

1 TIMOTHY DIXON

2 called as a Witness by the People of the State of
3 Illinois, after having been first duly sworn, was
4 examined and testified as follows:

5 DIRECT EXAMINATION

6 by

7 MS. HARDIMAN

8 Q Sir, would you state your full name, and
9 spell your last name for the benefit of the Court
10 Reporter, please?

11 A My name is Timothy Dixon, my last name is
12 spelled D-I-X-O-N.

13 Q Mr. Dixon, what is your profession or
14 occupation?

15 A I'm presently a forensic scientist in charge
16 of the State of Illinois Training and Applications
17 laboratory located in Joliet, Illinois.

18 Q Mr. Dixon, would you just briefly indicate
19 for the Ladies and Gentlemen of the Jury what that
20 laboratory does?

21 A A forensic science lab is a police science
22 laboratory run by the State of Illinois, and at that
23 laboratory we examine various articles of physical
24 evidence, to include drugs, body fluids, firearms,

25

1 documents, fingerprints, and so on.

2 Q Mr. Dixon, do you have any special training
3 that enables you to occupy that position with the State
4 Crime Lab, as we call it?

5 A Yes.

6 Q What are those qualifications, Mr. Dixon?

7 A Well, in 1966 I secured a Bachelor of Science
8 degree from Loris College in DuBuque, Iowa, where I
9 majored in biology, minored in chemistry. From 1967
10 through 1968 secured a second major in education from
11 Aurora College, located in Aurora Illinois, and also
12 Standard High School Teaching Certificate. In 1968
13 through 1970 I was trained as a medical laboratory
14 technician with the United States Army. I served both
15 here in the United States and in Viet Nam. In 1972 I
16 did graduate work at the University of California at
17 Berkeley, where I studied the separation of red blood cell
18 proteins and enzymes.

19 Q Mr. Dixon, how long have you been employed
20 by the State Crime Lab?

21 A I started with the State of Illinois Crime
22 Laboratory system in May of 1970.

23 Q And you remain in their employment, is that
24 correct?

1 A That's correct.

2 Q Over that period of time, Mr. Dixon, have you
3 had occasion to have any in-service training that
4 contributes to your expertise?

5 A Yes, I initially was trained as a crime scene
6 technician. That is an individual who would process
7 a crime scene by photographing the crime scene, and
8 collecting physical evidence at the crime scene, and
9 bringing the evidence back to the laboratory.

10 I was subsequently trained in what we
11 refer to as the serology and toolmark sections of the
12 lab.

13 In the serology section we identify and
14 type physiological body fluids, which would include blood,
15 semen, urine, perspiration, ear wax.

16 We also identify and compare hairs and
17 fibers.

18 Q Mr. Dixon, as part of your professional life,
19 do you belong to any professional organizations?

20 A Yes, I do.

21 I'm an abstractor for the Journal of
22 Police Science and Administration, I'm a member of the
23 International Association of Identification, I'm a member
24 of the American Society of Medical Technologists, I'm a

1 member of the Midwestern Association of Forensic Scientists.
2 I'm a member of the American Association of Firearm and
3 Toolmark Examiners, and I'm also on the teaching staff
4 of Wabasca Community College, where I teach a criminalistics
5 course and introduction to criminalistics course.

6 Q Mr. Dixon, again in your capacity as a
7 professional forensic scientist, are you published?

8 A Yes, I am.

9 I have numerous publications, one
10 which would pertain to the type of examination done in
11 this case, which was entitled "A Scanning Electron
12 Microscope Study of Dried Blood", published in the
13 Journal of Forensic Scientists, which is the official
14 journal of the American Academy of Forensic Scientists.

15 Q Mr. Dixon, now directing your attention to
16 July 11th, 1977, you were so employed by the State Crime
17 Lab, at that time, is that correct?

18 A Yes, that's correct.

19 Q Did you have occasion on that date to receive
20 certain items of evidence having to do with the case
21 that is now before the Court?

22 A Yes, I did.

23 Q Okay, and among those items, Mr. Dixon, did
24 you have occasion to receive a pair of panties?

1 A Yes, I did.

2 Q Mr. Dixon, I show you now what has been
3 marked People's Exhibit 4 for identification and its
4 contents. Would you examine that and tell me whether
5 or not you recognize it?

6 A Yes, I do.

7 Q Okay, and what do you recognize it to be,
8 Mr. Dixon?

9 A Well, I marked all the items that I received
10 and their containers with an item number, a case number,
11 the date, and my initials.

12 Q And you see those initials and markings there?

13 A Yes, I do.

14 Q Is that correct?

15 A Yes.

16 Q You're holding the container. Would you look
17 at what came out of that container and indicate whether
18 or not you recognize that object?

19 A Yes, I do.

20 Q What do you recognize that to be?

21 A Again the panties that I had received that
22 day. Again I marked these with my initials, the date,
23 the case number, and the item number.

24 Q Mr. Dixon, did you have occasion to do an

1 examination of those panties?

2 A Yes, I did.

3 Q Did you have occasion to recover anything
4 from those panties?

5 A Yes, I did.

6 Q What did you recover?

7 A These panties, it was requested that they be
8 examined for physiological body fluids, and the possible
9 presence of foreign hairs and fibers.

10 Q What was the result of that examination?

11 A I found the presence of physiological body
12 fluids to include seminal material, and I also removed
13 a pubic hair from the panties.

14 Q Did you have occasion to conduct any analysis
15 of the seminal material you found in the panties?

16 A Yes, I did.

17 Q What did you do, exactly?

18 A I examined an extract of a suspected stain
19 in the panties for the presence of seminal material. I
20 ran chemical tests and microscopic examination for the
21 determination of seminal material.

22 Q What was the results of your analysis of
23 that seminal material found in those panties?

24 A Human seminal material was present in the panties.

1 Q Did you, Mr. Dixon, have an occasion to
2 receive those panties again subsequent?

3 A Yes, I did.

4 Q Did you receive those panties again subsequently?

5 A Yes, I did.

6 Q Did you have occasion to examine them again?

7 A Yes, I did.

8 Q For what purpose did you examine them that
9 time?

10 A It was requested, if possible, to ABO type
11 the seminal material.

12 Q Did you conduct such a type?

13 A Yes, I did.

14 Q What was the result of the test of the
15 seminal material as to ABO typing?

16 A The seminal material was from a Group B
17 secretor.

18 Q Now, Mr. Dixon, for the benefit of us lay
19 people, would you just briefly tell us what an ABO Test
20 is?

21 A Okay, well there is an antigen system referred
22 to as the ABO Blood System. Within that system there
23 are actually three antigens, we say four. There is a
24 Group A antigen, there is a Group B antigen, there is a

1 combination of A and B antigen, which constitutes an
2 A B individual, and there is a lack of antigen, which
3 is responsible for the O individual.

4 So, there are four, basically four in the
5 ABO system, A, B, O, and AB.

6 There are two ways of typing - - well, there
7 are many ways, there are two ways in this case of typing
8 the blood or the seminal material, depending its state.

9 In other words, if it were in a liquid state,
10 it could easily be added, we could actually add to it
11 known antiserum to the extracted cell and look for glutenation
12 if it were blood.

13 Seminal material is a little different stain,
14 type of stain than blood in that it contains a blood
15 group substance, although it doesn't appear red like we
16 see in blood. We refer to it as a blood group substance.

17 I think I'm going to have to back up here a
18 minute and explain why we find this blood group substance
19 in physiological blood fluids besides blood.

20 There are individuals that we refer to as
21 secretors. They constitute somewhere between eighty and
22 eighty-five percent of the population, and I suspect
23 even a little bit higher.

24 These people are individuals who can secrete

1 into their physiological body fluids their ABO blood
2 type.

3 By physiological body fluid, I'm referring
4 to seminal material, vaginal secretions, perspiration,
5 ear wax.

6 That fluid does not contain blood, it contains
7 blood group substance, which is similar to the blood
8 group substance found in the ABO system.

9 We took a liquid blood sample, added three
10 drops, in three separate wells, and added known anti A,
11 known anti B, and known anti, we refer to it as H, but
12 anti O into the well.

13 We then looked at the red blood cells in the
14 well to see if they had agglutinated. Clumping or
15 agglutination would indicate that there is an antigen
16 anti body reaction, indicating to us the type of the
17 individual.

18 In other words, if there was agglutination
19 in the A well, we would determine it to be an A individual.
20 If there was one in the B well, we would call it a B
21 individual, and if there was agglutination in the A and
22 the B well, we would call them an AB individual, and
23 agglutination in the H well, we would refer to them as an
24 O individual.

1 When we deal with stains it's a little bit
2 different. There are several techniques for that, and
3 I refer to inabsorbing hallution, and inabsorbing - -

4 Q Mr. Dixon, in the case of the seminal stain
5 that you analyzed, was this the procedure which you
6 followed?

7 A Yes, it was.

8 Q And the result of that was that it was a
9 Group B secretor, is that correct?

10 A That is correct.

11 Q Again for the Ladies and Gentlemen of the
12 Jury, and myself as well, what is seminal material?

13 A Okay, seminal material is seminal plasma and
14 male reproductive cells that are ejaculated from the
15 male reproductive organs, from the seminal testicles
16 and from the prostate gland of the male. It is the
17 male reproductive substance.

18 Q And it is secreted from where?

19 A The penis of the male.

20 MS. HARDIMAN: I'm going to ask that we not mark
21 it physically, all right, but this will be People's
22 Exhibit No. 11 for identification.

23 Q Mr. Dixon, would you look at that, and
24 indicate whether or not you recognize the object?

1 A Yes, I do.

2 Q What do you recognize it to be?

3 A This was a Caucasian hair that was removed
4 from these panties.

5 Q The panties that were submitted in this
6 cause, is that correct?

7 A That's correct.

8 Q And it's on a slide now, can you indicate how
9 that came to be?

10 A In order to make comparison, and also to keep
11 a permanent record, when we remove physical evidence
12 such as hairs and fibers from clothing, they're placed
13 on glass slides. We use a mounting media referred to
14 as Permunt, like a glue, and we put a cover slip after
15 we add that hair or fiber to the slide to the slide, we
16 place a cover slip over that hair or fiber, and over a
17 period of time that glue will harden, and it will create
18 for us a permanent record of that physical evidence
19 removed from that item, and that's what I have here.

20 Q Did you, Mr. Dixon, on July 11th, 1977,
21 receive a piece of evidence that was the standard of
22 the victim in this case, Ms. Crowell?

23 A Yes, I did.

24 Q Pubic hair standard?

1 A Yes, I did.

2 MS. HARDIMAN: Again, I would ask you to waive
3 marking that slide.

4 This would be People's Exhibit 12 for
5 identification.

6 MR. FOXGROVER: No objection.

7 BY MS. HARDIMAN:

8 Q Would you look at that, Mr. Dixon, and
9 indicate what it is?

10 A This is the pubic hair standard of the
11 victim, and again it's placed on a slide, making a
12 permanent record of the pubic hair standard.

13 Q Now, as to People's Exhibit 11 and People's
14 Exhibit 12, did you conduct any analysis?

15 A Yes, I did.

16 Q What kind of analysis did you conduct of those
17 two exhibits?

18 A I examined the hairs to determine whether they
19 were animal or human hairs. Once I determined they were
20 human hairs, I raised the hairs to determine if they were
21 Caucasian or Negroid hairs, determine them to be Caucasian
22 hairs, determined their origin on the body. They were
23 body hairs, one was a pubic hair removed from the panties,
24 the other was a pubic hair standard. I made a comparison

1 microscopically between the two hairs, based upon
2 microscopic color and characteristics.

3 Q Okay, now the standard was that of
4 Ms. Crowell, is that correct?

5 A That's correct.

6 Q Based on your examination microscopically,
7 what conclusion did you draw as to those two exhibits?

8 A The Caucasian pubic hair removed from the
9 panties was microscopically dissimilar in color and
10 characteristics to the hairs of the victim, to the
11 pubic hair standard of the victim.

12 Q Did you, Mr. Dixon, also have occasion to
13 receive a pubic hair standard of the Defendant in this
14 case, Mr. Gary Dotson, on March 1st, 1978?

15 A Yes, I did.

16 MS. HARDIMAN: Again, waiving marking of the
17 slide.

18 MR. FOXGROVER: No objection.

19 MS. HARDIMAN: It will be People's Exhibit 13 for
20 identification.

21 Q Presenting that to you, Mr. Dixon, do
22 you recognize it?

23 A Yes, I do.

24 Q What do you recognize it to be?

*Get
exhibits*

1 A This is the pubic hair standard of the suspect
2 in this case, Gary Dotson.

3 Q Did you have occasion, Mr. Dixon, to make
4 a similar kind of comparison, analysis with People's
5 Exhibit 13 and People's Exhibit 11 that was found in
6 the panties of Ms. Crowell?

7 A Yes, I did.

8 Q What kind of analysis did you do?

9 A I determined the hair in question to be of
10 human origin, to be of pubic area on the body, and I made
11 a comparison between that and the pubic hair standard of the
12 suspect in this case, and I found the hairs to be
13 microscopically similar in color and characteristics;
14 therefore, I concluded they could have been originated
15 from the same source.

16 Q Again, as to the evidence that you received
17 from time to time in this case, Mr. Dixon, did you have
18 occasion on March 20th, 1978, to receive a sample of
19 the saliva of Gary Dotson?

20 A Yes, I did.

21 Q Did you have occasion to conduct any scientific
22 analysis of that saliva?

23 A Yes. I was asked to determine the secretor
24 status of the saliva, and the ABO blood type of the saliva.

1 MS. HARDIMAN: People's Exhibit 14.

2 MR. FOXGROVER: No problem.

3 MS. HARDIMAN: For identification.

4 Q Do you recognize that, Mr. Dixon?

5 A Yes, I do.

6 Q And what do you recognize that to be?

7 A This is the container which contained the
8 saliva of Gary Dotson that I had received at the Bureau
9 of Scientific Services in Joliet.

10 Q Now, Mr. Dixon, you indicated upon receipt
11 of that saliva sample from the Defendant you conducted
12 certain tests to determine secretor type, ABO type. What
13 were the results of that test?

14 A This saliva was from a Group B secretor.

15 Q Did you, Mr. Dixon, in the initial receipt
16 of evidence in this case, did you receive a pubic hair
17 combing taken from Ms. Crowell at South Suburban Hospital,
18 on July 9th, 1977?

19 A Yes, I did.

20 MS. HARDIMAN: Asking again that we waive, and this
21 be People's Exhibit 14 for identification.

22 MR. GARZA: Fifteen.

23 MS. HARDIMAN: Fifteen.

24 MR. FOXGROVER: Fifteen.

1 MS. HARDIMAN: I'm sorry, Counsel, fifteen.

2 Q Showing you what has been marked
3 People's Exhibit 15 for identification, Mr. Dixon, will
4 you tell the Ladies and Gentlemen of the Jury what that
5 is, if you know?

6 A Pubic hair combing I had received from the
7 victim.

8 Q Did you have occasion to conduct any
9 comparative tests involving that particular exhibit?

10 A Yes, I did.

11 Q What tests did you conduct?

12 A It was requested that I make a microscopic
13 comparison between the pubic hair combing of the victim,
14 and the victim's pubic hair standard, and the suspect's
15 pubic hair standard.

16 Q And you conducted such tests, is that correct?

17 A That's correct.

18 Q What were the results of that comparison,
19 Mr. Dixon?

20 A I found several pubic hairs, Caucasian pubic
21 hairs, on the pubic hair combing of the victim, that were
22 microscopically similar in color and characteristics to
23 the pubic hair standard of the suspect, Gary Dotson.

