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you're excused. You may step down from the witness stand.

(Witness excused.)

THE COURT: The People may call the next witness.

MR. ALEXIS: Mary Shenouda.

M A R Y S H E N O U D A, a witness called on behalf of the People, after having been first duly sworn by the Clerk of the Court, was examined and testified as follows:

THE CLERK: Try to slide up to the microphone.

State your name, please.

THE WITNESS: Mary Shenouda,
S-H-E-N-O-U-D-A.

THE COURT: You may examine the witness, Mr. Alexis.

MR. ALEXIS: Thank you.

DIRECT-EXAMINATION

BY MR. ALEXIS:

Q Good morning. Good afternoon, rather.

A Good afternoon.

Q Where do you work?

A Office of the Chief Medical Examiner.

Q What do you do at the Office of the Chief Medical

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Examiner?

A I am a forensic analyst.

Q What do you do as a forensic analyst in the Office of the Chief Medical Examiner?

A I try to identify any body fluids in the physical evidence, and analyze evidence in the homicide cases.

Q Now, I'd like to ask you about case, lab number FB951349. Are you familiar with that lab number?

A Yes, sir.

Q And who performed the tests with respect to that lab number?

A I did.

Q Now, I'm gonna ask you about those tests, but before I do I'd like to ask you a few questions about yourself.

Can you describe where you went to school and what you studied in school?

A I have Bachelor Degree in pharmacy and chemistry from University of Cairo, Egypt. And I am the director and supervisor of the forensic biology lab in the Medical Examiner's Office.

Q And how long have you worked for the Medical Examiner's Office?

A Eleven years.

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2 Q And can you tell us some of the things that
3 you've done in the Medical Examiner's Office over the 11
4 years that you've worked there?

5 A Excuse me?

6 Q What have you done for those 11 years in the
7 M.E.'s Office?

8 A I working doing forensic analyses.

9 Q Have you ever testified in a court before?

10 A Yes, sir.

11 Q Have you ever been qualified as an expert when
12 you testified in court?

13 A Yes, sir.

14 Q What courts have you testified?

15 A The five part. Brooklyn, Queen, Manhattan,
16 Bronx, Staten Island, and Connecticut.

17 Q What have you been qualified to testify to?

18 A Forensic expert.

19 MR. ALEXIS: I'd like to move that Miss
20 Shenouda be qualified as an expert in forensic
21 biology and forensic analysis.

22 THE COURT: Any objection?

23 MR. CHAIKIN: No, your Honor.

24 MR. BIRKETT: No, your Honor.

25 MR. GREEN: No, your Honor.

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MR. ARONOWSKY: No.

MR. COHEN: No.

THE COURT: I rule this witness is in an expert in forensic analyses... and what was the other?

MR. ALEXIS: Forensic biology.

THE COURT: So she'll be permitted to answer questions in this field.

You may proceed.

Q Now, regarding this case, can you tell us what you did?

A In general?

Q Yes.

A I first of all, I tried to examine, I received too many vouchers. And I tried to examine each voucher separately. And I open each voucher and I examine each item separately.

Q Now, first let's talk about voucher GG189186. Did you examine any items under this voucher number?

A Yes, sir.

Q Now, I'd like to show you what we'll deem People's 17 for identification, and I'd like to ask you whether or not you recognize People's 17?

Ma'am, you could just open that bag.

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Shenouda - Direct

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THE COURT: The officer's getting the scissors.

Q I'm sorry, I didn't realize the officer was getting the scissors.

A First of all this bag, I seal it by myself. There's my reference, and I put this tag by myself. And this label too, with the case number.

MR. ARONOWSKY: I'm sorry, I didn't hear that.

(Whereupon the reporter read back the last answer.)

A Here in this bag, when I started to examine it I put the case number, my initial, the date when I examine it, and I wrote this bag number two. I give each bag number.

Q Let's check inside. And do you recognize all of these things as being your handwriting?

A Yes.

You wanted me to take item by item?

Q You don't have to; you could just look through the bag if you don't have to take them item by item.

Perhaps to be thorough we will do item by item.

A This is a boot. I have one pair of boots. I put this tag in it with my initial, the case number, the date

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2 when I examine it and I give each boot number. I give
3 each number; this one I have 6B and this one I put 6A.
4 This means item number 6 from this voucher.

