

1861:11 the area to them?  
1861:12 THE COURT: That's the next question I have.  
1861:13 MR. JOHNSON: We're getting to it.  
1861:14 MR. CRESWELL: I certainly object to a State's  
1861:15 Attorney Scott Mayer being the shower.  
1861:16 MR. ARTHUR: So do I, Judge, because he's  
1861:17 on trial tomorrow.  
1861:18 MR. CRESWELL: Or any State's Attorney for that  
1861:19 matter.  
1861:20 THE COURT: I wouldn't think that would be  
1861:21 appropriate. Off the record.  
1861:22 (Whereupon proceedings were  
1861:23 had outside the record, after  
1861:24 which the following proceedings  
1862:01 were had in the presence  
1862:02 and hearing of the jury:)  
1862:03 THE COURT: I realize you've been here a while  
1862:04 today, but we have been busy and occupied. And about  
1862:05 that I'll talk to you a little later in the day.  
1862:06 But we'll now resume with Mr. Podlecki.  
1863:01 MICHAEL PODLECKI,  
1863:02 a witness, called on behalf of the People of the  
1863:03 State of Illinois, having been previously duly sworn,  
1863:04 was examined and testified further as follows:  
1863:05 THE COURT: Are you the same Mr. Podlecki that  
1863:06 was testifying Tuesday last?  
1863:07 THE WITNESS: Yes.  
1863:08 THE COURT: You're still under oath?  
1863:09 THE WITNESS: Yes.  
1863:10 THE COURT: Very good.  
1863:11 DIRECT EXAMINATION (Resumed)  
1863:12 By Mr. Johnson:  
1863:13 Q Mr. Podlecki, I show you once again  
1863:14 People's Exhibit Number 63 for Identification, 64  
1863:15 for Identification, 65 for Identification, 66 and 67  
1863:16 for Identification. Once again do you recognize  
1863:17 those slides? You took hair from various places and  
1863:18 had occasion to mount them, is that correct?  
1863:19 A Yes, sir.  
1863:20 Q Now, sir, with respect to these People's  
1863:21 Exhibits and the hairs contained thereon, what if  
1863:22 anything in a general way in common do they share?  
1864:01 A That they were human and that they were  
1864:02 Caucasian and that they were head hairs.  
1864:03 Q Now, how, if at all, would a head hair

1864:04 differ from a body hair, say chest or pubic area?

1864:05 A The shaft, diameter, characteristics within  
1864:06 the hair. I'd have to draw it again like I drew  
1864:07 before.

1864:08 Q Okay.

1864:09 A As I stated before, the hair coming from  
1864:10 basically the head would be long and straight.  
1864:11 If it came from the pubic area it would be wavy.  
1864:12 This would be the same like in underarm hair. If  
1864:13 it came from like the hair on your arm, it would be  
1864:14 like this. We discussed the cuticle, the cortex  
1864:15 which would be here, the area I'm coloring, and the  
1864:16 medulla in a Caucasian.

1864:17 Also in a Negroid you have a medulla some-  
1864:18 times, but we have very heavy pigmentation, very  
1864:19 dark, very brown and we have those through these.  
1864:20 But when you look at it through a microscope picture  
1864:21 a black shoe string. You barely can see through that  
1864:22 black shoe string. You barely can see through it.  
1864:23 Very opaque, very hard to see through because of  
1864:24 the intensity and the color. So, when we view them  
1865:01 we have to look for the characteristics toward the  
1865:02 outer part and some inside and the outside and we  
1865:03 have to intensify the illumination, try to get as  
1865:04 much light as we can get through the hair. Those would  
1865:05 be the basic differences.

1865:06 Q How do you distinguish human hair, be it  
1865:07 head, body or pubic hair, from animal hair?

1865:08 A Okay, basically human hair has a medulla  
1865:09 like we just had here, okay, and we have the color  
1865:10 and it is fragmented. Sometimes it will be continuous.  
1865:11 Now, animal hair has color but it will have the  
1865:12 appearance of like a saw tooth appearance over the  
1865:13 cuticle. You know what the end of a saw looks like.  
1865:14 It has the blade and jagged edges. It looks like  
1865:15 that.

1865:16 And also, because the medulla being within  
1865:17 a third or less than a third in the human hair,  
1865:18 in animal hair it will take up most of the center  
1865:19 portion of the hair. And instead of looking like in  
1865:20 this case something like this, instead of looking  
1865:21 like this it might look like this or like this. So,  
1865:22 we can identify hair to the point we can tell what  
1865:23 race it is, between animal, human and what race it  
1865:24 came from and from what part of the body it came from.

1866:01 We can identify hair in those means.

1866:02 But when we're trying to compare them among  
1866:03 each other, that is the point where we can't identify  
1866:04 but we can use it in an exclusionary measure. We  
1866:05 show the similarities.

1866:06 Q All right. You can take the stand again.  
1866:07 Now, when you say you can use it as an exclusionary  
1866:08 measure, what do you mean by that?