24 I found also that these hairs were

1 microscopically dissimilar in color and characteristics
2 to the pubic hair standard of the victim.

3 Q Mr. Dixon, in your experience in the years
4 with the State Crime Lab, conducting examinations of
5 this nature, is it quite ordinary to find when there has
6 been intercourse, pubic hairs from one of the participants
7 intermingled in the pubic hairs of the other participant?

8 A Most definately.

9 MS. HARDIMAN: I have no further questions.

10 THE COURT: Mr. Foxgrover.

11 MR. FOXGROVER: Thank you, your Honor.

1 CROSS EXAMINATION

2 by

3 MR. FOXGROVER

4 Q You have had years of study in this field,
5 is that correct, Mr. Dixon?

6 A That is correct, yes.

7 Q In your testimony you indicated that you
8 tested the panties, which are before you there in
9 People's Exhibit No. 14 for seminal materials and body
10 hairs, is that correct?

11 A It was examined for physiological body fluids
12 to include seminal material, and trace evidence to
13 include hair.

14 Q And in the examination that was just conducted
15 by the State's Attorney concerning your examination of
16 that, they limited their discussion to seminal materials
17 and body hairs, is that correct?

18 A That's correct.

19 Q Okay, they at no time mentioned the fact there
20 was also a test of the blood samples found on those
21 panties, isn't that correct?

22 A That is correct.

23 Q And you did, in the course of your responsibilities
24 as an investigator, in fact, do blood sample testing of

1 that particular pair of panties?

2 A Yes, I did.

3 Q And as a result of that blood test you were
4 able to make some other determinations along this ABO
5 group system and tests?

6 A That's correct.

7 Q Would you explain to us how you went about
8 testing the blood samples, which the State's Attorney
9 didn't mention before, on those panties?

10 A Okay, I examined the panties for physiological
11 body fluids, in this case blood, seminal material, vaginal
12 secretions, whatever.

13 Q You clearly found what you thought to be a
14 blood sample there, what later turned out to be a blood
15 sample?

16 A I identified and confirmed the presence of
17 human blood, yes, in the crotch area of the panties.

18 Q Continue with your telling us how, in fact,
19 you went about determining one, that it was human blood,
20 and the test your performed on those, People's Exhibit
21 No. 14.

22 A Yes.

23 In the area that appeared to be a blood
24 stain, I cut out a piece of the material, I extracted it

1 in physiological saline, I took a thread of the material,
2 and I ran basically three tests.

3 One is a color test, we refer to as the
4 Phenolphthalein Test, which identifies the peroxidase like
5 activity of the blood. It also can identify other
6 peroxidase, so it's a preliminary indicative type of
7 test, it's not a confirmatory test.

8 Once I was sure that there was a good
9 possibility that this was blood, I ran a second test
10 referred to as a Takayama Crystal Test.

11 A Takayama Crystal Test identifies the
12 hemoglobin molecule which is present in the red blood
13 cell.

14 This was positive.

15 Once I determine that this was, in fact, blood,
16 I wanted to determine the species origin of the blood.
17 In other words, was it animal or human.

18 I ran this against known anti-human participating
19 anti-serum, in a test we refer to as Ouchterlony Double
20 Diffusion. The test is named after the individual who
21 discovered the test. It's nothing more than a jell,
22 an agar jell.

23 I punch two holes in the jell, I add an
24 extract of the unknown stain to one well, to the other

1 well I add known anti-human precipitating serum. I
2 then wait x number of hours, and look for a reaction,
3 a precipitate between the anti-body in the anti-serum,
4 and the antigens in the extract of the blood.

5 The precipitate was positive, telling me
6 that the stain was human blood. I then ABO typed the
7 human blood.

8 Q Absolutely no question that that human blood
9 stain was present on the panties?

10 A That's correct.

11 Q And based upon the scientific knowledge that
12 you have, and the facilities that are present in the
13 laboratory, you are, in fact, able to make a determination
14 of the type of blood that was present, isn't that
15 correct?

16 A That's correct.

17 Q Did you, in fact, make a determination of
18 the type of blood that was present?

19 A Yes, I did.

20 Q And you found present in there a type B
21 blood, did you not?

22 A I found the B antigen present, that's
23 correct.

24 Q But you found the possibility of the presence

1 of B blood?

2 A That's correct.

3 Q To put it in laymans' terms, you'll have to
4 excuse us.

5 Okay, you also found the presence of
6 A blood, isn't that correct?

7 A Something representing A antigen, that's
8 correct.

9 Q So, did you find any other types of blood
10 there?

11 A Something representing the absence of the
12 O antigen, or H substance.

13 Q So that if I recall part of your direct
14 testimony, under this ABO system we have four types of
15 blood, an A, a B, an AB, and an O, is that correct?

16 A That's correct.

17 Q And of those four types, you found three types
18 of blood, or the possibility of three types of blood on
19 those panties, is that correct?

20 MR. GARZA: Objection, it's not what he said, he
21 said he found antigens, not blood.

22 BY MR. FOXGROVER:

23 Q Found antigens, or the possibilities of
24 A, B, and O type blood, is that correct?

1 A Yes, I would say antigens or the possibilty
2 of those three types, that's correct.

3 Q Is there any doubt in your mind that antigens
4 of A, B, and O type were present?

5 A No, not at all.

6 Q Absolutely unquestioned?

7 A That's correct.

8 Q Okay, now again, laymans' questions, if I
9 might.

10 If a person is an A type blood, and he
11 bleeds, okay, he only gives off A antigens, is that
12 correct?

13 A That's correct.

14 Q And he would give off no other type antigen,
15 he wouldn't give off anything that resembled a B antigen,
16 would he?

17 A Well, the issue is going to become a little
18 confusing.

19 Q Let's keep it in laymans' terms, if we could,
20 please.

21 Would he give off what would be identified
22 as a B?

23 A No, he wouldn't.

24 Q Would he give off, what would be idenfitted in

1 laymans' terms as an O?

2 A He could, yes.

3 Q Possibly?

4 A Yes.

5 Q How?

6 A The precursor substance, or the substance
7 responsible for antigenic molecular structure, in other
8 words, the molecular structure of the A antigen. The
9 precursor substance for that is referred to as H substance.

10 Okay, the H substance is indicative
11 of an O individual. They have no antigens, it's all H
12 substance. An A individual at one time had H substance,
13 as the molecular structure evolved into the A antigen,
14 formed into terminal sugar, whatever, to represent the A
15 antigen,

16 In some individuals they maintain some
17 of this H substance, and they are referred to as A
18 individuals, but sub groups of A, and they refer to them
19 as A-1's, or A-2's, 3's, 4's, 5's, O's, X's, whatever,
20 because they've still got some of that H substance.

21 Q Okay, now again in laymans' terms, a person
22 who has B type blood would not leave any A antigen samples
23 anyplace?

24 A That's correct.

1 Q So that if you found A antigen sample, which
2 you did, in those panties, is that correct?

3 A That's correct.

4 Q That A could not have come from anybody who
5 was a B and B only type of bleeder, is that correct?

6 A That's correct.

7 Q So that if Ms. Crowell, the victim in this
8 case, was a B type blood, or a B secretor, she could not
9 leave in those panties an A type blood as you found, is
10 that right?

11 A It wouldn't come from her physiological body
12 fluids, no.

13 Q And if the suspect in the case was a B only
14 type of bleeder, or secretor, B secretor, I think you
15 said a secretor has the same blood type, is that correct?

16 A Yes.

17 Q If the suspect was a B only, he would not
18 leave, if he left blood on those panties in any manner
19 shape or form, the A that you found, is that correct?

20 A That's correct.

21 Q So, that if the suspect, Mr. Dotson, is a B
22 secretor only, and the victim is a B secretor, B type
23 only blood, then the blood found on those panties which
24 the State's Attorney didn't refer to, is the blood of

1 someone else?

2 A No, that's not correct.

3 Q You can't say that?

4 A I can't determine the type of the blood.

5 In other words, I can determine there is antigenic
6 activity representative of A, B, and O individuals in
7 that blood. I can't say which of these is responsible
8 for that blood stain.

9 There are other body fluids and other
10 factors that enter into antigenic activity or ABO
11 activity.

12 Q But along the same lines, speaking again in
13 laymans' terms, a B only would not leave that A stain?

14 A That's correct.

15 Q And if neither one, if either of them or both
16 of them are both B's, than the A stain came from someone
17 else?

18 A The A stain - - I can't say the A stain, I
19 can't say that blood is A, I can't say that blood is B,
20 all I can say is that material was blood, and a mixture
21 of - - it could be perspiration, could be other body
22 fluids in combination of B and H activity.

23 Q Okay, but again a B only would leave no A
24 in any manner, shape, or form?

1 A That's correct.

2 Q And if Crowell is a B only, she left none
3 of those A stains in there?

4 A That's correct.

5 Q And if Mr. Dotson is a B only, he left none
6 of those stains?

7 A Impossible.

8 Q So somebody else left those A stains, other
9 than two B secretors?

10 A That's right.

11 Q You also testified to the blood of Mr. Dotson,
12 did you not?

13 A Yes.

14 Q You also testified as to his saliva substance,
15 did you not?

16 A That's correct.

17 Q He is a B secretor, is that not correct?

18 A Yes, it is.

19 Q So that A stain of blood in there could not
20 come from Mr. Dotson?

21 A A blood group substance could not come from
22 him. The blood could be - -

23 Q Also, you testified to the blood of Ms. Crowell,
24 did you not?

001

1 A That's correct.

2 Q And you also testified as to a saliva sample
3 of Ms. Crowell?

4 A Correct.

5 Q And you made a very scientific determination
6 using all the methods you have detailed to us, that
7 Ms. Crowell is a B secretor, therefore a B blood type?

8 A That's correct.

9 Q Therefore, the A stain left in those panties
10 eliminated - - Excuse me, the A stain left in those
11 panties could not have come from Ms. Crowell?

12 A That's correct.

13 Q And there is also some question as to whether
14 the stain that you identified could have come from
15 Mr. Dotson, isn't that correct?

16 A Yes.

17 Q Based upon the fact both Ms. Crowell and
18 Mr. Dotson, the alleged suspect in this case, are B
19 secretors?

20 A That's correct.

21 I think you have to keep in mind there
22 are B secretors, there are B individuals because H is
23 the precursor substance, can have some H in B activity.

24 Q No A?

1 A No A, absolutely not.

2 Q So that stain and that blood, that A sample
3 could have come from someone else?

4 A That's correct.

5 Q And those panties have been in the control,
6 as we have stipulated, your office and the Sheriff's Police
7 ever since they were taken from Ms. Crowell, to the best
8 of your knowledge?

9 A That's correct.

10 Q Did you also conduct any other blood tests
11 in the course of your investigation as an examiner in
12 this particular case?

13 A Yes, I did.

14 Q If I'm not mistaken, you did an analysis of a
15 blood stain in the inside left sleeve of what was marked
16 as People's Exhibit No. 1, is that correct?

17 A That's correct, yes.

18 Q And do you recall, in that test, you followed
19 all the scientific procedures that you did in the
20 testing of blood samples of the panties?

21 A Yes.

22 Q And in the test of the blood samples on the
23 arm, did you, in fact, make a determination of the
24 presence of, again in laymans' terms if I might, of antigen?

1 A Yes, I did.

2 Q And you found in that blood sample an A
3 antigen and B antigen, is that correct?

4 A That's correct.

5 Q And the blood you found on the victim's shirt -
6 or blouse, excuse me, were both A and B antigens, would
7 indicate it had to come from, in fact, it was on there
8 from someone who had A antigen within their blood system?

9 MR. GARZA: Objection, that is assuming a fact
10 not in evidence, that these A and O materials have to
11 come from blood.

12 MR. FOXGROVER: I'll take it back, withdraw the
13 question.

14 MR. GARZA: Or blood from someone else.

15 MR. FOXGROVER: Withdraw the question, okay, if
16 we might.

17 BY MR. FOXGROVER:

18 Q The testing that you did, okay, it was
19 on the small microscopic dot blood found?

20 A Inside the left sleeve.

21 Q No question this was, in fact, where you took
22 that sample from.

23 Would you, as you did with the panties,
24 would you show how, in fact, you went about determining

1 the blood, or finding that blood sample, or what you
2 thought was blood on that particular garment. It was
3 less obvious than the blood on the panties, correct?

4 A Yes.

5 I think you have to keep in mind with
6 the panties, I didn't examine those for any other body
7 fluids besides the blood and seminal material. It could
8 have been a mixture of other materials also, I didn't
9 check for that.

10 The stain, the suspected blood stain
11 was on the left sleeve on the inside. There was some of
12 it left here, I cut out the majority of it for my
13 testing.

14 Okay, that was removed, again it was
15 tested with the three basic tests, was identified as
16 blood - -

17 Q Same type of tests you used in testing the
18 blood on the panties?

19 A Correct.

20 Q And you followed the same procedure, which is
21 a standard scientific procedure, of an accepted professional
22 standard?

23 A Yes, they are.

24 Q And you did, in fact, determine that it was

1 human blood, didn't you?

2 A Yes, I did.

3 Q And you determined in the test that human
4 blood had certain antigens present in that sample?

5 A Yes, I did.

6 Q And you discovered in that test, using these
7 scientific methods, there was present A antigen and B
8 antigen, is that correct?

9 A That's correct.

10 Q And again, if an A antigen was present in
11 the blood sample there, or the test there, it is impossible
12 that it came from Ms. Crowell, is that correct?

13 A That is correct?

14 A That's correct.

15 Q Because she is a B secretor and only leave
16 let's say a B antigen?

17 A That's right, yes.

18 Q Only left a B type blood sample there?

19 A Yes.

20 Q If, in fact, she left it there?

21 A Which she could have because there was B
22 antigen there, yes.

23 Q Okay, but there is also the presence of the A?

24 A That's correct.

1 Q Which means she couldn't have left the
2 A, which was part of that blood sample?

3 A That's correct.

4 Q So that blood stain could not be exclusively
5 hers?

6 A That's correct.

7 Q It could be a combination of two peoples'
8 blood, is that possible?

9 A It could be a combination of two peoples'
10 blood and other physiological body fluids like perspiration

11 Q So it could be the blood from somebody else,
12 is that true?

13 A That's possible.

14 Q It could be the blood of Ms. Crowell's and
15 somebody else?

16 A That's correct.

17 Q But it could not be only the blood of
18 Ms. Crowell?

19 A That's correct.

20 Q Okay, that's because Ms. Crowell is a B only
21 type, a B secretor, right?

22 A Yes.

23 Q So then following along the same lines, it is
24 also possible, in your professional opinion, for that to

1 be the blood of Gary Dotson, because he is a B only
2 secretor, is that correct?

3 A It could be his blood.

4 Q Could be?

5 A Yes.

6 Q But, if Gary Dotson bled on that shirt, he
7 wouldn't leave any of the A that you found, is that right?

8 A No, he wouldn't, someone else could have.

9 Q Ms. Crowell didn't?

10 A No.

11 Q So that under no circumstances could that
12 blood be the combination of Gary Dotson, the suspect
13 in this case, and Ms. Crowell, the victim in this case?

14 MR. GARZA: Objection.

15 THE WITNESS: A It could be.

16 MR. GARZA: Once again, it assumes a fact not in
17 evidence, that only blood leaves those type of substances.

18 The Witness has testified that perspiration - -

19 THE COURT: The objection is well taken.

20 BY MR. FOXGROVER:

21 Q The A antigen found in the tests that
22 you conducted could not come solely from Mr. Dotson, is
23 that correct?

24 A No, it had to come from an A secretor, a

1 person who secreted A through their blood, or A into
2 another body fluid like perspiration.