5 THE COURT: The question is, what is this
6 that you are looking at? What are these items?

7 Q Are these clothes that you performed tests on?
8 Did you perform tests on the items that are in this bag?

9 A Yes.

10 Q And you recognize these clothes as being the
11 clothes that you performed tests on?

12 A Yes.

13 Q Who are these clothes attributed to?

14 MR. ARONOWSKY: Objection.

15 THE COURT: Where did these clothes come
16 from? Where did you get them from?

17 THE WITNESS: I got them from the police
18 officer. In our lab.

19 MR. ALEXIS: I offer them as People's 17.

20 MR. ARONOWSKY: Could I have some questions
21 on voir dire?

22 THE COURT: Certainly.

23 VOIR DIRE EXAMINATION

24 BY MR. ARONOWSKY:

25 Q You received these clothes from where?

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A The police officer who bring for us these items.

Q Do you know the name of that police officer?

A Maybe. One minute.

I can't read the name.

MR. ARONOWSKY: I'm sorry, I didn't hear.

(Whereupon the reporter read back the last answer.)

THE COURT: Why don't you have a seat, ma'am?

Please excuse us.

I'll see counsel at sidebar.

(Discussion held off the record.)

THE COURT: All right. Again, I thank you for your patience.

If you have any other questions you'd like to ask on voir dire, Mr. Aronowsky, you're free to do so.

MR. ARONOWSKY: I'm objecting to this.

THE COURT: I will overrule the objection. I'll allow this exhibit to be marked People's 17.

If I allow something into evidence, I'm merely ruling that you may decide what weight, if any, you want to give this evidence.

So, mark this People's 17.

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(Whereupon People's Exhibit 17 was received in evidence.)

Q Now, can you tell us what tests you performed on these items of clothing?

A First of all, you know, I look at each item separately and by visual eyes.

THE COURT: You have to speak in the mike.

A I look for each item separately by visual eyes. If I see any stain resembling the blood, I tried to examine this stain. Then what I did is I have color solution, like water, and I swab this stain from, for example, from the shoes. I can't cut it, so I will swab and take some of the stain off, then I put this stain in this solution. If the color change from colors to pinkish in color, this mean blood was present in this item.

After that I want to know if this blood is human blood or not human blood. So we run another test, I make Agrose gel and I punch two hole in the agrose gel. I put in one of the hole extraction from the stain I have it from this item. In the other hole I have solution only, see if it's human blood present, and I run electrical current through.

A Sorry, you run current?

A Yeah, electrical current.

Q Let me just interrupt you, I'm sorry.

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You said gel. What type of gel did you use?

A Agrose. If it was positive, I found in the half moon shape in between these two hole. This mean human blood.

Q And was human blood found on that item?

A Yes, sir.

Q Did you do any additional tests after you realized that human blood was found on that item?

A This depend in how much of the stain I have and the quality and the quantity of the stain. If I have big stain, I go more further analysis and I go for something called genetic marker.

Genetic marker is inherited marker found in each one of us and we take it from our parent. So we use this test to differentiate between two source of blood. And this genetic marker include enzymes like PGM and ACP or ABO from blood.

Q Did you do the genetic marker tests on these items?

A Yes, sir.

Q What were the results of the tests that you did?

A In the jeans pants from this item I found the stain is not consisting with the victim type. In the white Starter shirt I found.

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Q What is PGM?

A This is enzyme, help to break the sugar in our blood from glucose 1 phosphate to glucose 6 phosphate.

Q What is ACP?

A This is another type of enzyme help to break the phosphate in our blood.

Q Now, how many groupings are there under PGM? How many different variations are there of PGM types?

A Ten types.

Q And ACP, how many variations of types are there of ACP?

A Six.

Q Six?

Now, other than what you've reported to us, did you find anything else on the item under voucher 189816?

A No, sir.

Q I'm sorry?

A No.

Q Let's go to voucher number 189822, which I believe is People's 14 in evidence.

THE COURT: Perhaps it would help if you'd enlighten the jurors as to what voucher number pertains to who?

Q We just talked about Christian Pacheco, yes?

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A In 22.