1866:09 A The possibility always exists that in looking  
1866:10 at hair it possibly could have come from another  
1866:11 person. In other words I couldn't say that if I  
1866:12 take a hair from this slide there couldn't be another  
1866:13 person in the world that has the same color hair.  
1866:14 It's possible. It's possible with a lot of things  
1866:15 you do in science. I couldn't say beyond a reasonable  
1866:16 doubt.

1866:17 Q But what could you say?

1866:18 A By excluding I could say that in looking at  
1866:19 the hairs I could not exclude these hairs coming from  
1866:20 a person from not being where they were found.

1866:21 Q In other words you definitely could not  
1866:22 exclude them.

1866:23 A That is correct.

1866:24 Q And when you viewed the head hair of [REDACTED]  
1867:01 [REDACTED] which is People's Exhibit 63 and People's  
1867:02 Exhibit Number 65, the hair found in the rear of the  
1867:03 Toyota, and when you compared 64, the head hair of  
1867:04 [REDACTED] with 66 and 67, that taken from the  
1867:05 trunk in the rear area of that red Toyota, what  
1867:06 powers of microscope did you use?

1867:07 A Basically when we're looking at it through  
1867:08 the microscope you use a variety of powers. When I  
1867:09 examine hairs -- different analysts use different  
1867:10 types of examination in hair. Basically they have  
1867:11 their own way if they want to look at all the items  
1867:12 first or each one separately. The first thing I  
1867:13 do is I look at everything and get a basic under-  
1867:14 standing. Then I look at both known standards to  
1867:15 see if they're similar. Sometimes there's a possibility  
1867:16 where both of the hairs in the standards would be  
1867:17 similar and distinguishable. In this case they were  
1867:18 different. They did not look the same.

1867:19 Then I would start on a low power and I  
1867:20 would look. Basically it's like four. Then I would  
1867:21 look for dissimilarities. If I didn't see any dis-

1867:22 similarities I would increase the magnification to  
1867:23 fifty. I would look for dissimilarities. If I  
1867:24 couldn't see any I would increase it again. In other  
1868:01 words the more you increase the magnification, the  
1868:02 more you're going to see. The possibility of some-  
1868:03 thing different should be obvious, come out to you  
1868:04 right away. As you increase the magnification there's  
1868:05 more things, characteristics that will start to come  
1868:06 out.

1868:07 In this case I use the highest power which  
1868:08 is five hundred. I still couldn't see any dis-  
1868:09 similarities among the hairs.

1868:10 Q Now, when you initially described your  
1868:11 function as a forensic scientist I believe you indicated  
1868:12 that you were a chemist as well as a serologist, is  
1868:13 that correct?

1868:14 A Yes, sir.

1868:15 Q Would you explain what Serology is?

1868:16 A Basic Serology is basically the identification  
1868:17 of blood. It also entails the identification of body  
1868:18 fluids, physiological fluids; saliva, semen, perspiration,  
1868:19 also the identification of blood also as I stated  
1868:20 before.

1868:21 Q Could you explain some of your duties  
1868:22 acting in your capacity as a serologist? In other  
1868:23 words what are the different things you do to examine  
1868:24 blood or bodily fluids for purposes of identification?

1869:01 A We examined blood to determine -- an item  
1869:02 of evidence would be brought into the laboratory and  
1869:03 we would determine if there's blood on it. That's  
1869:04 the first thing we determine.

1869:05 The second thing is is that blood human or  
1869:06 is it animal. We can do that. We can tell if blood  
1869:07 came from a dog, rabbit, donkey, chicken, mouse or  
1869:08 squirrel. We do that next.

1869:09 After that we can determine if it's a non-  
1869:10 animal or human. Then we determine what type it is.  
1869:11 We can do this by the basic A, B, O system.

1869:12 Q Now, what is seminal fluid?

1869:13 A Seminal fluid is mainly the material that  
1869:14 is found ejaculated from the penis, produced in the  
1869:15 testicles and also a variety of other glands. Which  
1869:16 is made up of various amounts of protein and also  
1869:17 spermatozoa, sperm cells.

1869:18 Q Now, what, if any, test or procedures

1869:19 exist to determine the presence of seminal fluid?

1869:20 A In this case?

1869:21 Q In any case.

1869:22 A Basically the two tests that I use or perform  
1869:23 is basically the first one is Phosphatase. A Phosphatase  
1869:24 is an enzyme. It would be a chemical that is found  
1870:01 in seminal fluid and carries on a reaction. This is  
1870:02 the first test I test for. I test for the presence  
1870:03 of enzymes.