3 Q So that again if Ms. Crowell is B only, if
4 Mr. Dotson is B only, that someone else contributed
5 to the stain, someone else contributed the A antigen
6 to that stain other than them two?

7 A This could be B blood from either the
8 Defendant or the victim, deposited upon saliva or
9 perspiration from an A secretor.

10 Q The A on there couldn't come from either one
11 of them?

12 A That's correct.

13 Q And you had I had a slight discussion before
14 the trial commenced today, isn't that correct?

15 A Yes, it is.

16 Q And we discussed in there a book that I, as
17 a layman, was tackling called Scientific Evidence in
18 Criminal Cases, isn't that correct?

19 A Yes.

20 Q And that book was written by a Professor Inbau of
21 Northwestern University, a Dr. Moenssens, who is
22 now teaching, is that correct?

23 A I believe so.

24 Q You have had some contact with both individuals,

1 if I recall you said to me, at one time or another?

2 A I have with the book, yes.

3 Q And Dr. Moenssens, who wrote that book, is
4 a recognized expert in the field, has been called as an
5 expert witness in many cases, is that correct?

6 A By some people.

7 Q Was not Dr. Moenssens the expert witness called
8 on in the Speck trial, if you recall?

9 A I believe he was.

10 MR. GARZA: For whom?

11 MR. FOXGROVER: For the State, if I recall.

12 THE WITNESS: I believe so, yes.

13 BY MR. FOXGROVER:

14 Q Okay, in our discussion I had asked you
15 a question, that is it true that no statement could be
16 made that two blood samples are identical - -

17 MR. GARZA: Objection, he has to first ask him if
18 he adopted the theory used by that expert.

19 THE COURT: Objection well taken.

20 MR. GARZA: I mean this is all theoretical.

21 THE COURT: Your objection is sustained.

22 BY MR. FOXGROVER:

23 Q In your opinion, are you of the opinion
24 that no two blood samples are identical?

1 A There are rare instances where two samples
2 can be determined to be identical.

3 Q So that you would also be of the opinion
4 that of any two blood samples taken, about the best
5 thing, the only valid statement you can make they're
6 of the same blood group?

7 A That's true.

8 Q You can't positively state that that blood
9 came from any particular individual?

10 A No, we can talk in terms of percentages of
11 the population having that particular blood type, or a
12 combination of blood types.

13 Q Okay, and talking about the percentages of
14 the population, that A antigen that we talked about that
15 was found in the examination of both the panties and
16 the blouse that you examined, is it true that the estimate
17 would be about forty percent of the American population
18 has that A antigen?

19 A Approximately forty percent, yes.

20 Q And approximately fourteen percent of that
21 population has a B antigen?

22 A No, that's not true.

23 Q How high?

24 A Approximately ten percent of the Caucasian

1 population has group B antigen, and it's a little higher
2 in the Negroid population.

3 Q In combination of A and B percentages, we're
4 talking about fifty percent of the population, with the
5 possibility of A antigen or B antigen?

6 A No, the percentage of the population having
7 an A and B antigen in an A individual is four percent
8 of the population.

9 Q I'm talking about A separately, the A total,
10 forty percent, is that right?

11 A Yes.

12 Q The B's by your expert - -

13 A About ten percent.

14 Q Adding those together, there is a fifty
15 percent possibility that someone is an A, has an A
16 antigen, or B antigen?

17 A Well, - -

18 Q I'm not talking A B type blood, adding those
19 two together, forty and ten, is fifty percent?

20 A If you want to add them together, yes.

21 Q So, if you found an A antigen in an A B sample,
22 it is possible that fifty percent of the male population
23 could have been responsible for that stain?

24 A No, because I have no idea of the combination

1 of antigens in that stain. I don't know if it's antigen
2 from the blood or other physiological body fluids. I
3 don't know if, in fact, it's A and B together, or a
4 combination of A and B.

5 Q It's a little confusing, you can't tell who,
6 in fact, that A antigen is in there?

7 A That's correct.

8 Q Could be an awful lot of people, couldn't it?

9 MR. GARZA: Objection, that even assumes it comes
10 from people.

11 BY MR. FOXGROVER:

12 Q Well, where does this A antigen come
13 from?

14 A Antigen activity, including A antigen and B
15 antigen, could be found in non-human - -

16 Q You're of the opinion it's human blood?

17 A The blood is human.

18 MR. GARZA: Objection, not the antigens.

19 BY MR. FOXGROVER:

20 Q You also testified that you did the
21 hair comparisons, is that correct?

22 A That's correct.

23 Q This is even more confusing than the blood
24 sample - -

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MR. GARZA: Objection.

THE COURT: Argumentative, sustained.

MR. GARZA: It was pretty simple when he explained it.

MR. FOXGROVER: Ask that be stricken.

THE COURT: Disregard the comment.

BY MR. FOXGROVER:

Q Now, in your expertise, is it possible to positively identify a hair standard as coming from a known individual?

A In rare instances only.

Q Okay, how rare?

A In an individual who had a rare element in their hair, that element could be determine by the ion micro probe.

Q Okay, in your detailed analysis of the hairs that were submitted to you here, did you find any rare elements?

A I didn't submit the hairs to - -

Q You didn't find anything, your answer would be no?

A I didn't look for them. I didn't know if they were there or not.

Q So then you couldn't positively identify that

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1 hair as coming from the suspect, the victim, or any one
2 individual in any testimony you would give before this
3 Court in your role as a scientist?

4 A I couldn't possibly say it came from a
5 particular individual, only it could have, based upon
6 microscopic color and characteristics.

7 Q So, it's impossible to definitely state that
8 a hair belonged to one given individual?

9 MR. GARZA: So stipulated, he can't positively
10 say that. He already testified that he could have - -

11 THE COURT: I think the answers speak for
12 themselves.

13 MR. GARZA: Thank you, Judge.

14 BY MR. FOXGROVER:

15 Q What characteristics do you look for
16 in the hair?

17 A In hair?

18 Q Right?

19 A Okay, I indicated already earlier we compare
20 hair based upon microscopic characteristics. Those
21 characteristics are divided into two groups, those of
22 color, and as far as color is concerned, hair can range
23 anywhere from to lack of to absence of pigment, all the
24 way to total - -

1 Q Time is a consideration in this determination
2 of color characteristics, is that true?

3 A Hair color can change with age, yes, if that's
4 what you are referring to.

5 Q Can also change in other circumstances, can
6 change by diet - -

7 A Only element constituents would change by
8 diet.

9 Q And time factors, as to when, in fact, the
10 sample was taken, whether it was exposed to sun, whether,
11 in fact, the hair was dyed - -

12 A The sun has a tendency to bleach color out of
13 hair, yes.

14 Q But there is no way in determining, on the
15 hairs that you examined here whether, in fact, they had
16 been exposed to the sun, you didn't have any of the input
17 that would help you make a more precise determination,
18 did you, as to the age of the individuals, time factors
19 involved, and when the hair samples were taken, as to
20 what those hairs had been exposed to, whether diet or
21 some other - -

22 A Diet wouldn't affect the hair, and I doubt
23 that the sun would affect the pubic hairs.

24 Q But you didn't have any input, did you?

1 A No, I didn't.

2 Q Diet would be a factor?

3 A Only element constituents, not - -

4 Q But you couldn't make a positive identification,
5 say that hair came from - -

6 MR. GARZA: Objection, that is the third time he
7 asked that question, and we stipulated to it, Judge.

8 THE COURT: It has been asked and answered.

9 MR. FOXGROVER: Thank you very much.

10 THE COURT: Redirect?
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REDIRECT EXAMINATION

by

MS. HARDIMAN

Q Going back to the antigens, are antigens present in any substance other than blood?

A Antigen-like material, yes.

Q What other kind of substances gives off antigen-like activity?

A Unfortunately for us there are lots of materials; dust, wood, leather, certain kinds of clothes, different cloth materials, detergents in materials - -

Q Are there any body substances that give off these antigens other than blood?

A I'm not sure I understand that question.

Q I think you mentioned, in Cross Examination, they can be deposited by perspiration in terms - -

A There are other body fluids that contain blood group substance, as I referred earlier, coming from secretors, secretors can secrete ABO blood group substance through other body fluids like ear wax, urine, and so on.

Q So when you say there was this activity, this A on the samples that you took, that could be coming from someone having handled them other than Ms. Crowell, it could be coming from any number of sources that you

1 cannot distinguish, is that correct?

2 A That's correct.

3 MS. HARDIMAN: Thank you, Mr. Dixon.

4 THE COURT: Recross?

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1 RECROSS EXAMINATION

2 by

3 MR. FOXGROVER

4 Q To your knowledge, were any of those antigens,
5 did they come from any other sources that Ms. Hardiman
6 suggested as possibilities?

7 A It would have been perspiration, sure.

8 Q So that if it came from, or the possibility
9 existed it came from some outside source, and that
10 possibility exists, would you be of the opinion that it
11 makes your opinion here subject to some other factor?

12 A Well, I think - -

13 Q If that possibility exists?

14 A I think you have to keep in mind that - -

15 Q Answer my question, could it affect your
16 opinion if you knew it came from some other source, if
17 the possibility exists?

18 MR. GARZA: What opinion?

19 MS. HARDIMAN: What opinion?

20 THE WITNESS: I guess I'm not sure I understand
21 that question.

22 THE COURT: Clarify the question, Mr. Foxgrover.

23 BY MR. FOXGROVER:

24 Q On the examination here, you indicated

1 that antigens could come from other possible sources?

2 A Correct.

3 Q And if they came from other possible sources,
4 that you didn't know about, then we don't have all the
5 factors that are necessary to make a determination here?

6 MR. GARZA: Judge, I'm going to object as to the
7 form of the question.

8 THE COURT: The question is argumentative.

9 MR. GARZA: And he's talking about other sources
10 that the Witness has testified could come from material
11 itself, like the panties or - -

12 BY MR. FOXGROVER:

13 Q Did you examine the panties?

14 A Yes, I did.

15 Q Were any of those antigens found present in
16 the panties examined?

17 A No, we run controls, when we receive numerous
18 antigenic activity, singular, antigenic, we run them
19 through what we call controls to see if the panties do
20 give antigenic activity.

21 Q Did they in this instance?

22 A Not in this instance they didn't.

23 Q So again the A antigen, are you of the opinion
24 that the A antigen didn't come from any outside source?

1 A I have no idea whether the A antigen or B
2 antigen came from any outside source. I couldn't tell
3 you if the blood, or the panties, contained A antigen
4 or B, all I'm saying, human blood, B type blood - - I'm
5 just saying that blood I typed could contain something
6 else, also I'm finding A substance and B substance in that
7 blood.

8 Q So that if the B came from an outside source
9 in any manner, at some time your control was - -

10 A The only thing I knew, the A didn't, or the
11 B didn't come from the panties itself, that material
12 came from the blood, and that blood could have contained
13 something like perspiration, someone handling - -

14 Q Someone who might be of a particular type - -

15 A Certainly.

16 Q In other words, Ms. Crowell B only perspiration,
17 she couldn't give out A antigen?

18 A That's correct.

19 Q Someone else handling it in some way, there is
20 A antigen present, and we again have less than a scientific
21 control situation for the purposes of your tests - -

22 MR. GARZA: Objection, we have A antigens.

23 THE COURT: The objection will be sustained. The
24 question is argumentative.

1 MR. FOXGROVER: No further questions.

2 Thank you.

3 THE COURT: You may stand down, Mr. Dixon.

4 MR. DIXON: Okay.

5 (Witness excused.)

6 THE COURT: We'll recess the trial until two
7 o'clock.

8 Have a nice lunch. The Sheriff, I believe,
9 has already taken your requests for lunch. Have a
10 pleasant lunch.

11 While the trial is still underway, please do
12 not discuss this case among yourselves.

13
14 (WHEREUPON, the following proceedings
15 were had in chambers, outside the presence and hearing of
16 the Jury:)

17
18 MR. GARZA: Judge, at this time, the People are
19 going to move in evidence, and ask that it be published
20 this afternoon, the following exhibits: People's 1, a
21 blouse.

22 THE COURT: Is there going to be any objection?

23 MR. FOXGROVER: No.

24 MR. GARZA: People's 2, the slacks.

Rebuttal at Dotson trial

1 omissions made. They would rest and rely on what they
2 would want you to hear. It went in. It was long. It
3 was incomplete. It doesn't fit the standard that you're
4 charged with; reasonable doubt.

5 Please consider it all carefully as I know you
6 will. What they eliminated, what they omitted, what they
7 excluded excludes this man, what the poor young lady
8 forgot to mention, the mistake she made.

9 If you find this young man guilty, it is just
10 another mistake.

11 Thank you.

12 CLOSING ARGUMENTS

13 BY

14 MR. GARZA:

15 MR. GARZA: May it please the Court, His Honor
16 Judge Samuels, Mrs. Hardiman, Defense Counsel and
17 ladies and gentlemen of the jury.
18

19 We spent a long process in selecting jurors
20 in this case. It began on Monday and lasted the entire
21 afternoon and you might not have understood the process,
22 but trust myself and my partner, it had a purpose and
23 its purposes was that we hoped to gain from among fifty
24 or sixty people, people we thought were not naive, would not

abandon their common sense.

People who would be intelligent, would not follow misleading interpretations of the evidence, and who confronted with the hard facts would come to a just decision.

You fourteen, only twelve of which are going to deliberate on this case, were those people we felt confident who after listening to the evidence would not abandon your God given common sense when you walked into the Courtroom and would analyze and sift this evidence and not be misled by it.

Mr. Foxgrover is right. We have the burden of proving this case. We have accepted the challenge as representatives of the People of the State of Illinois, but it is not one hundred percent absolute proof we have to give you. It is only proof beyond a reasonable doubt.

You people have never acted on anything in your life with absolute certainty and the law says not to do it - -

MR. FOXGROVER: Objection. He is instructing the jury.

MR. GARZA: But it is not one hundred percent certainty. Nobody could ever meet that standard.

1 All we are to prove is the defendant is
2 guilty beyond a reasonable doubt.

3 Well, ladies and gentlemen, I am confident
4 you aren't naive enough to be misled by this evidence,
5 which I think - -

6 MR. FOXGROVER: Objection. He cannot personalize.
7 He knows that, Your Honor.

8 MR. GARZA: May I proceed, Your Honor?

9 THE COURT: Counsel will not personally inject
10 himself.

11 MR. GARZA: Thank you.

12 But we just want - - I want to bring out to
13 you, ladies and gentlemen, what the Defense has done
14 in this case. It is not unique in this case. It is
15 the same thing that happens in every criminal case.

16 Do you think my partner and I are stupid or
17 inexperienced or foolish enough - -

18 MR. FOXGROVER: Objection. The conduct of the
19 State's Attorney is not an issue here.

20 MR. GARZA: He made it an issue.

21 THE COURT: It was made an issue.

22 MR. GARZA: Do you think we are stupid enough to
23 put a criminalist like Tim Dixon on the stand omitting
24 evidence we thought would help the defendant?

1 Of course we wouldn't.

2 Besides he has had that evidence because he
3 is allowed that evidence at the beginning of the trial
4 and before the trial. A year before that.

5 But, it wasn't misleading evidence. It
6 wasn't omission.

7 That blood stain means absolutely nothing.

8 MR. FOXGROVER: Objection. He invades the
9 province of the jury when he says that, Your Honor.

10 THE COURT: This is commentary on the evidence.

11 MR. GARZA: Thank you, Judge, and I just want to
12 relate to you in one instance how it means nothing.

13 You remember the panties, ladies and gentle-
14 men. Tim Dixon took those panties and showed you in
15 the crotch area of Cathleen Crowell's panties was blood.

16 Now, the Defense would have you believe that
17 that blood must be someone else's blood besides Mr.
18 Dotson and Miss Crowell.