MR. ARONOWSKY: I will stipulate to that.

THE COURT: So there's no confusion, there was testimony from the police officer that this was clothing that was vouchered from Mr. Pacheco.

Q Voucher 189822, from Hector Perez.

A Yes.

Q I believe that's People's...

THE COURT: 14.

Q 14.

MR. ALEXIS: Do we have that available, please?

Q Do you recognize that?

A Yes, sir.

Q And is that another item that you vouchered with respect to this case? I mean not vouchered, I'm sorry; examined with respect to this case?

A Yes, sir.

Q Did you perform any tests on this item?

A Yes, sir.

Q And are the tests that you performed on this item the same as the tests that you just described to us for the clothes of Christian Pacheco?

A Yes, sir.

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2 Q And what were the results of the tests you did on
3 this item?

4 A I have one stain from this jeans pants consistent
5 with the victim' type. And two stain is not consisting
6 with the victim' type.

7 Q So would it be fair to say that there are blood
8 from at least two people on this, on this item?

9 A Yes.

10 Q One consistent with the victim and one not?

11 A Yes.

12 Q Thanks.

13 Let's go to voucher number 189823. Hector Gonzalez.

14 THE COURT: Number 15.

15 Q Do you recognize it?

16 A Yes.

17 Q Did you examine it?

18 A Yes.

19 Q Did you do the same tests on this item as you did
20 on the two items that you've just testified about?

21 A Yes.

22 Q What were the results of that?

23 A Most of the stain in the jeans pants consistent
24 with the victim' type.

25 Q Where on the pants were the stains?

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Shenouda - Direct

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A Excuse me?

Q Where on the pants were the stains?

A I have to pick the pants out.

Q Please do.

A I have here some stains here in the right side.
I have here some stain in the left side.

Q Now, ma'am, what do you do with the stains on an
item once you find them?

A Excuse me?

Q Do you cut the stains out of the pants?

A Yes.

Q Go ahead. I just wanted you to point out to the
jury where you found the stains.

A I started from 1A until I finish whatever stain I
will cut from items.

Q And did you do the same thing with ~~the clothes~~
that were vouchered under for Hector Perez and for
Christian Pacheco?

A Yes:

THE COURT: Let's go over that finding
again.

On those jeans, what was your finding
regarding the blood stains matching, or
consistent with the victim's pattern of

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2 Q Would it be fair to say that with respect to
3 Mr. Esteban's clothing there's one stain that's
4 consistent with the victim, and other stains which are
5 not?

6 MR. BIRKETT: Objection.

7 THE COURT: Overruled.

8 A Yes.

9 MR. ALEXIS: No other questions.

10 THE COURT: Then let's take a break.

11 Don't discuss the case. Stretch for a
12 couple of minutes, clear your heads. Do some
13 cart wheels, whatever you wanted to do.

14 (Whereupon the jury exited.)

15 (Whereupon a recess was taken.)

16 (Whereupon Scott Harris relieved Alvin
17 Nerlino as the Official Court Reporter.)

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Proceedings

(The defendants entered courtroom.)

THE COURT: Let's go on the record.

Before we resume with the testimony of this witness, I received information that the second alternate juror has a funeral that she wants to go to tomorrow morning. I asked the court officer to inquire.

Apparently, it's her uncle who passed away. She would like to go to both the funeral and to the cemetery afterward to be with her family.

She indicated to the officer she would be willing, if I wanted her, to just go to the funeral and come to the court afterwards and not go to the cemetery. And she said that she thought she could be here between 11 and 11:30 in the morning, if that's what we wanted.

She did tell the officer she would prefer if she could go to the cemetery, as well.

MS. RODRIGUEZ: My only problem, our last witness is Dr. Seijo. I have to get her done by the morning.

THE COURT: We all are aware that we are trying to move this along to finish the witness that we have. I think the sticking point is, she's

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Proceedings

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2 the trial so that we know at that point there's no
3 problem tomorrow. And the odds that we'll get to
4 the second alternate become very remote.

5 If there is a problem in the morning where
6 someone doesn't show up or some problem in the
7 case, she'll be directed to call in. And we will
8 tell her when to come in. We don't want to do
9 anything without her.

