially the  
13 same condition as when you examined them?

14 A Yes, sir.

15 MR. SMITH: I don't have any other questions, Mr.  
16 Wilson, at this point in time. Your witness.

17 CROSS EXAMINATION

18 BY MR. KEEFE:

19 Q Mr. Wilson, do you recall exactly from what  
20 portion of the pair of panties the stains were found?

21 A The inside crotch area.

22 Q All three stains. Do you know how close they  
23 were to each other?

24 A I would say the three stains were within about

1 an inch area.

2 Q When did you receive the Vitullo Kit?

3 A According to the sheet that was submitted,  
4 September 21st, 1989.

5 Q That also is the date that you received the the  
6 swabs and the panties on the same date, is that right?

7 A The test tubes containing the swabs?

8 Q Yes?

9 A Yes, sir.

10 Q Could you tell how old the semen stains were?

11 A No, sir.

12 Q So you have no way of knowing if the stains  
13 could have been a week old or two weeks old?

14 A No, sir.

15 Q Or two days old?

16 A That's right.

17 Q Now, you said that you could not eliminate  
18 Alejandro Dominguez as the donor of one of these stains  
19 which you labeled as stain B, is that correct?

20 A Yes, sir.

21 Q Why is that?

22 A Because the Amylase secreted substances were  
23 type H and Mr. Dominguez is a Type O secreter and Typ O  
24 secreters would secret Type H.

1 Q How common is Type O?

2 A According to statistics put out by the FBI, I  
3 believe Type O are present in 45 percent of the  
4 population.

5 Q Would there be any difference between male and  
6 female or about the same?

7 A I would imagine close to fifty.

8 Q So then the best that you could do on that  
9 particular examination is basically narrowed down to 45  
10 percent of the male population, is that correct?

11 A The factor of secretor status?

12 Q How many people are secretors?

13 A Approximately 80 percent.

14 Q So, would you know approximately what  
15 percentage of the male population would be type O  
16 Secretors?

17 A Statistically, you would have to multiply 45  
18 times 80 percent.

19 Q There is quite a few?

20 A About 36 percent.

21 Q Now, you testified that you examined the  
22 enzymes patterns as well in your examination of the blood  
23 standards of [REDACTED] and the blood standard of  
24 Alejandro Dominguez, is that right?

1 A Yes, sir.

2 Q Now, in your examination of the stain, you were  
3 not able to determine what the enzyme patterns were?

4 A That is correct because of the inactivity they  
5 were inconclusive.

6 Q Do you know why there would be no activity?

7 A No, sir.

8 Q You say you have done hundreds of similar  
9 examination in the past?

10 A That's a rough estimate.

11 Q And what percentage of the cases would there be  
12 no activity in the enzyme pattern?

13 A I cannot make an estimate on that. I cannot  
14 really recall.

15 Q Is that something you encounter frequently or  
16 rarely?

17 A It is something we have to deal with at the  
18 laboratory.

19 Q So in other words, you don't know?

20 A Correct.

21 Q You cannot give any possible explanation why  
22 there would be no enzyme pattern activity?

23 A No, sir.

24 Q Is there a less likelihood there would be an



1 enzyme pattern activity if the semen stains are older?

2 A That's a possibility, yes.

3 Q I don't suppose you could give us a time frame  
4 as to when we might expect to see inactivity in the  
5 enzyme pattern?

6 A It depends on how the article of clothing is  
7 stored -- in a freezer or refrigerator it would be better  
8 than if it were stored in the back seat of a car in July.

9 Q What if any articles of clothing were placed  
10 into a Vitullo evidence collection kit and then sent to  
11 the Northern Illinois Police Crime Laboratory.

12 A It depends how the kit was stored.

13 Q Do you know how the kit was stored?

14 A No, sir.

15 Q Do you know when these items were collected and  
16 placed in this kit?

17 A According to the notes I took at the time the,  
18 date sealed on the kit was 9-19-89.

19 Q So, That's two days prior to the date that they  
20 were received at the lab, is that correct?

21 A That is correct.

22 Q And when that kit was received at the lab, was  
23 it worked up immediately?

24 A No, sir.

1 Q Was it placed in storage?

2 A Yes, sir.

3 Q Was that refrigerated?

4 A Yes, sir.

5 Q Would two days be enough time for there to be  
6 no enzyme pattern activity in the semen stains?

7 A That's hard to say, I don't know.

8 Q In your work as a forensic scientist, you are  
9 never called upon to attempt to make a determination as  
10 to how old a stain might be?

11 A No, sir.

12 Q In your examination of the items in the Vitullo  
13 kit the only place that you found presence of spermatozoa  
14 was on the article of panties, is that right?