19 Use your God given common sense. Isn't that
20 the most absurd thing you have ever heard?

21 The Doctor testified her hymen was - -
22 abrasions on it, lacerated. It is a sixteen year old
23 virgin. A sixteen year old virgin.

24 MR. FOXGROVER: Objection. He is trying to inflame

1 the jury at this point.

2 THE COURT: The term is a commentary on the
3 evidence.

4 MR. GARZA: It is a sixteen year old virgin. It
5 is quite natural for her to bleed after being penetrated
6 the way this man did it.

7 Do you think in the crotch area it is going to
8 be anybody else's blood but Cathleen Crowell's blood?
9 It is not going to be, but he would have you believe
10 that these little things called antigens and antigenic
11 activity lead you to believe you must exclude Mr. Dotson
12 as the perpetrator of the crime. That's as misleading as
13 it can be.

14 It is not the blood - -

15 MR. FOXGROVER: Objection.

16 THE COURT: Objection to what?

17 MR. FOXGROVER: It is my objection, Your Honor.

18 THE COURT: What is your objection?

19 MR. FOXGROVER: Withdraw the objection.

20 MR. GARZA: Can I proceed, Judge?

21 THE COURT: Proceed.

22 MR. GARZA: That's as misleading as it can be,
23 because all that criminalist was talking about was
24 antigenic activity that can come from the fabric itself.

1 It can come from the dye in the fabric;
2 That can come from perspiration on the
3 fabric;

4 That can come from beer on the fabric;

5 That can come from dirt on the fabric;

6 That can come from anything on the fabric
7 or anyone who handles the fabric. It is not blood.
8 It is antigenic activity and there are only traces of
9 it.

10 The thing that remains solid without the
11 analysis on that panties is that it is group "B"
12 blood with traces of antigenic activity. That's all
13 that criminalist said.

14 But, somehow - -

15 MR. FOXGROVER: Objection. He can't say one part
16 is antigenic and one part is solid. It must be consis-
17 tent.

18 THE COURT: The jury heard the testimony of the
19 criminalist, both on direct and cross and - -

20 MR. GARZA: But somehow, Mr. Defense Counsel would
21 want to elevate - - elevate the antigenic activity to
22 exclude Mr. Dotson as the perpetrator of the crime.
23 That's just ridiculous.

24 I am confident you will use your God given

1 common sense and you will see through the whole haze.
2 We wouldn't have put Mr. Dotson on trial if in any
3 way we knew he hadn't committed the crime.

4 MR. FOXGROVER: Objection and ask the jury to
5 disregard that.

6 THE COURT: The jury is instructed to disregard
7 that.

8 MR. GARZA: That evidence is corroborative on
9 everything that Cathy Crowell said and the reason the
10 blood really doesn't become an issue - - use your sense
11 again, is because of blood type "B".

12 Mr. Foxgrover knew that. What difference did
13 it make whether the blood was introduced or not, but he
14 hoped with this criminalist testifying about antigenic
15 activity - - he knows about blood cases; he is not naive.
16 He knows in every blood case you get traces of this, but
17 all type "B" analysis means nothing except when it can be
18 used to mislead you and that is exactly how it was used
19 here.

20 MR. FOXGROVER: Objection, Your Honor.

21 THE COURT: He is responding to argument of Counsel.

22 MR. GARZA: The thrust of the blood argument is
23 begging and hoping that you twelve people are not smart
24 enough to ferret through the haze. That's all it is.

1 I am confident that you are smart enough
2 and not misled by it, but in analyzing the scientific
3 evidence, I don't want you to just look at the
4 scientific evidence in and of itself. For all I care
5 right now throw it out the window. / We didn't have to
6 present that evidence. We did because we wanted to make
7 sure you felt confident that Mr. Dotson was the defendant
8 in this case.

9 We wanted to corroborate or substantiate what
10 Miss Crowell said. Remember Miss Crowell said for two
11 hours she was face to face with this man, who is
12 feeling her; pawing her, who is kissing her, who is
13 raping her, who is carving in her stomach, who is
14 laughing, who is joking, who is snorting drugs, who is
15 drinking.

16 Is that young lady ever going to forget that
17 man's face looking at him eyeball to eyeball for two
18 hours?

19 Forget the scientific evidence. It doesn't
20 matter.

21 Five ten. When he stands up he is five ten.
22 Stringy hair. That's what he had even though he
23 changed it for this Courtroom proceedings, skinny,
24 burned out - -

1 MR. FOXGROVER: Objection. There is no testi-
2 mony ~~co~~ burned out in any place, Your Honor.

3 THE COURT: Commentary.

4 MR. GARZA: She didn't have a camera. If she
5 would have had a camera, of course, there would be no
6 trial, but in that memory of hers, and as she related
7 to you and to the Police, it might as well be a camera
8 and it is something that woman is living with for the
9 rest of her life. Etched in her memory forever will be
10 that man's face.

11 But, we did present scientific evidence. It
12 corroborated her positive identification and all it
13 shows, just coincidental, is that the pubic hair found
14 among her pubic hair happens to match the defendant's.

15 MR. FOXGROVER: Objection. That's not the testi-
16 mony, Your Honor.

17 THE COURT: The testimony was similar.

18 MR. GARZA: Similar. Is that coincidence or is it
19 fact and corroboration?

20 Is it coincidence that when he ejaculated on
21 the panties he gets his semen there?

22 MR. FOXGROVER: Objection, Your Honor. That is
23 not the testimony, Your Honor.

24 THE COURT: It is reasonable commentary.

1 MR. GARZA: Is it coincidental when he ejaculated
2 on her panties that semen was found to be group "B"
3 type semen and he is a group "B" secretor?

4 Is it coincidence or fact and corroboration?

5 Are those facts and corroboration?

6 It is corroborated by her positive identi-
7 fication.

8 The Defense gave you a defense called an
9 alibi and the way to look at that defense is as follows:

10 If you don't believe it, doesn't it just
11 strengthen everything we have presented to you?

12 You saw a parade of people coming to bail
13 this man out of this - -

14 MR. FOXGROVER: Objection, Your Honor.

15 THE COURT: Commentary on the evidence.

16 MR. GARZA: Friends of the same milieu as he
17 is; living in a garage which, of course, he doesn't
18 live in according to his mother, but according to his
19 friends does live in.

20 Lies.

21 I think they must have at one time gone to
22 81st, sometime, and gone out partying in Country Club
23 Hills, because they can't just come in here, all alibi
24 witnesses, and create a story so consistent. Yes, they

have at some time, but on July 9th they weren't
g that. There was just three of them.

(2
You heard from the alibi witnesses when they
took the stand. What was your gut reaction whether
you believed them or not?

They are liars. Was their testimony rea-
sonable in light of all the other testimony in the
case; reasonable in your own experience in life? That's
the standard you can use. Did it seem reasonable what
they were testifying to?

Remember Carol Lawrence? Carol Lawrence didn't
know where she was, who she was with, who was in the car
she was in, where they went, but one thing remains con-
sistent about all these people is that Gary Dotson is
asleep.

And isn't that unique, because then Gary
Dotson never has to explain why he was over at
Washington Park Plaza.

MR. FOXGROVER: Objection. He never had - - he
has no legal obligation to explain that, Your Honor.

MR. GARZA: He took the stand.

THE COURT: I think taken in the context Counsel
is referring to the alibi defense. Do not refer - -

MR. GARZA: Yes, Judge.

1 All the alibi witnesses paraded in here,
2 Lawrence, Martens, Julian, the defendant, but who is
3 conspicuous by their absence? Who are the two men
4 that he saw night that never get paraded to that wit-
5 ness stand?

6 MR. FOXGROVER: Objection, Your Honor.

7 THE COURT: Overruled.

8 MR. GARZA: Who are the two accomplices in this
9 case? They don't have the nerve to walk in and let
10 Cathleen Crowell see them.

11 MR. FOXGROVER: Objection, Your Honor. No one
12 else is on trial here.

13 MR. GARZA: Who would desecrate the sanctity - -

14 MR. FOXGROVER: I ask for a ruling on my objection.

15 MR. GARZA: The sanctity of the witness stand.

16 MR. FOXGROVER: I have an objection pending. No
17 one else is on trial here, Your Honor.

18 THE COURT: The jury understands. Objection over-
19 ruled.

20 MR. GARZA: Who would not have the nerve? Who
21 would desecrate the sanctity of this Hall of Justice?
22 They wouldn't. They are spineless creatures.

23 Mr. William Julian, who never testified --

24 MR. FOXGROVER: Objection. You cannot refer to

1 another individual in this situation.

2 THE COURT: Overruled.

3 MR. GARZA: - - and Mr. Michael Marcum, and
4 what's most astounding about the name Michael Marcum,
5 is that during this trial - -

6 MR. FOXGROVER: Objection to any reference to
7 Mr. Marcum. They could have called Mr. Marcum if they
8 wanted to. He knows that.

9 THE COURT: Mr. Foxgrover - -

10 MR. FOXGROVER: Please, Your Honor, it is im-
11 proper.

12 THE COURT: It is within the scope of the
13 summation and closing argument.

14 MR. GARZA: What's most remarkable about this
15 Mr. Marcum is that, one; you never saw him parade in
16 here because he would be identified.

17 Two, I don't think there is any question in
18 your mind that he was the passenger, but I want you to
19 think - -

20 MR. FOXGROVER: Objection. The passenger is not
21 an issue here. He is limited to rebuttal argument.

22 THE COURT: He is within the scope of closing
23 arguments.

24 MR. GARZA: Thank you.

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1 Ladies and gentlemen, think and apply your
2 common sense to this one issue.

3 Michael Marcum, the man identified as the
4 number five man in the line-up picture - -

5 MR. FOXGROVER: Objection to his marking that
6 picture at this point, Your Honor. That is improper.
7 It is an Exhibit.

8 THE COURT: You're not marking it now?

9 MR. GARZA: Certainly, Judge.

10 MR. FOXGROVER: He knows better than that.

11 MR. GARZA: Number five.

12 MR. FOXGROVER: He can't do that.

13 THE COURT: Mr. Garza, did you mark it?

14 MR. GARZA: Yes, sir.

15 THE COURT: With what?

16 MR. GARZA: A pen.

17 Number five has been identified, Your Honor.

18 THE COURT: Remove the marking.

19 MR. FOXGROVER: We ask for it right now, Your
20 Honor. It is improper. Perfectly improper. He can't
21 mark that. That is an item marked into evidence, Your
22 Honor.

23 MR. GARZA: It is identified.

24 THE COURT: It has been identified.

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MR. FOXGROVER: He can't add markings to it.

2 He violated every principle of the law.

3 THE COURT: Gentlemen, if you're going to make
4 a speech, make it outside of the presence of the
5 jury.

6 MR. FOXGROVER: I am making an objection, Your
7 Honor.

8 THE COURT: Make the objection outside the pre-
9 sence of the jury.

10 (The following proceedings were had outside the pre-
11 sence and hearing of the jury.)

12 MR. FOXGROVER: Your Honor, the State's Attorney
13 has just taken an item of evidence admitted into
14 evidence and deliberately marked it. He can't touch
15 evidence.

16 MR. GARZA: Number five had been highlighted ten
17 times in this case.

18 MR. FOXGROVER: It doesn't make any difference.
19 He can't rip it, tear it - -

20 THE COURT: Please don't shout.

21 MR. FOXGROVER: He can't try somebody else in
22 Court.

23 THE COURT: I recognize what the case is but it has
24 nothing to do with identifying number five.

1 MR. FOXGROVER: It doesn't make any difference.
2 He can't mark it, can't touch it - - it is no
3 different then he can destroy it.

4 THE COURT: Mr. Garza, the markings that were
5 placed on by the witness - -

6 MR. GARZA: Is an "X".

7 THE COURT: Should suffice.

8 MR. GARZA: I will refrain from any further
9 marking.

10 MR. FOXGROVER: He is not going to make any further
11 markings? It is improper. He knows it.

12 THE COURT: Will you please stop shouting, Mr.
13 Foxgrover.

14 MR. GARZA: The jury instructions will cure that.

15 MR. FOXGROVER: No. An instruction doesn't cure
16 that. They are going to go to the jury with that mark
17 on it.

18 If I did something like that they would be
19 placing criminal charges, Judge. The evidence code in
20 this State prohibits such conduct.

21 Counsel is an experienced trial Attorney.

22 THE COURT: Can that circle be removed?

23 MR. GARZA: No. It's in an ink pen.

24 MR. FOXGROVER: Judge, I ask that it be excluded

1 from the evidence at this point.

2 MR. GARZA: He might have some argument had not
3 that picture been identified by two people and re-
4 ferred to by himself in closing argument.

5 MR. FOXGROVER: I am done, Your Honor. He did it
6 afterwards.

7 THE COURT: Mr. Foxgrover, I do understand your
8 objection.

9 Now, how can this mistake of the State's
10 Attorney be remedied?

11 MR. FOXGROVER: Exclude the evidence.

12 MR. GARZA: A cautionary instruction to disregard
13 the circle should be made, Judge.

14 MR. FOXGROVER: No.

15 THE COURT: Inasmuch, gentlemen, as the markings
16 have been made by the witness and has been admitted in
17 Open Court, but Mr. Garza did circle it, I see no sub-
18 stantial prejudice when the jury, number one, knows that
19 Mr. Garza circled it;

20 Number two, the jury will be specifically
21 asked to disregard Mr. Garza's circle.

22 MR. FOXGROVER: Motion for a mis-trial.

23 THE COURT: Mr. Garza, I do, outside the presence
24 of the jury, feel it incumbent to censure and admonish
you for so doing. Even though it was in the heat of

argument.

2 MR. FOXGROVER: We move for the exclusion of that
3 item, Your Honor; that Exhibit.

4 THE COURT: Had the Exhibit not been previously
5 identified and marked by the witness Crowell, and so
6 marked by the witness during testimony, I would grant
7 your motion.

8 A motion for a mis-trial is denied. The error
9 is harmless not prejudicial.

10 MR. FOXGROVER: Your Honor, will great steps be
11 taken so that the picture - - before argument is con-
12 tinued, it should be done.

13 THE COURT: I will do so.
14 (Thereupon the following proceedings were had within
15 the presence and hearing of the jury.)

16 THE COURT: Please be seated.

17 The jury are instructed to disregard the
18 circle imposed over the picture of Michael Marcum and
19 to disregard the same as if it was not placed as such
20 circle.

21 MR. GARZA: May I proceed, Your Honor?

22 THE COURT: You may proceed.

23 MR. GARZA: Thank you very much.

24 Ladies and gentlemen, what is astoundingly

1 coincidental about this Exhibit is that Cathy Crowell
2 positively identified, with never having seen Gary
3 Dotson, the person posed in position number two as the
4 rapist in this case.

5 What befuddles the mind of any sensible
6 person is never having seen Mr. Dotson, nor never having
7 seen Mr. Michael Marcum - -

8 MR. FOXGROVER: Objection to referring to Marcum
9 at this point, Your Honor.

10 THE COURT: Objection overruled.

11 MR. GARZA: - - nor never having seen Michael
12 Marcum, out of the hundreds or more people here in the
13 south suburbs, out of seven million people in the
14 Chicago Metropolitan area, who does she also identify?
15 Mr. Michael Marcum as the passenger.

16 MR. FOXGROVER: Objection. That is a mis-statement.
17 She didn't identify him and move for a mis-trial at this
18 point. Motion for a mis-trial. The State's Attorney - -

19 THE COURT: Read back what the last statement was
20 of the State's Attorney.

21 (Thereupon the Court Reporter read back the appropriate
22 statement.)