10 Anyone have a problem about that?

11 MR. COHEN: No.

12 THE COURT: No problem. D.A. doesn't have any
13 problem.

14 MR. BIRKETT: Your Honor, I have no problem
15 with that. Let's see how we are in the morning.

16 THE COURT: I'll tell the jurors to come in
17 and then tell her to come in after the funeral is
18 over. Let her take care of her personal business.

19 My other thought is, obviously, after going to
20 a funeral for your uncle with your family, I don't
21 know what frame of mind she's going to be in as far
22 as the case is concerned.

23 It's asking a lot of a human being to go to a
24 funeral for a relative and come to court and
25 concentrate on a case.

1 Sheunouda/Cross/Chaikin

2 come from this person; isn't that correct?

3 A. Could be.

4 Q. Could be that it doesn't come from this person.
5 Could be that it does come from this person. Is that
6 correct?

7 A. Exactly.

8 Q. Would you tell me, with respect to the
9 possibilities, does the word consistent, as you have used it
10 during the direct examination by the prosecutor, mean more
11 likely than not?

12 MR. ALEXIS: Objection.

13 THE COURT: Overruled. You may answer.

14 A. I can't understand the question.

15 Q. Does the word consistent, at any time as you used
16 the -- you agree with me, you used the word consistent
17 during your direct examination. You said that certain of
18 the blood samples that you examined were consistent with the
19 sample provided from the deceased; is that correct?

20 A. Exactly. Yes.

21 Q. You used the word consistent. Would you tell me
22 if, as you used that word, it meant more likely than not
23 from the deceased?

24 A. No. I can't say more likely it's not from the
25 deceased. But this is the only blood I have to compare with

1 Sheunouda/Cross/Chaikin

2 the stain what I have. So, I said could be came from the
3 victim or could not come from the victim, of the same person
4 have the same type of the person.

5 Q. But that's what you meant when you said consistent;
6 is that correct?

7 A. Exactly. Yes.

8 Q. Let me speak to you for a moment about the samples
9 under the voucher that ended in the numbers 822 and relating
10 to Hector Perez.

11 Specifically with regard to those samples,
12 it's true, is it not, that you described for the jury a
13 moment ago two general classifications of tests that you
14 did, one for glucose or for blood factors. One for like PGM
15 and one for typing ABO; is that correct?

16 A. We didn't do ABO on the dry blood stain in our
17 lab.

18 Q. You didn't do it in your lab?

19 A. No.

20 Q. But you reported those results; is that correct?

21 A. No, I didn't say anything about ABO. I said about
22 the enzyme first for glucose. I didn't say anything about
23 ABO. I said about PGM and ACP. Both of them is enzyme.

24 Q. I may be misunderstanding you.

25 A. Yes.

1 Sheunouda/Cross/Chaikin

2 Whatever is missing from the pant, this is the way I receive
3 it.

4 Q. Let me just be very clear about this. This is for
5 the record. There is an area of the pants where these pants
6 end, as I'm showing them to you, on the left leg.

7 A. Yes.

8 Q. Right? This is how you got them, without any of
9 the pants below them?

10 A. Yes.

11 Q. And how many samples did you get from these pants?

12 A. How many stains you mean?

13 Q. Yes.

14 A. I can count it here. Ten stains. And some of the
15 stains I have control area. This mean no blood in this area
16 was found.

17 Q. They were just stains, dirt, whatever?

18 A. Yes. But each stain I have to have control area,
19 you know, like unstained area.

20 Q. Right. Correct me if I am mistaken. Does that
21 mean that of those stains that you did not find -- control A
22 you said?

23 A. Control area.

24 Q. Control area.

25 A. Yes.

1 Sheunouda/Cross/Chaikin

2 Q. Okay. Does that mean that you can make no
3 determination about those areas?

4 A. No. I make determinations. If the stain is enough
5 to type it for genetic marker, I have the conclusion here.
6 If the stain is not enough for genetic marker, only item of
7 mine, if it's human blood present or not human blood
8 present.

9 Q. Showing you the pants again, did you have enough of
10 a sample, enough of a stain to get what you needed to report
11 a result?

12 A. Three stains.

13 Q. Of those stains, the one to the right, that is only
14 one of them you reported as could be the same type as the
15 deceased; is that correct?