15 A Yes, sir. I believe that is true.

16 Q Did you make a comparison or hair standards as  
17 well?

18 A In this case according to the report that I  
19 issued at the time, item three Exhibit 8 is identified as  
20 one sealed envelope containing a hair standard. Item  
21 three, Exhibit 7 was head hair combings, nothing of  
22 apparent evidentiary or comparative value was found as  
23 well was Exhibit 9, pubic hair combings also nothing of  
24 apparent evidencial or comparing value was found.

1 Q Did the pubic hairs come from [REDACTED] or  
2 Alejandro Dominguez or both?

3 A In this Vitullo Kit, that came from [REDACTED]  
4 [REDACTED].

5 Q Were you subsequently given hair samples  
6 labeled as being from Alejandro Dominguez?

7 A Yes, sir, that came in as item four.

8 Q Did you happen to make any type of comparison  
9 with a hair sample labeled as being from Alejandro  
10 Dominguez with the samples that were labeled as being  
11 from [REDACTED]?

12 A No, sir.

13 Q Did you make an examination of the head and  
14 lower pubic hair samples that were taken from [REDACTED]  
15 [REDACTED]?

16 A Yes, sir, I did according to the report that I  
17 issued at the time, Item 3, Exhibit 8 stated "nothing of  
18 comparative value was found."

19 Q Nothing of comparative evidentiary value, is  
20 that what you said?

21 A Yes.

22 Q The envelope was empty?

23 A Apparently.

24 Q So there were no hair samples in there?

1           A     Correct.Exhibit 10 showed pubic hair standards  
2 submitted as comparison standards, but there were too few  
3 to make a comparison with.

4           Q     From whom did the pubic hairs come from?

5           A     [REDACTED]

6           Q     So you did not perform any examination upon  
7 these pubic hairs, is that correct?

8           A     That is correct.

9           Q     Now, in your examination of the enzyme pattern,  
10 the results were labeled either as "inactivity," or  
11 "inconclusive," is that right? I mean, that is what you  
12 testified to as well?

13          A     Yes, sir, for the standard recovered from the  
14 panties.

15          Q     What exactly does "inconclusive," mean?

16          A     That means there might have been some activity  
17 there but it was undeterminative.

18          Q     The pattern had to be clear in order to be able  
19 to call them a type 1, Type 2 or Type 2-1 and if the  
20 bands are in this state then the report is inconclusive?

21          A     Apparently, yes, sir.

22          Q     Do you recall?

23          A     No, I don't.

24          Q     Is there anything that would refresh your

1 recollection?

2 A Yes, sir.

3 Q What would that be?

4 A Our reports of our notes.

5 Q Do you have these with you?

6 A Yes, sir.

7 Q Could you use these to refresh your  
8 recollection?

9 A Yes, sir, according to the Electrophoresis  
10 worksheet that I performed on December 29th, 1989, I  
11 listed inactivity for all three enzymes of stain A;  
12 inactivity meaning inconclusive; inactivity for stain B,  
13 no activity, inconclusive and no activity for stain C.

14 MR. SMITH: Is there some relevance to the answers to  
15 my questions?

16 MR. ~~KEEFE~~<sup>CARTER</sup>: Apparently it might go to the issue of  
17 how old the stains were in the garment that was submitted  
18 to the crime lab.

19 MR. SMITH: He already testified he cannot testify to  
20 the dating of the stain.

21 MR. ~~KEEFE~~<sup>CARTER</sup>: I was about to ask that question.

22 THE COURT: I don't know where we are going.

23 MR. ~~KEEFE~~<sup>CARTER</sup>: If in fact his notes had reflected that  
24 the patterns were indistinct or were smeared, my question

1 would have been, "Would that be the cause of the age of  
2 the stain -- the reason for the conclusion of  
3 "inconclusive," so I'm asking the question -- I have no  
4 further questions.

5 THE COURT: We will take a ten minute recess.

6 (Brief recess.)

7 PAUL HENDLEY,

8 called as a witness, having been first duly sworn,  
9 was examined and testified as follows:

10 DIRECT EXAMINATION

11 BY MR. SMITH:

12 Q Will you please state your name?

13 A Paul Hendley.

14 Q What is your profession. What do you do for a  
15 living?

16 A I'm a Sgt. of Police, City of Waukegan.

17 Q Sgt. Hendley, I'd like to direct your attention  
18 to the evening hours of September the 19th, 1989. Did you  
19 have occasion to receive a Vitullo Rape Kit from Michael  
20 Stevenson of Naval Investigative Services that night?

21 A Yes.

22 Q I'm going to show you Group Exhibit 13. I'm  
23 going to ask you if you will take a look at that and tell  
24 me if you recognize it?