23 MR. FOXGROVER: A mis-statement. She never identi-
24 fied the man as the passenger.

1 MR. GARZA: That's right. Not positively.

2 MR. FOXGROVER: There's an objection pending,
3 Counsel. Now let's get it straightened out, please.

4 THE COURT: Complete your sentence.

5 MR. GARZA: Not positively, that's correct.

6 MR. FOXGROVER: That's a cheap shot.

7 Please, the Court has the duty and respon-
8 sibility and I ask the Court to please - -

9 THE COURT: There is a certain latitude to closing
10 arguments.

11 MR. FOXGROVER: Motion for mis-trial is made at
12 this time, Your Honor.

13 THE COURT: Any statement that is not based upon
14 the evidence will be disregarded.

15 MR. FOXGROVER: May I have a ruling on the motion
16 for a mis-trial, please?

17 THE COURT: Denied.

18 MR. GARZA: That's right. Not positively. I am
19 not hiding that and there's a reason for her failure to
20 positively identify Michael Marcum.

21 MR. FOXGROVER: Objection. Speculation and beyond
22 the scope and he knows that.

23 THE COURT: Closing arguments include comment and
24 inferences on the evidence.

1 MR. GARZA: Thank you, Judge.

2 THE COURT: The jury will be instructed as to
3 closing arguments.

4 MR. GARZA: There's a reason why Mr. Marcum wasn't
5 positively identified by Cathleen Crowell.

6 The reason was he was, of course, for the
7 most part in the front seat of that car.

8 MR. FOXGROVER: Objection, Your Honor.

9 THE COURT: Fair inference.

10 MR. FOXGROVER: There is nothing for the inference
11 of Cathleen Crowell in identifying him. I suggest we
12 are trying Marcum here as the defendant.

13 MR. GARZA: May I proceed, Judge?

14 THE COURT: Proceed.

15 MR. GARZA: There is a reason. Of course, Mr.
16 Marcum spent most of the time, in fact, the whole time
17 in the front seat of the car.

18 Cathy said the only time she saw him was when
19 he leaned back to see how the letters were etched in her
20 stomach; to see how Mr. Dotson was doing.

21 MR. FOXGROVER: Objection. I have a continuing
22 objection to the activity of Mr. Marcum. There is no
23 evidence. He is assuming evidence not, in fact, on point
24 and beyond the fair comment rule, Your Honor.

1 THE COURT: He is within the comment rule.

2 MR. GARZA: Thank you, Judge. That's why she
3 doesn't positively identify him.

4 What inference can be drawn from that?
5 Miss Crowell is an honest, God fearing, young lady,
6 who would not make a mis-identification of a man she
7 was not sure about.

8 When she first saw Michael Marcum, she told
9 the Police as honestly as she could, I am just not
10 positive of Mr. Michael Marcum. He doesn't get
11 charged.

12 MR. FOXGROVER: Objection. Based on that comment,
13 I ask all his comments be stricken, Your Honor.

14 THE COURT: It is within the scope of closing
15 argument.

16 MR. GARZA: Thank you, but what does that show you
17 about the identification of Mr. Dotson? She is sincere.
18 She told you and the Police she couldn't be positive about
19 the passenger.

20 She told you she will never, never, forget that
21 man's face; the face of Gary Dotson, so her failure to
22 positively identify Mr. Marcum - -

23 MR. FOXGROVER: Objection. It is irrelevant. He
24 knows that, Your Honor, please.

1 THE COURT: Overruled.

2 MR. GARZA: Thank you. Once again, it only lends
3 more credence to the positive identification of Mr.
4 Dotson.

5 THE COURT: Mr. Garza?

6 MR. GARZA: Yes, Judge.

7 THE COURT: Five minutes.

8 MR. GARZA: Thank you very much.

9 Besides the alibi witnesses you heard from
10 the defendant, who conveniently fell asleep, but some-
11 thing did come out in the testimony. He placed himself
12 in the back seat of a car, a four-door car which
13 happened to have the presence or cans of beer which
14 totally corroborates Cathleen Crowell.

15 MR. FOXGROVER: Objection. It doesn't totally
16 corroborate.

17 THE COURT: It is fair commentary.

18 MR. GARZA: Thank you, Judge, and not only does
19 that evidence corroborate Cathleen Crowell, but in
20 this Courtroom, Gary Dotson lied. He is a bold faced
21 liar to you people. He has insulted the sanctity of
22 this Court and insulted your intelligence.

23 When he took the witness stand he said some-
24 thing about his employer. He fell into a little trap,

1 because he wanted to make himself out as an everyday
2 guy not the kind of person Miss Crowell was talking
3 about.

4 He said he is working after and he thought
5 if not they will wonder why I am staying so low after
6 the rape, but we get hold of his boss, a guy who comes
7 in here and says, no, he was working steadily - -

8 MR. FOXGROVER: Objection. It is a mis-statement
9 and move for a mis-trial. Misrepresentations and lies
10 by the State's Attorney in this situation are improper
11 and my motion for a mis-trial is renewed.

12 He can't testify especially to something that
13 wasn't said.

14 THE COURT: If you wish to have argument I will
15 hear it outside the presence of the jury, Mr. Foxgrover.

16 MR. GARZA: May I continue?

17 THE COURT: The comments are within the evidence.

18 MR. GARZA: Thank you.

19 MR. FOXGROVER: Motion for a mis-trial.

20 THE COURT: Any statement in closing argument that
21 is not based on the evidence will be disregarded.

22 MR. GARZA: Because Mr. Dotson was employed up
23 until that time, working for Artistic Landscaping.

24 What does he do for the week after the rape?

1 Stays low. Doesn't want to be seen.

2 MR. FOXGROVER: Objection. There is no evidence
3 and it is not fair comment. He can't suggest anything.

4 THE COURT: It is comment.

5 MR. GARZA: Thank you, Judge, and when is the one
6 time he does show his face? July 15th to pick up his
7 paycheck.

8 Of course, he had to have that money for a
9 party.

10 MR. FOXGROVER: Objection. Mr. State's Attorney
11 is volunteering information and I move for a mis-trial
12 again.

13 THE COURT: The jury heard the evidence.

14 MR. FOXGROVER: They heard nothing about a pay-
15 check. Maybe the State's Attorney knows something we
16 don't. Again, an omission.

17 THE COURT: The jury also heard the testimony on
18 rebuttal.

19 MR. GARZA: There's a proverb people use down
20 at the old Criminal Court building at 26th Street, and
21 they use it in the Civic Center.

22 In fact, it was used in a trial here not long
23 ago and that is when you have the evidence, you present
24 the evidence.

1 When you have the law, you present the law.
2 When you have nothing, you yell and scream
3 and be as much of an obstructionist as you can.

4 Ladies and gentlemen, that man is guilty as
5 sin and you will only double a tragedy if you cut him
6 out.

7 Do your duty that you swore to do and return
8 the only verdict that is just and bring justice to that
9 young lady.

10 MR. FOXGROVER: Objection. I move for a mis-trial.
11 We owe that lady nothing.

12 The law in this State - - move for a mis-trial.
13 I will cite case law and fact.

14 THE COURT: Mr. Foxgrover, there is some latitude
15 in passionate closing argument.

16 MR. FOXGROVER: It does not provide for improper
17 closing arguments, Your Honor.

18 I will cite the law to Your Honor, please.

19 THE COURT: Your objection is respectfully over-
20 ruled.

21 MR. GARZA: Thank you. Once again, ladies and
22 gentlemen, as I once said it will double the tragedy.
23 Use your God given common sense. Deliberate on the
24 evidence and I am confident at the outset as when we

2 selected you people as jurors that you will not return
3 a verdict of not guilty but will return a verdict of
4 guilty as charged.

5 MR. FOXGROVER: Renew our motion for a mis-trial.

6 THE COURT: Denied.

7 Ladies and gentlemen of the jury, the evidence
8 and arguments in this case have been completed, and I
9 will now instruct you as to the law.

10 The law applicable to this case is stated in
11 these instructions and it is your duty to follow all of
12 them. You must not single out certain instructions and
13 disregard others.

14 It is your duty to determine the facts, and
15 to determine them only from the evidence in this case.
16 You are to apply the law to the facts and in this way
17 decide the case.

18 Neither sympathy nor prejudice should in-
19 fluence you.

20 From time to time it has been the duty of the
21 Court to rule on the admissibility of evidence. You must
22 not concern yourselves with the reasons for these rulings.
23 You should disregard questions which were withdrawn or to
24 which objections were sustained.

You should also disregard testimony which the

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1 MR. SCOTT: No.

2 THE COURT: You may stand down. Please do not discuss
3 your testimony with any other witness while the hearing is
4 still under way.

5 You may proceed with your next witness.

6 MR. ARTHUR: Mark Stolorow.

7 MARK STOLOROW,
8 called as a witness on behalf of the State, having been
9 first duly sworn, was examined and testified as follows:

10 DIRECT EXAMINATION

11 BY

12 MR. ARTHUR:

13 Q Sir, what is your name?

14 A Mark Stolorow.

15 Q And Mr. Stolorow, what is your business or
16 occupation, sir?

17 A I am the Serologist Coordinator for the Illinois
18 Department of Law Enforcement Training and Applications
19 Laboratory in the Bureau of Scientific Services.

20 Q How long have you been so employed, sir?

21 A I have been employed in that position since
22 1979 at the Joliet Facility.

23 Q What are your preliminary responsibilities
24 and duties in that position, sir?

1 A. As the Serology Coordinator, I have several
2 responsibilities, which include training new employees
3 in the field of blood analysis; that is for Forensic
4 Serology in a formal two-year training program located
5 in Joliet, and following that training program, the
6 Serologists are sent to any of the seven state laboratories.
7 And to date there have been approximately twenty students
8 that I have taught in the five and a half years that I
9 have been there. In addition, I also am charged with
10 the responsibility of keeping up to date and evaluating
11 new techniques that are developed in the field of
12 Forensic Serology, and evaluating new equipment which
13 comes on the market. The third responsibility I have is
14 to provide a program of in-service training for the
15 Forensic Serologists who are already on staff and to
16 use this training as a means to continue to upgrade their
17 skills in the field. The fourth area is to conduct
18 proficiency testing of new techniques which have been
19 learned by people in the field and to demonstrate that
20 their competence in those tests are up to date and are
21 adequate. The fifth area is to serve in the role of
22 a consultant or liaison within our department in offering
23 the services of reanalyzing cases or assisting in
24 difficult cases as the need arises and to provide

1 assistance or technical assistance to the laboratory
2 directors, to the staff serologists, and to our bureau
3 administration. It also means that from time to time,
4 I will participate in seminars with defense attorneys
5 and state's attorneys, university groups, legislative
6 bodies, and other requests that require information
7 to be given about forensic serology to agencies outside
8 our bureau.

9 Q Mr. Stolorow, what is Forensic Serology?

10 A Serology is a study of blood and blood
11 components, and Forensic Science is the application of
12 science through matters pertaining to law. So within
13 the field of Forensic Serology, it pertains to blood-
14 stained material, stains produced from other physiological
15 fluids, and in our state, it incorporates hairs and
16 fiber analysis as well.

17 Q Mr. Stolorow, what is your educational
18 background, sir?

19 A I was graduated in 1969 from the University
20 of Michigan with a Bachelor of Science Degree. In 1971,
21 from the University of Pittsburgh, with a Masters of
22 Science in Forensic Chemistry. After becoming employed
23 with the Michigan State Police in 1971, I continued part-
24 time for a Masters in Business Administration and received

1 that Degree in 1974 from Eastern Michigan University.

2 Q You received any further specialized training
3 in your field, sir?

4 A Yes, in the area of Forensic Serology, I have
5 taken several courses and participated in workshops
6 devoted to the topics in Forensic Serology. I believe
7 on three occasions at the F.B.I. Laboratory in the last
8 decade or so, and also in regional organizations that
9 are groups of forensic scientists that have come
10 together for the purpose of in-service training.

11 Q Mr. Stolorow, have you published in the area
12 of your expertise?

13 A Yes, I have.

14 Q Approximately how many times and on what
15 subjects?

16 A I believe over a dozen publications in scientific
17 journals that relates to topics in Forensic Serology,
18 both in blood-stain analysis or body fluids or physiological
19 stain analysis.

20 MR. ARTHUR: Let the record reflect, Your Honor, I am
21 tendering to counsel a copy of what I have marked
22 People's Exhibit Number 7 for Identification.

23 (Whereupon, People's Exhibit
24 Number 7 for Identification

was marked for Identification.)

MR. ARTHUR: Q. Mr. Stolorow, I tender to you what has been marked People's Exhibit Number 7 for Identification, do you recognize what that is, sir?

A. Yes, I do.

Q. What is it?

A. It is a copy of my curriculum vitae which is dated February of 1985.

Q. And does that set forth, sir, that seventeen-page document, does that set forth your various educational experiences, teaching experiences, publications, et cetera, dealing with your area of your expertise of Forensic Serology?

A. Yes, sir.

Q. Is that up to date, sir?

A. As of February.

Q. Is it accurate?

A. Yes, sir.

Q. Mr. Stolorow, did you have occasion, around late March, early April of this year, to receive certain items of physical evidence with respect to the case of People versus Gary Dotson?

A. Yes, I did.

Q. And among the items you received, did you receive

1 four envelopes which contain standards from an individual
2 identified by David Burns?

3 A. Yes, I did.

4 Q I show you what is right in front of you, what
5 has been previously marked as People's Exhibit Number 6-A,
6 B, C, and D for Identification, and I would ask you, are
7 those the envelopes that contain the standards that you
8 received from David Burns?

9 A. Yes, sir, they are.

10 Q Did you have occasion also, Mr. Stolorow, to
11 obtain the original evidence, court evidence, in the
12 case of People versus Gary Dotson?

13 A. Yes, sir.

14 Q Did you get that also from Chicago Police
15 Officers Tony Katalinic and Fred Hill?

16 A. Yes, I received it from Fred Hill.

17 Q And those were various items, is that correct?

18 A. That is correct.

19 Q And those items were in your custody, you did
20 certain things with some items, and you brought those
21 here to court today, is that correct, sir?

22 A. That is correct.

23 Q I would ask you just to peek behind you, I think
24 in the box, take a look at those items that are contained

1 therein, peruse those items.

2 Would you indicate whether the items contained
3 in the box that I have asked you to be considered,
4 People's Group Exhibit 8 for Identification, are those
5 the items you received in this case?

6 A. For the record, I am removing two boxes of
7 chalk that I placed there a few minutes ago, and some
8 evidence which pertains to the same case number; that
9 arrived as the evidence that you mentioned earlier.
10 In the box now does exist the group exhibit which I
11 received from Fred Hill on April 2nd, 1985, in the Joliet
12 Laboratory.

13 Q. Those were the items which were identified
14 as being the original evidence in the court case of
15 Gary Dotson?

16 A. They were represented to me in that manner.

17 Q. Now, aside from the chalk you took out of the
18 box, you said you took some other items out of the box;
19 is that correct?

20 A. That is correct.

21 Q. I would ask that be considered Group Exhibit
22 Number 9 for Identification. Would you tell His Honor
23 and Counsel what those items are and when you received
24 those?

1 A. The four envelopes which are dated April 4,
2 1985, bearing my initials and the laboratory number in
3 this case represent standards that include blood samples
4 and saliva samples and unstained cloth controls that
5 were represented to me as having come from Cathleen
6 Webb and Gary Dotson.

7 Q Were those items represented to have been
8 taken from Cathleen Webb and Gary Dotson just a week
9 ago today pursuant to motions by myself representing
10 the State's Attorney of Cook County?

11 A. Yes. When I received the evidence, I was
12 instructed those samples had been taken on the 4th of
13 April and the notations on the containers that I
14 received bore the date April 4th.