16 A. Exactly.

17 Q. I'll give this to you via the court officer.

18 COURT OFFICER: (Handed.)

19 Q. Would you take a look at those and point out, if
20 you would, for the jury, which stain it is that could be?

21 A. Stain number 1B-1.

22 Q. Was that stain -- would you hold that up? That's
23 in the back of the pants?

24 A. No. This is the front.

25 Q. I am sorry. It's in the front of the pants on the

1 Shenouda/Cross/Birkett

2 A. (Indicating.)

3 Q. Is it fair to say that on all the items of
4 clothing, at least with respect to this voucher, there's a
5 label with your initials and other information on it next to
6 each of the stains you tested?

7 A. Yes.

8 Q. Thank you. As to the stains on that black leather
9 jacket, is it correct none of those is consistent with the
10 blood of the victim in this case?

11 A. Yes.

12 Q. Now, lastly, I believe you tested stains from
13 shoes; is that correct?

14 A. Yes.

15 MR. BIRKETT: Can those be handed to the
16 witness, please?

17 COURT OFFICER: (Handed.)

18 Q. Which shoe has stain 1A?

19 A. Shoes number 1A.

20 THE COURT: That's the left boot.

21 Q. As to that stain, that also is not consistent with
22 the victim's blood, correct?

23 A. Yes.

24 Q. Therefore, only the stain from the other shoe is
25 consistent with the victim's blood in this case, correct?

1 Shenouda/Cross/Green

2 A. Yes.

3 Q. That's the only stain of all of those we just
4 looked at that's consistent with the victim's blood.

5 A. Yes.

6 MR. BIRKETT: Can I have just a second?

7 THE COURT: You have to ask for a minute.

8 MR. BIRKETT: May I have a minute?

9 THE COURT: Yes.

10 (A pause in the proceedings.)

11 MR. BIRKETT: That's all I have, your Honor.

12 Thank you.

13 THE COURT: Mr. Green.

14 CROSS-EXAMINATION

15 BY MR. GREEN:

16 Q. When you say not consistent, it means you have come
17 to a scientific conclusion that the blood is definitely not
18 from the victim; is that correct?

19 A. Yes.

20 Q. And with regard to Billy Gerena, voucher ending in
21 821, you have reached that determination, is that correct,
22 that the blood did not come from the victim?

23 A. Yes. Only I find one stain. Stain number 11.

24 Q. That is the only thing that was there?

25 A. Yes. Not there. This is only stain I typed for

1 Shenouda/Cross/Cohen

2 genetic marker.

3 THE COURT: That's it?

4 MR. GREEN: That's it, your Honor.

5 THE COURT: Mr. Cohen.

6 MR. COHEN: Thank you, your Honor.

7 CROSS-EXAMINATION

8 BY MR. COHEN:

9 Q. Good afternoon.

10 A. Good afternoon, sir.

11 Q. As I understand it, you indicated that you have
12 performed a PGM analysis and an ACP analysis on various
13 stains; isn't that right?

14 A. Yes.

15 Q. As a result of the analysis you performed, you were
16 able to conclude only whether or not blood samples were
17 consistent or inconsistent with each other; is that correct?

18 A. Yes.

19 Q. You can't say to a scientific certainty whether or
20 not a blood sample came from a particular source; is that
21 correct?

22 A. Either I said consistent with the victim or not
23 consistent with the victim. This is the only sentence I
24 used.

25 Q. You indicated, I think twice on your direct

Shenouda/Cross/Cohen

1
2 testifying.

3 THE COURT: The objection is overruled. You
4 are familiar with it?

5 THE WITNESS: Yes.

6 THE COURT: Do you do it in your laboratory?

7 THE WITNESS: Yes.

8 THE COURT: Go ahead. Next question.

9 Q. Did you do it in this case?

10 A. If requested.

11 Q. You mean that the assigned detective in this case
12 never asked that you perform DNA analysis on these items?

13 MR. ALEXIS: Objection.

14 THE COURT: Overruled. You may answer.

15 A. No. According to my knowledge here for this case,
16 they not request to do DNA.

17 Q. What is involved with DNA analysis that you are
18 aware of?

19 A. Excuse me?

20 Q. What is involved with DNA? First, what is DNA?

21 A. Deoxyribonucleic acid. But I am not expert to
22 testify anymore further for DNA. I didn't do any analysis
23 for DNA. Just this my knowledge.

24 Q. You have, however, been qualified as an expert to
25 testify in this case on the issue of blood analysis.

1 Shenouda/Cross/Cohen

2 A. Yes, for serologist.

3 Q. Are you familiar, are you aware that DNA
4 analysis --

5 MR. ALEXIS: Your Honor, I am going to object
6 to the rest of the questions regarding DNA. The
7 witness has just said she can't answer those
8 questions.

9 THE COURT: Well, she certainly is not
10 qualified as an expert when it comes to DNA. I
11 don't know what the question is.

12 But to the extent you are asking her what is
13 involved with DNA testing, I think she's not really
14 the right person to ask such a question.

15 MR. COHEN: Maybe I could ask another
16 question, with the Court's permission.

17 THE COURT: As I said, I'm giving you leeway
18 on this, but not in terms that would require
19 expertise in DNA. She's already disclaimed any
20 expert knowledge in that field.

21 Q. Would it be fair to say that a DNA analysis, if it
22 was performed in this case, could have either resulted in
23 the conclusion that the stains that were tested was blood
24 that came definitely from the deceased?

25 A. I said I'm not expert for DNA. I don't know how to

Shenouda/Cross/Cohen

answer this question.

Q. When you analyzed the samples in this case, you couldn't determine the manner in which the blood came to be on those particular items that you examined; is that right?

MR. ALEXIS: Objection.

THE COURT: Overruled. You may answer.

You do not know how the blood got there?

A. I can't understand what you want.

Q. You do not know how the blood got on the particular items that you examined; is that right?

A. No.

Q. You do not know when the blood got on the particular items that you examined; is that right?

A. No.

Q. You do not know who put the blood on the particular items that you examined; is that right?

A. Yes.

Q. So, you can't say, as you sit here today, whether or not it was more likely than not that the blood samples that tested consistent came from the victim, can you?

MR. ALEXIS: Objection.

THE COURT: Sustained as to the form of the question.

Your testimony is, is it possible it came from

Shenouda/Cross/Aronowsky

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A. White Starter shirt.

Q. And with respect to that one stain, what test comes first, PGM first or ACP test?

A. I can't understand.

Q. Which test do you do on a particular stain first, the PGM or the ACP?

A. No. I run both tests in the same time because two different plate running two different machine.

Q. With respect to that particular stain, you received no results, if my reading of this is correct, with respect to the PGM, correct?

A. For white Starter shirt.

Q. Right.

A. Yes. Inconclusive result for PGM.

Q. Inconclusive for the PGM. And you had what you consider positive results on the ACP.

A. Yes.

Q. Now, if my memory is correct -- this is Mr. Chaikin. If you do not know that, that's Mr. Chaikin.

When Mr. Chaikin questioned you about this particular area, I think it was your answer that put him within a group, that there was a 54 percent chance of being within that blood category within that enzyme?

A. For ACP type B, yes.

Shenouda/Cross/Aronowsky

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2 Q. With respect to this particular voucher, am I
3 accurate when I say there are one, two, three, four, five,
4 six, seven, eight, nine, ten, eleven stains that could have
5 originated from foreign source number 1?

6 A. One minute.

7 (A pause in the proceedings.)

8 A. Exactly. Yes.

9 Q. You also have a grouping called foreign source
10 number 3; is that correct?

11 A. Yes.

12 Q. And there are stains within this particular voucher
13 that also could possibly have come from foreign source
14 number 3, correct?

15 A. Yes.

16 Q. If my counting is correct, that's one, two, three,
17 four, five, six, seven, eight, nine additional stains that
18 might be from foreign source number 3?

19 A. Yes.

20 Q. And then you have another grouping where you say
21 something, nothing can be said of the origin of the
22 following blood stains. And you have two additional stains
23 listed at 189816; is that correct?

24 A. Yes.

25 Q. What does the term foreign source mean?

Shenouda/Cross/Aronowsky

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A. Yes.

Q. The type document which I think is signed by you?

A. Yes.

Q. I'm looking at what I believe is page 3 of the document. And it reads, the --

THE COURT: Let's not go into reading a document that is not in evidence.