15 Q Did you have occasion, Mr. Stolorow, after you
16 received all of this evidence, to examine some of the
17 original court evidence for the purpose of detecting
18 the possible presence of seminal fluid or the presence
19 of spermatozoa?

20 A. Yes, I did.

21 Q Of the original court evidence that you
22 received which are contained in the green and white boxes
23 considered Group Exhibit 8, which items did you examine
24 during that testing procedure?

1 A. May I refer to my notes?

2 Q. Sure.

3 A. There were several items of clothing which
4 included a white blouse or tunic, a white bra, a red and
5 white striped apron, a pair of blue slacks, and a pair
6 of white panties, and two smears which were identified
7 on the container as vaginal smears from Cathleen Crowell
8 with a date of 1977. And I received other items of
9 evidence, but in answer to your question, those are the
10 ones which were examined specifically for seminal material.

11 Q. And did you find seminal material on any
12 of those items?

13 A. Yes, sir, I did.

14 Q. On which of those items?

15 A. Seminal material was identified on the
16 panties and also identified on the smears which were
17 labeled vaginal smears.

18 Q. What testing procedures, Mr. Stolorow, are
19 available to you now in the current state of science
20 to detect the presence of seminal fluid?

21 A. Seminal fluid is a liquid which is composed
22 of a solid phase and a liquid phase. The solid phase
23 is the cellular portion and among those cells are
24 male reproductive cells known as spermatozoa. There

1 are also biochemicals or physiological samples in the
2 liquid portion known as seminal plasma, which are unique
3 to seminal material, and they can be identified to positively
4 confirm the presence of semen and the absence of spermatozoa.

5 However, in answer to the specific question of
6 what tests were applied in this case, the identification
7 of seminal material was made microscopically in the iden-
8 tification of spermatozoa, both on the vaginal smears and
9 on the extracts produced from seminal strains in the
10 crotch and rear of the panties.

11 Q If I can address the exhibit, the original court
12 exhibit, which was the panties of Cathy Crowell. You
13 indicated that seminal fluid was detected in the crotch
14 of that item; is that correct?

15 A That is correct.

16 Q I believe you testified also there was a stain
17 in that area; is that correct?

18 A Yes.

19 Q Tell His Honor what the size of that seminal
20 stain was in the crotch of those panties.

21 A There appeared invisible light which measured
22 from the front of the panel, the cloth panel in the crotch
23 of the panties to the rear of the cloth panel in the crotch
24 of the panties, approximately five and a half inches from

7

1 front to back, and approximately two inches wide, and that
2 stain continued in fairly regular shape of an elongated
3 stain from the rear of the back panel of the crotch up the
4 rear of the panties in the center portion of the waistband
5 in the back, and that is an extension of another five and
6 a half inches and the width of three inches. So this stain
7 which visibly has a rather indistinct yellow outline was
8 viewed under ultraviolet light and it has a very clear, dis-
9 tinct outline of a clear stain which is eleven inches long
10 and two to three inches wide.

11 Q Within that stain that you observed, did you
12 observe, I believe you testified you observed spermatozoa,
13 was that correct?

14 A Yes, I cut portions from the stain in the panties
15 corresponding to an area that had been removed previous
16 to my acquiring this evidence and produced extracts of an
17 area in the rear and in the crotch of the stains, using
18 distilled water, and from the extracts, produced smears on
19 microscope slides. The smears were then stained with a
20 stain which is Kernechtrot Picroindigo-carmin. I have
21 spelled it on the list for the court reporter, and let it
22 suffice to abbreviate KPIC.

23 This stain is a stain which will stain spermatozoa
24 heads red or pink color, and the neck piece, the mid-piece

1 in the tail a green color, and the microscope slides that I
2 produced from a stain extract of the panties as well, a
3 stain extract of slacks, I might add, on microscope slides,
4 and then view them under a microscope for the presence of
5 spermatozoa or parts of spermatozoa.

6 Q Is there a standard or a scale within this
7 scientific field of Forensic Serology which you can attempt
8 to quantify how much spermatozoa you observed?

9 A More or less.

10 Q Would you explain what that is?

11 A I hesitate to use the term quantify. Rather
12 than something quite that precise, I would say we would
13 categorize the number of spermatozoa we see in any given
14 field through the microscope on a relative scale of one to
15 four. We use in the State of Illinois, but I am aware of
16 the fact other crime laboratories also have scales to
17 measure the abundance or scarcity of spermatozoa on micro-
18 scope slides. Our scale ranges from zero to four with
19 zero being no spermatozoa and four being the highest number
20 of spermatozoa. The ranges are really quite subjective
21 and descriptive, going from one plus, which is few spermatozoa
22 that might be difficult to locate, to four plus spermatozoa,
23 which would be many sperm, many fields.

24 Q On that scale, how did you categorize the

1 spermatozoa found in the panties of Cathy Crowell?

2 A. The two stains that I extracted, one from the
3 crotch and one from the rear, produced what I would
4 categorize as some heads and some fields, ranging to
5 many heads in some fields and by numerical classification
6 I arbitrarily selected a scale or an evaluation from
7 two plus to three plus. I believe one of the stains
8 was two plus, and the other stain was a three plus.

9 Q. Are those spermatozoa still on that item of
10 physical evidence or the extract of the samples you took?

11 A. Because I removed a portion of the stain
12 which I felt was representative portion of the stain,
13 though I cannot testify for certain that the rest of the
14 panties bear spermatozoa, I did preserve the microscope
15 smears I made and brought those to court with me, as
16 well, and those microscope slides do have stains,
17 spermatozoa, and are now part of the evidence.

18 Q. Mr. Stolorow, as an expert in the field of
19 Forensic Serology, that determination or observation
20 by you of the presence of seminal fluid and spermatozoa
21 on those panties had been there if those panties had
22 been laundered with any substance at all?

23 A. The question is not an infrequent one, because
24 of the fact that we do have samples of clothing that get

1 laundered, and we do inspect laundered samples in the
2 training program. As a matter of fact, and the answer
3 is that it is possible for rare and infrequent spermatozoa
4 to survive a washing process if, in fact, it is a rather
5 simple rinsing procedure, and for example, it is not
6 unknown for us to receive clothing from someone who has
7 been submerged under water and still be able to find
8 occasional or infrequent spermatozoa. The number I found
9 in the stain and the ease I could extract them with a
10 drop of distilled water in a test tube suggests to me
11 these spermatozoa or seminal material did not undergo
12 washing prior to my receiving them.

13 Q Mr. Stolorow, you also testified among the items
14 of the original court evidence, which is contained in
15 Group Exhibit 8 for Identification, you had some items
16 which represented samples taken from within the vagina
17 of Cathy Crowell in 1979; is that correct?

18 A Yes.

19 Q What did you receive in that respect?

20 A I received a plastic container that had in it
21 two microscope slides, one of which was cracked in half
22 but both of which bore the marks indicating Cathy
23 Crowell, vaginal secretion sample, and a date of 7-11-77.
24 That is July 11th, 1977. It was identified as Number 7 as

1 an exhibit number. Those when I received them were unstained.
2 That is, they had no coloration on them. They did not appear
3 to have been stained. I proceeded to stain one of the two
4 slides and examine it microscopically and did identify plus
5 one heads as a positive identification of spermatozoa and
6 seminal matter. The other stain was left untested for
7 whatever future use it may be applied.

8 Q With respect to those two slides that you just
9 mentioned, could you produce those, please, from the box
10 considered Group Exhibit 8, those two slides you are talking
11 about?

12 Your Honor, I would ask the record reflect it
13 is being marked as Group Exhibit Number 8-A for Identification
14 purposes of this hearing as a sealed box. Counsel, I would
15 ask the witness be allowed to break the seal and remove
16 the contents.

17 Ask the record to reflect, I am marking a certain
18 item removed from that box as Exhibit 8-A-1 for Identification
19 and tender it to counsel.

20 Mr. Stolorow, I show you Exhibit 8-A-1 for
21 Identification. Is that the subject from which you removed
22 the slides from which you conducted these tests on?

23 A Yes, it is. And for the record, there is also
24 a date on the opposite side which, next to the name, Cathy

1 Crowell, well, it's spelled C-R-O-M-W-E-L-L, is the date
2 7-9-77, July 9th, 1977. The earlier date I mentioned is
3 on the reverse side. This is the sample I received on
4 April the 2nd.

5 Q You indicated that a sample is identified
6 coming from within the vaginal or vagina or of Cathy
7 Crowell?

8 A That is what that indicates.

9 Q You also indicate you found spermatozoa in
10 there?

11 A That is correct.

12 Q Mr. Stolorow, what, as a Forensic Serologist,
13 can you say with respect to the condition of spermatozoa
14 that is deposited within the vagina? How long will
15 that sperm remain in that area? How long will you be
16 able to detect it thereafter?

17 A I wish there were a point estimate I could
18 tell you, a fixed number of hours or days spermatozoa
19 survive. However, the dynamics of secretions which occur
20 in the human vagina from the initial deposit of semen
21 in the vagina, there is a continuous process of dilution
22 and enzymatic decomposition of the seminal constituents,
23 including spermatozoa. This occurs at different rates
24 in different women and within different rates from one woman

1 from one part of her daily activity to another. From lying
2 down, the rate of loss of spermatozoa would be different
3 if the woman were engaged in vigorous exercise. It also
4 varies to some extent during the menstrual cycle, but by
5 and large, it is fair to expect that the majority of
6 spermatozoa would be dissipated over a period of roughly
7 three days, and I would like to be very careful in making
8 that statement, because in some cases, spermatozoa can
9 be gone in a matter of a few hours from some women who have
10 reactions. In other cases, they have been reported in
11 the literature to exist in the vagina as long as a week
12 or seven days, for example. It also depends on where
13 the spermatozoa are located within the vagina.

14 If a sample vaginal smear is collected from a
15 pool of liquid at the floor of the vagina, it might not
16 -- one might not detect spermatozoa with the same per-
17 sistence you might if the mucosa on the cervix were
18 tested, which is a little stickier and the chemistry
19 there is a little more favorable for longer persistence
20 of spermatozoa. I may not have clarified that, but
21 what I was trying to do was to say that the range of
22 variability is significant enough so that having a
23 fixed point estimate of a day or two or three days,
24 to say a spermatozoa would be gone is a difficult thing

1 to do.

2 Q Are you familiar with the fact that in potential
3 rape cases, emergency rooms at hospitals have occasion to
4 examine slides of vaginal swabs or whatever also to try to
5 detect the presence of seminal fluid or spermatozoa?

6 A Yes.

7 Q Are you also aware of the phenomenon, sometimes
8 your results are different from what the hospital finds?

9 A Yes, sir.

10 Q And a Forensic Serologist, Mr. Stolorow, what
11 can account for the discrepancy between what a hospital
12 in their Lab and in their procedures might detect versus
13 what you can detect in your science lab?

14 A In working closely with hospitals in the State
15 of Illinois and the production of sexual assault kits
16 that all of the state hospitals utilize, we discovered
17 in the late 1970s or early 1980s that many of the hospitals
18 really use a very limited procedure in looking for sper-
19 matozoa. Sometimes it is with biological stain, and
20 sometimes it isn't. By and large, the attention which is
21 given to locating a single spermatozoa on a microscope
22 slide is not given the kind of attention from the medical
23 point of view as it would from the forensic point of view
24 in a crime lab. It is for this reason we ask very specifically

1 the samples for crime lab permission are prepared first
2 and allow us greater sensitivity in allowing us to find
3 sperm than the average hospital lab would utilize.

4 Q Besides the differences you have talked about,
5 does the equipment, such as the microscope, can that play
6 a difference in detecting certain things?

7 A By and large, hospital laboratory equipment is
8 very good. However, when samples of spermatozoa arrive
9 in the hospital lab, very often they are still moving
10 and motile, and even when they are not, most often, they
11 are still intact, complete sperm heads and tails. On the
12 other hand, the forensic lab with the same equipment
13 using techniques specifically designed to find more or,
14 I should say, less frequent spermatozoa on a slide, per-
15 haps spermatozoa that no longer has tails or portions of
16 tails are procedures even with the same equipment, I think
17 are widely accepted as being more effective at identifying
18 spermatozoa.

19 Q Mr. Stolorow, in addition to the tests you
20 performed to detect the presence of seminal fluid as well
21 as spermatozoa, did you perform any tests to attempt to
22 type the blood of a contributor of the seminal fluid that
23 you found in those evidence exhibits provided from the
24 Circuit Court of Cook County?

1 A. Could you repeat your question, please?

2 Q. Probably not.

3 Did you perform any additional tests in addition
4 to the test to detect the presence of seminal fluid to try
5 to type the blood of the person who might have contributed
6 to that?

7 A. For the sake of purity, I wasn't making an
8 attempt to type blood in the seminal material. There are
9 blood factors and body fluids in most people which are
10 called secreted blood factors, and yes, I did make an
11 attempt to locate secreted blood factors in the seminal
12 stain.

13 Q. Were you successful in doing that, sir?

14 A. Yes.

15 Q. What did you find within the seminal stains
16 in the court evidence in People versus Gary Dotson?

17 A. Of the three ABO blood factors which can be
18 detected in secretion stains, that is A factor, ^{and} AB
19 factor, ^{and} and AH factor, I located the presence of B and
20 H antigens.

21 Q. And did you have occasion, sir, to examine
22 the standards provided for David Burns in Utah to try
23 to establish the blood group that his blood belonged
24 to and whether or not he is a secretor?

1 A. Yes, I did.

2 Q. What did you find with respect to the standards
3 from David Burns?

4 A. His blood sample was typed and found to be
5 Type O in the ABO System. It also demonstrated a Lewis
6 Blood Group of Lewis^a Negative, Lewis B Positive, which
7 is an indication that he is ABO secretor. To confirm
8 that indication, a sample of his saliva was typed, which
9 is a technique called absorption inhibition and the
10 presence of H antigen confirmed that he is an ABO Group
11 O secretor. And at the outset, if I may, I would like
12 to say that an O is an ABO blood group. It is a fenal — phenotypic
13 type, the factor possessed by people who are Type O
14 is called an H factor. So the H and the O may be used
15 interchangeably and they are not intended to cause con-
16 fusion; but the factor I found is called H antigen, or
17 H factor.

18 Q. Have the methodology or whatever techniques
19 you used to determine these things improved in the field
20 of Forensic Serology since 1977?

21 A. Yes, I think so. I think there have been sig-
22 nificant strides in the improvement of genetic marker
23 determination in both blood stains and in body fluids or
24 physiological stains.

1 Q Because those testings procedures have at least
2 in your opinion, as an expert, improved, did you request
3 our office to obtain new standards from Cathy Webb Crowell
4 (sic) and Gary Dotson in this case?

5 A Yes, I did. I was reluctant to perform any
6 blood group typing on stains without having fresh standards
7 upon which I could base my conclusions in order to make
8 a valid comparison. I did not want to use results that
9 had been obtained seven years ago.

10 Q And, in fact, that was accomplished last week
11 pursuant to an order in this court, is that correct?

12 A I believe initially at the time, I asked
13 for the standards as a basis for doing any stain typing,
14 I was told that decision hadn't been made yet and sub-
15 sequently, I was told that standards would be forthcoming
16 and that I could do a comparison between the standards
17 and the stains.

18 Q And you eventually got standards from Gary
19 Dotson and Cathy Webb just last week, is that correct?

20 A Yes.

21 Q With respect to the standards from Cathy
22 Crowell-Webb, what were you able to determine?

23 A The blood of Cathleen Crowell-Webb demonstrated
24 the presence of B and H antigens and Lewis Blood Group,

1 Lewis A Positive. Excuse me. Lewis A Negative and
2 Lewis B Positive, which indicates that she is an ABO
3 Secretor. The saliva from Cathleen Crowell demonstrated
4 the presence of the B and H antigen by the technique
5 of absorption inhibition.