MR. ARONOWSKY: Because she said there's one stain that's consistent. And that was not responsive to the question.

THE COURT: What is the question? Ask the question.

Q. The paragraph starts, the following stains could have originated from foreign source number 1. And then you have an entire column of --

THE COURT: Again, I'm going to stop you. I don't want to go over what is in this document here. It's not in evidence.

What is your question? Ask the question without referring to the document.

Q. Everything that is within that bracket that you called foreign source number 1 relates to a particular source which is not the victim, correct?

A. Yes.

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A. Yes.

Shenouda/Cross/Aronowsky

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2 Q. Then you have another foreign source. When you say
3 number 2, it's not the victim. It's not source number 1 and
4 it's source number 2?

5 A. Yes.

6 Q. Or 3, wherever we are up to.

7 A. Yes.

8 Q. Then you have an additional, correct?

9 A. Yes.

10 Q. What do you mean when you say nothing can be said
11 about the origin of the following blood stains? What does
12 that phrase mean?

13 A. This mean I can't give any conclusion. Either came
14 from the victim or came from the other three different
15 sources I have.

16 Q. How many possible sources were you advised of with
17 respect to this analysis as you conducted it?

18 A. Can you repeat it again, please?

19 Q. Were you given any information prior to your doing
20 this analysis with respect to the underlying event?

21 A. Either consistent with the victim or not consistent
22 with the victim. This is the knowledge I have.

23 Q. Were you told prior to your analysis or during your
24 doing the analysis that there were a multitude or more than
25 one people who might have been bleeding pursuant to this

Shenouda/Cross/Aronowsky

particular occurrence?

MR. ALEXIS: Objection.

THE COURT: Sustained.

Q. Were you given any information at all that Christian Pacheco was injured and bleeding as a result of this particular occurrence? And Christian Pacheco is the individual who would correspond to 189816?

MR. ALEXIS: Objection.

THE COURT: Sustained.

Q. I would ask you, you have the material for a voucher 189816 there, correct?

A. Yes.

Q. The actual property, correct?

A. Yes.

Q. Not the writeups. The property itself.

A. Yes.

MR. ARONOWSKY: With the Court's permission, if the witness could open that particular bag one more time.

THE COURT: All right.

Q. I believe there is a coat within that bag, correct?

A. It's a brown leather jacket.

Q. Yes. Could you please take the coat out of the bag? Now, in terms of your analysis of that particular

Shenouda/Cross/Aronowsky

1 coat, you found various stains on that coat, correct?

2 A. Yes. It's not consistent with the victim.

3 Q. And none of the stains were consistent with the
4 victim, correct?

5 A. Yes.

6 Q. Part of your analysis of the coat was to analyze
7 the physical condition of the coat, correct?

8 A. Excuse me?

9 Q. You noted the physical condition of the coat
10 itself, correct?

11 A. What you mean by physical condition? The way I
12 receive it?

13 Q. When you received the coat, you made notes and made
14 an examination physically of the coat itself, correct?

15 A. Yes.

16 Q. Did you make any notes or did you notice with
17 respect to the back of the coat any damage to the coat?

18 A. I see here some cut here in the back. I wrote it
19 in my notes. I can't remember. If you want me to go
20 to --

21 Q. On the reverse side of Christian Pacheco's coat,
22 did you note during your examination a hole that could have
23 been caused by a sharp object?

24 A. Yes. I wrote in my description for the coat this
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Shenouda/Cross/Aronowsky

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2 And for whatever reason, I touch Mr. Chaikin, or whatever,
3 and Mr. Chaikin ends up with my blood on him. That will be
4 my blood, correct?

5 A. Yes.

6 Q. If Mr. Chaikin then, for whatever reason, bumps
7 into someone --

8 MR. ALEXIS: Your Honor, I object to this
9 question.

10 THE COURT: I'll allow it. You may answer the
11 question.

12 Can blood be transferred from one person to
13 another and again to another person?

14 THE WITNESS: If they touch each other?

15 THE COURT: Yes.

16 THE WITNESS: If it's wet.

17 THE COURT: If it's wet and they touch each
18 other?

19 THE WITNESS: Yes.*

20 MR. ARONOWSKY: Can I just have one second,
21 please? A minute? A minute?

22 THE COURT: You got it.

23 (There was a pause in the proceedings.)