6 Q With respect to the standards from Gary Dotson,
7 what did your tests show on those standards?

8 A The blood of Gary Dotson demonstrated Type B.
9 He was a BO Type B and presence of Lewis A Negative,
10 Lewis B Positive, indicating he is a secretor of ABO
11 and his saliva demonstrated the presence of B and H
12 antigen, confirming that he is an ABO Type B secretor.

13 Q With respect to the evidence in the original
14 case, the evidence which is part of Group Exhibit 8,
15 specifically the panties with the seminal stain, did
16 you perform any tests on those to compare to the now
17 known standards of the three people involved in this
18 case?

19 A Yes. There were several tests performed.
20 Among them was the ABO Type, and that was performed
21 by absorption inhibition on duplicate samples and demon-
22 strated in each case the presence of B and H antigen.

23 Q Sir, given the results of that absorption
24 inhibition test on the seminal stain of Cathy Crowell's

1 panties, and based upon which you found in the testing
2 procedures on the standards from Cathy Crowell-Webb and
3 David Burns, and Gary Dotson, were you able to reach any
4 conclusions?

5 A. Yes, I was.

6 Q. Would you tell His Honor what that is?

7 A. The ABO Group B and H activity in the seminal
8 stains in the panties could have originated entirely
9 from Cathleen Webb herself. If the semen were deposited
10 by a non-secretor or it could have originated from the
11 vaginal secretions of Cathleen Webb in combination with
12 a Group B secretor, or it could have originated from the
13 vaginal divisions of Cathleen Webb in combination with
14 a Group O Secretor or some combination of semen from
15 Group O, Group B and/or a non known secretor.

16 Q. Did that test, Mr. Stolorow, exclude David
17 Burns from being the source of that seminal fluid?

18 A. No, it did not.

19 Q. Did that test and those results exclude
20 Gary Dotson as being the source of that seminal
21 material?

22 A. No, it did not.

23 Q. Did you have occasion, Mr. Stolorow, to
24 submit some of these items to another forensic scientist

1 in the State of Illinois Crime Lab by the name of
2 Mohammad Tahir?

3 A. Yes, I did.

4 Q. Did you ask him to perform other tests to try
5 and find out if he could get anything else out of this
6 evidence?

7 A. Yes.

8 Q. And did Mohammad Tahir, in fact, do that?

9 A. Yes. On Monday morning, April 8th, Mr. Tahir
10 came to the laboratory in Joliet and together we removed
11 samples of the seminal stain in the panties and on the
12 stained portion of the panties and samples of dried
13 serum and liquid serum of David Burns, Gary Dotson
14 and Cathy Webb, and those samples collectively were
15 given to Mohammad to take to the Maywood Lab and perform
16 typing as GM or Gamma Marker Typing.

17 Q. Is -- did you learn the results of Mohammad
18 Tahir's testing?

19 A. Yes, I did.

20 Q. Did the test results of Mohammad Tahir exclude
21 David Burns as the source of that seminal material?

22 A. The results of the typing demonstrated no
23 GM activity in the stains at all and therefore, no one
24 can be excluded on the basis of the GM typing alone.

1 Q So neither David Burns nor Gary Dotson could
2 be excluded as the result of this other test, is that
3 correct, sir?

4 A That is correct.

5 Q Among the evidence that you received from
6 Investigators Hill and Katalinic that were identified
7 as coming from the Clerk of the Circuit Court of Cook
8 County, that being the evidence originally introduced
9 in this trial, did you receive certain items of evidence
10 here identified as coming from the body or clothing of
11 Cathleen Crowell-Webb at the hospital on July 9th, 1977?

12 A Yes.

13 Q And among the group of evidence hairs that
14 were submitted to you and identified as being found on
15 Cathy Crowell on July 9th, 1977, how many hairs did you
16 find?

17 A I received eight hairs.

18 Q And were those hairs identified by way of
19 packaging or whatever as to where they were found?

20 A Yes.

21 Q And where were they found, sir?

22 A One hair was identified as a hair collected
23 from the panties, the other seven hairs were identified as
24 pubic hair coming from Cathleen Crowell.

1 Q And within the pubic hair coming from Cathleen
2 Crowell, how many hairs were found?

3 A There were seven collectively on the exhibit
4 marked Pubic Hair Combing.

5 Q Did you have occasion to receive in Group Exhibit
6 8 for Identification the original evidence in this case,
7 items that were identified as being standards from
8 Cathleen Crowell?

9 A Yes, I did.

10 Q Approximately how many hairs were identified
11 as being standards from Cathleen Crowell?

12 A Collectively, there were sixteen hairs on the
13 slides marked standards of Cathleen Crowell, and they
14 consisted of fourteen hairs that had been cut. Each of
15 them had been cut apparently quite close to the root
16 from the feature of the proximal end of the hair; that
17 is the hair closest to the scalp or on the skin. Two
18 of those hairs were simply fragments of the tip of the
19 hairs, and they were quite short, about a half an inch
20 long.

21 Q Among the evidence that you received from
22 Hill and Katalinic, the evidence that was used in the
23 original trial of the case, did you also receive hairs
24 that were identified as being standards of the pubic hair

1 of Gary Dotson?

2 A. Yes, I did.

3 Q. You have already identified among the People's
4 Group Exhibit 6 for Identification, envelopes containing
5 evidence which were received at the Joliet Lab from Hill
6 and Katalinic, is that correct?

7 A. Yes, sir.

8 Q. Among those items is an envelope which contains
9 standards of the pubic hair of David Burns, is that
10 correct?

11 A. Yes, sir.

12 Q. Within the standards, if I may back up a
13 little bit, identified as being pubic hair standards of
14 Gary Dotson, approximately how many standards did you
15 receive?

16 A. There were twelve pulled hairs on the micro-
17 scope slide identified as the pubic hair standards
18 from Gary Dotson.

19 Q. And among the standards identified as being
20 pubic hair standards from David Burns, approximately
21 how many did you receive?

22 A. I received a packet with fifteen hairs and
23 selected twelve of those hairs as a representative,
24 random selection and mounted them on a microscope slide.

1 They were twelve pulled pubic hairs, and the remaining
2 three are stil in the original packet.

3 Q Did you have occasion, sir, to compare the
4 standard pubic hairs from Cathy Crowell, Gary Dotson,
5 and David Burns, to the evidence standards or the
6 evidence hairs that were on the pubic area from the
7 pubic combings and the one hair found in the panties
8 of Cathy Crowell at the hospital?

9 A Yes, sir.

10 Q And did you, based on that examination, find
11 one of those hairs to be what you have described in
12 your report as an aberrant hair?

13 A Yes, sir.

14 Q Would you explain to His Honor what that
15 is?

16 A An aberrant hair is a hair which has undergone
17 an abnormal growth process that renders features of the
18 hair, such as the diameter of the hair or the pigment
19 of the hair, or the central canal of the hair known
20 as the medulla in such a configuration that it is not
21 representative of the person from whom it came; hence,
22 the term, aberrant hair. And such a hair being unsuit-
23 able or non-representative is, in my opinion, not
24 suitable for valid comparison.

1 Q Some of the eight hairs that you had, seven
2 from the vaginal combings or the pubic combings, and
3 the one from the panties, you determined the hair from
4 the panties was aberrant hair and you couldn't use for
5 comparison, is that correct?

6 A In part, it was aberrant hair. It was also
7 severely damaged. It was nearly broken in half, a
8 very short hair. A hair that had been forcibly removed
9 and demonstrated an immature growth and whose scales
10 had been damaged to the extent they literally protruded
11 from the side of the hair. I didn't feel that hair
12 was suitable for comparison for those reasons as well.

13 Q Among the seven remaining hairs, all of
14 which came from the pubic combings of Cathy Crowell
15 on July 9th, you found another hair that was inconclusive,
16 is that correct?

17 A Yes, sir.

18 Q In what respect was that hair inconclusive?

19 A The hair itself was in good shape for micro-
20 scopic comparison. The microscopic features about
21 a dozen in all, which I inspected and recorded, simply
22 shared in common some of those, the majority of those
23 features found in the hair standard of Cathleen Webb,
24 and then the hair standard of Gary Dotson. The result

1 is that I was unable to reach a conclusion about whether
2 either one of those two people would be eliminated as
3 a potential source. The comparison of that hair with
4 that of David Burns, however, was an elimination, and
5 did not bear any characteristics or did not share the
6 same microscopic characterizations as the pubic hair
7 standard from David Burns.

8 Q Within the six remaining hairs in the pubic
9 hair combings of Cathleen Crowell at the hospital on
10 July 9th, five other hairs were basically in the same cat-
11 egory; is that correct, sir?

12 A Five other hairs shared some common properties.

13 Q Based upon your tests, your examination and
14 your comparison of those five hairs, with the standards
15 of Cathleen Crowell-Webb, Gary Dotson and David Burns,
16 what were you able to conclude?

17 A Five of these hairs from the pubic hair
18 combings were microscopically consistent with the pubic
19 hair standard of Cathleen Webb. They were microscopically
20 similar to the pubic hair standard of Gary Dotson and
21 David Burns.

22 Q So with respectt to those hairs, would you be
23 able to say with any reasonable degree of scientific
24 certainty those five hairs did not originate from either

1 David Burns or Gary Dotson?

2 A. That is correct.

3 Q. That brings us to one last hair, Mr. Stolorow.

4 Did you have occasion to compare this last hair with
5 the pubic combings of Cathleen Crowell taken from the
6 hospital on July 9th with the standards you received
7 from Cathy Crowell-Webb, Gary Dotson and David Burns?

8 A. Yes, sir.

9 Q. Based upon your examination, based upon
10 your education, your experience and your training,
11 can you draw any scientific conclusions from that
12 examination?

13 A. Yes, sir.

14 Q. What is that, sir?

15 A. The hair is microscopically consistent with
16 pubic hair standards Gary Dotson and is dissimilar
17 with the pubic hair standards of David Burns and
18 Cathleen Webb.

19 Q. Can you therefore, sir, within a reasonable
20 degree of scientific certainty, state an opinion on
21 whether that pubic hair originated from Cathy Webb
22 or David Burns?

23 A. Yes.

24 Q. What is that opinion, sir?

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A. They did not, excuse me. It did not.

MR. ARTHUR: Thank you, sir. I have no further questions.

THE COURT: You want to approach the bench, Mr. Arthur and Mr. Lupel?

1 MR. ARTHUR: If I might have just a couple other
2 questions.

3 Mr. Stolorow, you indicated what your
4 findings were relative to the evidence here that was part
5 of the original case in People versus Gary Dotson as
6 opposed to three groups of standards, is that correct?

7 THE WITNESS: Yes, sir.

8 MR. ARTHUR: Q What do those mean in real layman's
9 terms?

10 A The hair from the underpants or from the panties,
11 the abberent hairs simply are unsuitable for comparison.

12 The other seven hairs from the pubic hair
13 combings consisted of five hairs which could have
14 originated from Cathleen Webb and did not originate from
15 David Burn or Gary Dotson. One of the hairs could have
16 originated from Gary Dotson and did not originate from
17 Cathleen Webb or David Burn and the final hair did not
18 originate from David Burn and is inconclusive with respect
19 to comparison between Gary Dotson and Cathleen Webb.

20 MR. ARTHUR: Thank you, sir, I have no further
21 questions.

22 Mr. Lupel?
23
24

1 CROSS EXAMINATION

2 BY

3 MR. LUPEL:

4 Q Mr. Stolorow, I have a suspicion that you may have
5 testified before, is that correct?

6 A Yes, sir, I have testified in approximately
7 eight states a little over a hundred times.

8 Q In this state, how many times have you
9 testified for or on behalf of the Cook County State's
10 Attorney's Office, approximately?

11 A I would say approximately a dozen times.

12 Q And all in your capacity as a forensic
13 serologist?

14 A Yes, sir.

15 Q How many times in this state have you testified
16 on behalf of the Defense attorneys?

17 A I don't believe that any of my defense testimony
18 has been in the State of Illinois.

19 Q The answer, then, is none to my question?

20 A None, I am sorry.

21 Q Now, Mr. Arthur took you through a rather long
22 testimony regarding, first, your credentials in forensic
23 serology and then the nature of the tests that you did on
24 the samples of the panties.

1 I would like to know if my conclusions
2 are correct.

3 First, is it true that the seminal stains
4 that you analyzed and everything and all that you did with
5 it could have originated entirely from Mrs. Webb?

6 A The semen could not originate from Mrs. Webb.
7 However, the ABO activity, that is the B and H activity
8 could be attributed entirely to her.

9 Q And, second, that it could have been in
10 combination with any of the other two men whose standards
11 you tested, is that right?

12 A Yes.

13 Q And that in addition to Mr. Burn and Mr. Dotson,
14 approximately two thirds of the adult white male population
15 of the world could also have done that same contribution,
16 is that also correct?

17 A Yes, 66 percent of the Caucasian population

18 Q I would be called a liar for two thirds percent,
19 I would be all right.

20 A I am sorry.

21 Q In addition -- those are the results of those
22 tests, everything else but the hair, is that correct?

23 A Yes.

24 Q Now, again, with respect to the hair, you had

1 seven strands of hair that you were dealing with that
2 resulted from a combing, as I understand it, of Miss
3 Webb, is that right?

4 A Yes, that is right.

5 Q And of those seven, five you feel certain
6 belong to her, is that correct?

7 A No.

8 Q I am sorry, tell us about the category, the
9 five categories?

10 A Hairs cannot positively be associated with any
11 single individual, and the statement that I am certain
12 these hairs, five of the hairs came from Mrs. Webb would be
13 an inaccurate assessment.

14 My opinion is that these hairs are consistent
15 with her standard and could have originated from Mrs. Webb,
16 but I cannot positively say that they are from her.

17 Q So, out of all seven hairs, you cannot say as
18 to any of the seven whether or not they are hers?

19 A Technically, that is correct.

20 Q Not only technically, but actually you can't say
21 that, can you?

22 A That is actually correct.

23 Q Thank you.

24 Now, five you feel, based upon your

1 scientific knowledge are consistent and, therefore, may be
2 hers, is that correct?

3 A Yes.

4 Q I know I am saying this in a layman's fashion,
5 but we have to reduce it for my benefit.

6 One of them is a little less certain, but
7 could be, is that correct?

8 We got the five put away, now, we have
9 two left, one of them could be hers, one of the two that
10 are left, is that correct?

11 A That is true.

12 Q That leaves us with one that you feel is not
13 hers?

14 A Yes, sir.

15 Q Now, you testified about a whole lot of tests
16 that you ran on the semen stains, but you didn't testify
17 about any tests that you ran on the hair.

18 Tell us the tests that you conducted on the
19 hair?

20 A The hairs were received in the laboratory and
21 only to the condition of the microscope slides upon which
22 they were submitted, I had to remove the hairs from those
23 slides by dissolving the solvent away, the glue away, and
24 remounting each on a new slide.

1 Following that, they were measured in
2 length and they were viewed macroscopically, that is
3 visually under strong lighting, and then placed on one of
4 these microscopes which I ultimately used.

5 First is a stereobinocular microscope,
6 very simply there is a microscope that allows you to
7 magnify objects about 40 times, from 10 to 40 times and
8 see them in three dimensions and this allows you to take a
9 look at the outside of the hair and basic features at a
10 slightly larger value and magnification and then they were
11 looked at microscopically using a comparison microscope
12 and that is a microscope specially designed to allow
13 one to look at two separate specimens in two separate
14 microscopes that have been joined together by what is called
15 an optical bridge so that these two side by side specimens
16 can be viewed in a common field at the same time.