24 MR. ARONOWSKY: Nothing further.

25 THE COURT: Any redirect?

Shenouda/Redirect/People/Alexis

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A. Yes.

Q. Let's go to stain -- for both of those stains I asked you about, stains 1J-1 and 1K-1.

A. Yes.

Q. Were both of those determinations consistent with Lenny Cruz?

MR. COHEN: Objection. Beyond the scope.

THE COURT: Overruled. You may answer.

A. Yes.

Q. Before, you said that if you only could determine that one -- if ACP was consistent with Lenny Cruz, it's 54 percent. What is the percentage in PGM? What is the percentage if the PGM and ACP are consistent with Lenny Cruz?

A. 20 percent.

Q. 20 percent. Now I'd like to ask you about voucher G189825. That is the voucher for Suriel Esteban, People's 16. I'd like you to direct your attention to stain 1B-2.

A. Yes.

Q. Were you able to make a PGM determination for this stain?

A. Yes.

Q. 1B-2.

A. Yes.

Shenouda/Recross/Chaikin

Q. Were you able to make an ACP determination for that stain?

A. Yes.

Q. Was that determination consistent with the victim?

A. Yes.

Q. What is the percentage for that stain?

A. 20 percent.

MR. ALEXIS: No other questions.

THE COURT: Recross, Mr. Chaikin?

MR. CHAIKIN: If I may, your Honor.

THE COURT: Certainly.

RECROSS EXAMINATION

BY MR. CHAIKIN:

Q. At the beginning of that redirect, the prosecutor just asked you a question. I just want to be sure of the language here. He asked you if the three foreign sources, if that meant it was from three other people. Do you remember that question?

A. Yes.

Q. Do you know whether these sources came from items or people or floors or ceilings or walls?

MR. ALEXIS: Objection. I object.

Q. Or glasses or walls. Originally, of course, they came from people, right?

6/9/80 P P E N N O O B A C K S C O N N E C T I O N S F O R M A T

1 Shenouda/Recross/Cohen

2 A. Yes.

3 Q. Do you know whether those came off clothing or
4 other items? You have no knowledge of that at all, do you?

5 A. No knowledge for what now?

6 Q. Knowledge of where the foreign sources came from,
7 what type of items they came from?

8 A. No.

9 MR. CHAIKIN: Thank you.

10 THE COURT: Mr. Birkett?

11 MR. BIRKETT: Nothing.

12 THE COURT: Mr. Green?

13 MR. GREEN: No.

14 THE COURT: Mr. Cohen?

15 RECROSS EXAMINATION

16 BY MR. COHEN:

17 Q. Despite your response to the District Attorney's
18 question just a moment ago, can you still say now that it's
19 more likely than not that any of that blood came from the
20 deceased?

21 MR. ALEXIS: Objection.

22 A. In general or particular voucher or what?

23 Q. In general.

24 THE COURT: In other words, where it matches
25 20 percent of the population. Where you have tests

1 Shenouda/Recross/Cohen

2 that lead to a result consistent with 20 percent,
3 someone in the 20 percent category.

4 A. What is consistent with the victim, this is a 20
5 percent of the population. And conclusion, still it's same,
6 is that it's possible the blood came from him, yes.

7 Q. You can't say nothing more that it's possible also
8 the blood came from a foreign source; is that right?

9 A. Could be. It depends on the type to compare with.

10 Q. That's right. If you had fifteen people sitting
11 here, 20 percent would be three people would have that blood
12 type or that match?

13 A. Could have been.

14 MR. COHEN: Thank you. No further questions.

15 THE COURT: Mr. Aronowsky?

16 MR. ARONOWSKY: Nothing further.

17 THE COURT: Thank you very much, Miss

18 Shenouda. You are excused. You may step down.

19 THE WITNESS: Thank you.

20 THE COURT: I think I can say with a hundred
21 percent we are finished for today. We are going to
22 recess until tomorrow. I am going to ask you, the
23 jury, to return tomorrow at 10 a.m. I understand
24 one juror has a funeral to go to.

25 So, the court officer will give you