17 This microscopic analysis using those two
18 types of microscopes were conducted over a period of about
19 a day and a half and then, finally, I used a third kind of
20 microscope which is simply referred to as a compound
21 microscope in order to look in a little bit more detail
22 at some of the features that I wanted another look at.

23 There were no other analytical tests
24 applied to these hairs other than the procedures that I have

1 described.

2 Q So, I don't want to get into a semantic state
3 with you, but you are saying that the tests, as you look
4 at them under the microscope, you didn't perform any
5 tests, you just looked at them both without a microscope
6 and then under different types of microscopes?

7 A Yes, sir.

8 Q By the way, you mentioned in your testimony
9 that in our State forensic serology includes the study of
10 hair fibers.

11 Does that mean that in other states it
12 does not?

13 A That is correct.

14 Q Is it somewhat of a different discipline?

15 A The way in which --

16 Q Can you answer me yes or no, first, and then I will
17 allow you to finish?

18 Can you answer that yes or no?
19 Is it somewhat of a different discipline?

20 A I am afraid I cannot.

21 Q Go ahead, you may explain your answer.

22 A The categories of hair or of evidence in the
23 crime laboratory are analyzed by the various analysts,
24 depending upon how many people are in the laboratory, how

1 much specialization are in each section and some
2 laboratories specialize to the extent where only blood
3 evidence and physiological evidence is examined by
4 certain analysts while hair and fibers might be lumped with
5 another category.

6 There are some laboratories where many, many
7 categories of evidence are analyzed by the serologists,
8 including like questioned documents and toolmark
9 examination and fingerprint and so forth, so Illinois falls
10 somewhere in between in the area of specialization.

11 Q Now, with respect to your training, what
12 specific training have you had, formal training, that is,
13 in the testing or analyzation of hair fibers?

14 A Initially, at the University of Pittsburg
15 in the Forensic Chemistry Master's Degree Program, I had
16 an internship at the Pittsburg and Allegheny Crime
17 Laboratory and for a period of approximately eight months
18 I examined all types of evidence, including hair evidence
19 and I passed practical examinations and written
20 examinations on that category.

21 Subsequently, I went to London, England
22 in 1975 for a five month Sabbatical with the new Scotland
23 Yard Laboratory and spent, during that five month period of
24 time with both the Serology Section to learn blood

1 techniques and with the General Chemistry Section to learn
2 hair techniques or hair comparison techniques and, finally,
3 in 1976 I attended a course in Quantico, Virginia,
4 at the FBI Forensic Scientist Training Research Laboratory
5 which was devoted exclusively to the examination and
6 comparison of hairs for forensic purposes and the last
7 formal hair training course that I have taken was in the
8 early 1980s in which we were lucky enough to have that
9 FBI class brought here as a remote training class to
10 Springfield, Illinois, to give the same class to all of our
11 examiners in the State of Illinois.

12 I can't remember whether that was in '81
13 or '82. I participated in that class as well.

14 Q Have you completed your answer?

15 A That is all the training that I have had, sir.

16 Q Now, all of that training and you looked at them
17 under a microscope, is that all there is?

18 A In addition to --

19 Q Is that all you did?

20 A That is not, that certainly is not all there is
21 in the examination of fresh hairs, but that is all there is
22 in the examination of hairs that are the age of seven years.

23 Q So, then, your ability to test this hair was
24 greatly diminished by the age of it?

1 A Not for microscopic comparison.

2 Q For any other form of testing?

3 A Well, there is only one other form that you have
4 in mind.

5 Q Just a minute.

6 A And that is in an attempt to answer your question,
7 it's the enzyme typing of the hair sheath or the follicular
8 material on the hair, and that is not actually part of the
9 microscopic examination.

10 Those tests last only as long as the
11 enzymes, themselves, are viable and they would not be
12 detectible over a period of seven years.

13 Q I am not sure that I understand the last answer,
14 let me see if I can clarify that.

15 A microscopic analysis is not a test, it's
16 looking at something, but the only test that you are
17 aware of that could have been performed on hairs seven
18 years old or more is an enzyme test. That test you did not
19 perform?

20 MR. ARTHUR: Objection, that is not his testimony.

21 MR. LUPEL: I am asking.

22 Am I correct? If I am not correct, say so.

23 THE WITNESS: It's a test which --

24 MR. LUPEL: Q Can you tell me if the statement I just

1 made is correct?

2 A I don't believe it is.

3 Q Tell me in what manner it is incorrect?

4 A The test for genetic markers in hair root sheaths
5 is predicated on the fact that those are detectible
6 in hairs and they are known to exist for, perhaps, 90
7 days or perhaps somewhat longer interval past the times
8 the hairs are removed, but the hairs that are seven years
9 old, the survival of any of those enzymes is not known to
10 exist seven years after removal.

11 Q Let me ask it, again --

12 A It's not a conceivable test.

13 Q Is there any conceivable test that could have
14 been performed on these seven-year old hairs to help you
15 in your analysis, to aid you in your analysis?

16 A None, other than the macroscopy, no.

17 Q Is there any way to test for density?

18 A Hair can always be tested for density, it's
19 not a meaningful forensic procedure.

20 Q Why not?

21 A The problems with hair density is that essentially
22 the variation which you can find on one individual is
23 as great or in one sample such as a pubic hair sample
24 is a great variance that you will find from person to person

1 and there are a number of tests like that that have been
2 attempted historically such as refractive index
3 determination density, tensile strength, surface
4 contaminants, neutron activation analysis and a vast number
5 of tests that were attempted to make hair comparison even
6 more discriminating than it can be where a microscope,
7 none of those have survived the test of forensic
8 admissibility or court admissibility.

9 Q Things like density and tensile strength, all
10 those kinds of things are tests which are available but,
11 in your scientific opinion would not have aided your
12 analysis, is that a correct statement?

13 A Yes, it is.

14 Q Okay. So what you did to analyze the hair
15 was make a subjective finding based upon your visual
16 observation under the microscope, is that correct?

17 A Yes.

18 Q Thank you.

19 Now, do you know anything about the nature
20 of the sample that was taken, that is, do you know from what
21 area of the public area the sampling was taken from?

22 A With regard to the standards?

23 Q Yes.

24 A No, I don't.

1 Q Is that meaningful or significant in any way?

2 A It certainly can be, and in some circumstances
3 it might not.

4 Q In what circumstances can it be?

5 A The degree of heterogeneity of microscopic
6 features in pubic hair from one end of the pubic region
7 to the other is somewhat variable from one human to another.

8 In some cases the range of variation is
9 slight and does not significantly alter the overall
10 characteristics of pubic hair standards, that is, a
11 pubic hair standard with an adequate number such as
12 ten to twelve, in some cases it would be, and in that
13 case it would be a non-representative sample.

14 If the hairs had been collected, say,
15 from one location and there was a variation in the pubic
16 region --

17 Q You don't know if this was a truly representative
18 sample?

19 A That is correct.

20 Q And that, additionally, again, I want to use my
21 words, if I might, there are variations in micro-appearance
22 of hairs in the same person within the same person's
23 pubic area?

24 A Yes, that is correct.

1 Q And can you tell us, in general terms with
2 respect to the science of hair identification, whether or not
3 it is easier to analyze hair on the head than it is pubic
4 hair?

5 A I do believe I can answer that question accurately,
6 if I may select another word other than "easy" and describe
7 the comparison.

8 Q By all means, I didn't think it was too good
9 when I said it.

10 A The range of microscopic features in pubic hairs
11 is greater than the range of microscopic features that
12 one normally encounters in scalp hairs.

13 There are some exceptions, but generally
14 speaking, the kind of variations you see in a pubic hair
15 standard are fairly wide range and this means for a
16 discrimination value, head hair standards being compared
17 with evidence head hairs, probably are more discriminating.

18 I think it is safe for me to say that they
19 are more discriminating, more often than corresponding
20 pubic hair standards being compared with evidence pubic
21 hairs and I say that based upon my own experience because I
22 am sure that there are forensic hair examiners who would
23 take issue with that and who would assert that pubic hairs
24 are as discriminating as would be head hairs.

1 Q How about other types of body hairs other than
2 head or pubic areas?

3 A Once again, the same would apply because scalp
4 hairs probably have the greatest degree of homogeneity
5 from one hair to another in many of the microscopic features
6 and as a less heterogeneous sample it's possible to
7 discriminate those features more closely, the fewer
8 features a hair has, that is the shorter the hair is
9 and the fewer features it has, then the less value is
10 discriminating evidence, itself, and there is probably
11 a sliding scale from, in my opinion, scalp hairs having
12 perhaps the most value to where pubic hairs are --
13 they are normally fairly long.

14 Q You said scalp hairs having the most value?

15 A Discriminating value, that is.

16 Q Proceed. The most important?

17 A Yes.

18 Q Scalp hairs?

19 A Yes.

20 Q And as opposed to pubic hairs that can provide
21 a lesser amount of information?

22 A There is possibly a blank order or hairs on
23 the body where something like a leg hair or a very fine
24 facial hair, the downy coating that is on all our skin, a

1 very light coating of hairs, those hairs have much less
2 value for discrimination because there is so much less
3 information in these tiny hairs so there is a range of
4 discriminating value of a hair ranging from very tiny
5 and non-descript all the way to scalp hair which are
6 fairly heterogeneous to many other body hairs and tend to
7 be more uniform.

8 Q Okay. Is it possible, is it also possible that
9 there is an overlap of characteristics within a single
10 individual, that is can a hair from a -- well, let's talk
11 about what we are talking about hair, specifically, one
12 hair from one area of the pubic area and another from another
13 area of the pubic area, could there be some slightly
14 different characteristics that would overlap with someone
15 else's pubic hair?

16 A I think it is well-established that features
17 in the pubic hair from different areas of the pubic
18 area are sufficiently close to allow a representative
19 sample of pubic hairs to be meaningful without having to
20 collect each and every pubic hair in a pubic area
21 and I am saying that simply because with our representative
22 samplings, we wouldn't be able to pass proficiency tests
23 and unknowns and demonstrations.

24 Q I don't think you are answering the question.

1 Let me restate it, possibly.

2 MR. ARTHUR: Objection. If Counsel has an objection
3 to an unresponsive question --

4 MR. LUPEL: I will object, the witness is not being
5 responsive.

6 MR. ARTHUR: I ask he not argue with the witness.

7 MR. LUPEL: I didn't think I was arguing with him.

8 THE COURT: I didn't think the question was really
9 unresponsive.

10 MR. LUPEL: Then I will let the witness continue and
11 I will ask the next question when he has completed his
12 answer.

13 THE COURT: Please proceed.

14 THE WITNESS: Thank you. The range of characteristics
15 that occur in a public area can be quite well-established
16 by representative sampling and that if this technique
17 did not succeed, that, in practice, we would find many,
18 many occurrences of false exclusions or eliminations that
19 were invalid and, in practice, that doesn't happen.

20 MR. LUPEL: Have you completed your answer?

21 THE WITNESS: Yes, sir, thank you.

22 MR. LUPEL: Q You testified already that you could
23 not state whether or not there was a representative sampling
24 in this case because you had nothing to do with the

1 sampling?

2 A That is true.

3 Q My question, however, is not with regard to that
4 answer that you have already given, but rather I am talking
5 about an overlapping characteristic, one person to another,
6 that is could one, the characteristics in one portion of
7 somebody's pubic area appear to be similar to another
8 portion in another person's pubic area?

9 I would appreciate if your answer could be
10 yes, no, or I don't know.

11 A Yes, that is possible.

12 Q Now, additionally, you have testified about the
13 point of origination of this single hair that we are
14 talking about.

15 I take it that you don't know how it
16 wound up where it was, do you?

17 A That is correct.

18 Q It could have, in fact, could it not, have been
19 transferred from one person, let's say, David Burn, from
20 someone to him and him to her, is that possible?

21 MR. ARTHUR: Objection, what does that mean, Judge?

22 MR. LUPEL: Do you understand the question, Mr.
23 Stolorow?

24 THE COURT: If he understands it, he may answer.

1 THE WITNESS: Actually I did, and the answer is yes.

2 MR. LUPEL: Q Could it also have come from a member
3 of Miss Webb's family from a bar of soap, for example? Is
4 that possible that that is how it could have got there?

5 MR. ARTHUR: Excuse me, which hair are we talking
6 about, the hair that is similar to Gary Dotson or what?

7 MR. LUPEL: I am only talking about one pubic hair.

8 MR. ARTHUR: I would like to know which one, similar
9 to Gary Dotson?

10 MR. LUPEL: Q Do you know, sir, which hair I am
11 talking about, if not, I will review it with you.

12 THE COURT: The Court understands, I believe it
13 understands which one you are talking about, namely the
14 second to the last hair described.

15 THE WITNESS: For awhile I was with Counsel, but your
16 statement now has thrown me, I don't know which hair.

17 MR. LUPEL: For purposes of reviewing, we started
18 with seven, five you felt were clearly consistent with
19 Mrs. Webb's, one you felt something less certain, but
20 could have been from her, and one we are now talking about is
21 the one which is not consistent with the standard of her
22 pubic hair.

23 THE COURT: In other words, so that I think we all
24 understand, you are talking about the last hair he testified

1 to.

2 MR. LUPEL: I am not sure of the order, your Honor,
3 but --

4 THE COURT: Go ahead.

5 MR. LUPEL: Q Do you recall the question?

6 A No, but I now know the hair.

7 Q I am trying to determine the possible places that
8 that hair could have come from. We have already agreed
9 that it is at least possible that an unnamed person could
10 have been the originator of this hair and, now, I am asking,
11 could it be by sexual contact and now I am asking could it
12 have come from a bar of soap.

13 MS. FROSSARD: I will object, I believe this witness
14 testified he cannot say where the hair came from.

15 THE COURT: If he knows.

16 THE WITNESS: Would you repeat the question, please?

17 MR. LUPEL: Yes.

18 Q Could the location from which Mrs. Webb
19 received this hair have come from something as ordinary as
20 a bar of soap?

21 A I do not know the origin of this hair.

22 MR. LUPEL: Thank you, I have no further questions.

23 THE COURT: Mr. Arthur?

24 MR. ARTHUR: I have nothing, thank you.

1 THE COURT: You may stand down.

2 THE WITNESS: Thank you, your Honor.

3 (Witness excused.)

4 THE COURT: Mr. Arthur and Miss Frossard?

5 MR. ARTHUR: At this time, the People would move all
6 the exhibits that have been previously marked and
7 identified, for the record, I believe they are People's
8 Group Exhibit 1 through 9, as well as I would ask the
9 Court to take judicial notice of the record of proceedings
10 from the trial, People versus Gary Dotson in 1979.

11 THE COURT: The Court will do so.

12 The Court will receive the exhibits for the
13 purpose of this hearing for evidence in this hearing as
14 well as take cognizance and judicial notice of the
15 proceedings in evidence taken at the trial of the original
16 case of People versus Gary Dotson tried on May 22nd, 23rd
17 and 24th.

18 MR. ARTHUR: With the receipt of those items, and the
19 transcript, the People would rest.

20 THE COURT: Very well.

21 MR. LUPEL: Petitioner rests.

22 THE COURT: Do you want a few moments, perhaps, to
23 prepare your closing argument?

24 The Court will entertain closing arguments.

1 MR. ARTHUR: Fine, Judge.

2 MR. LUPEL: Could we take 10 or 15 minutes?

3 THE COURT: Very well.

4 MR. LUPEL: Fine.

5 THE COURT: We will take a short recess.

6 (Whereupon, a brief recess was
7 taken.)
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