1870:04 If I find this enzyme I then do another  
1870:05 test called a Precipitate test. A test for certain  
1870:06 proteins that are found in seminal fluid. I use this  
1870:07 test basically -- the technique is called Ouchterlony.  
1870:08 It's a gelled double diffusion test whereby you use  
1870:09 antiserum which is known semen that is injected into  
1870:10 a rabbit which produces antibodies. This would be  
1870:11 the standard. This would be your known antibodies.  
1870:12 Then we react it with the antigens found in seminal  
1870:13 fluid. In this case it would be dry. We look for  
1870:14 Precipitate which would form. If both of them were  
1870:15 put together in a gel they just diffuse by the  
1870:16 diffusion characteristics.

1870:17 In other words like if you put water and  
1870:18 ink on a piece of paper or filter paper, like Gala  
1870:19 towel, and you put the ink on one end of the towel  
1870:20 and pour the water, they'll diffuse, they'll come  
1870:21 together. If the seminal material that is found is  
1870:22 human it would be specific with this antiserum so  
1870:23 they would come together and form and form like a  
1870:24 puzzle. They would lock together and precipitate.  
1871:01 This would be a reaction that would show that seminal  
1871:02 fluid is present, human seminal fluid.

1871:03 Q Would either one of these two tests indicate  
1871:04 the presence of spermatozoa?

1871:05 A No, they wouldn't.

1871:06 Q What, if any, test or examination exists  
1871:07 to determine the presence of spermatozoa?

1871:08 A Basically it would be a microscopic examination  
1871:09 whereby you would have to stain a slide. In other  
1871:10 words the slide would be presented with film that  
1871:11 was removed from the woman's vagina and would be  
1871:12 swabbed on a slide. The hospital would do this. I  
1871:13 would get the slide. I would then stain it. Medical  
1871:14 technologists have a stain called Giemsa stain used  
1871:15 to stain bacteria. The same thing we use to stain

1871:16 for the presence of sperm cells. Now, in staining  
1871:17 you couldn't see the sperm very well under a micro-  
1871:18 scope unless they were colored. All you'd see would  
1871:19 be the light coming through. You might be able to  
1871:20 see some of them. But by coloring them is like  
1871:21 dying them. Then we can identify the three major  
1871:22 portions. Could I go to the board?

1871:23 Q Please do.

1871:24 A In looking at sperm cells you have three  
1872:01 portions. You have the head. That contains the  
1872:02 nucleated material found in the head. You have the  
1872:03 neck and you also have the tail which causes the  
1872:04 sperm cells to swim.

1872:05 Now, the sperm can degenerate in certain  
1872:06 kinds of environments and we can show that by the  
1872:07 tails start to disappear. Those are the first things  
1872:08 that disappear after degenerating and this can be  
1872:09 a factor of time in how long the sperm can live.  
1872:10 When I say intact I mean the tails are here. When  
1872:11 I say intact spermatozoa that would mean the tails  
1872:12 would be here and during a certain time you could  
1872:13 see, sooner or later the head would disappear and  
1872:14 the tail would disappear because of bacteria that  
1872:15 you could see would eat them up. They would digest  
1872:16 the sperm cells.

1872:17 Q And the first thing to go I guess is the  
1872:18 tail?

1872:19 A Yes, sir.

1872:20 Q Okay, you can take the stand. Now,  
1872:21 directing your attention once again to 5-15 at the  
1872:22 Illinois Crime Lab, did you have an occasion to  
1872:23 receive many different things from Genty?

1872:24 A Yes, sir.

1873:01 Q I now show you what's been previously  
1873:02 marked as People's Exhibit Number 16-D for Identification.  
1873:03 Would you examine People's Exhibit Number 16-D for  
1873:04 Identification, please?

1873:05 A Yes, sir.

1873:06 Q Do you recognize it?

1873:07 A Yes, sir; by my case number, my initials,  
1873:08 the date and item number.

1873:09 Q What do you recognize it to be? What is that?

1873:10 A Two cardboard containers containing several  
1873:11 slides.

1873:12 Q And did you have an occasion to examine

1873:13 any of those slides?  
1873:14 A Yes, sir.  
1873:15 MR. JOHNSON: Mark this 16-D-1.  
1873:16 (Whereupon said document  
1873:17 was thereupon marked as  
1873:18 People's Exhibit Number  
1873:19 16-D-1 for Identification  
1873:20 by the Court Reporter.)  
1873:21 MR. JOHNSON: I tender People's Exhibit 16-D-1  
1873:22 to Counsel for their examination.  
1873:23 I show you, Mr. Witness, People's Exhibit  
1873:24 Number 16-D-1 for Identification. Do you recognize  
1874:01 this exhibit?  
1874:02 A Yes, sir.  
1874:03 Q What do you recognize it to be?  
1874:04 A It's a smear slide of the vaginal area  
1874:05 of the deceased, Schmal, ██████████  
1874:06 Q And what if anything did you have an  
1874:07 occasion to do with that People's Exhibit?  
1874:08 A Basically it was received from Mr. Genty,  
1874:09 logged into evidence and then I performed the test  
1874:10 as I explained to the jury, the Giemsa stain test,  
1874:11 in other words dyeing this slide.  
1874:12 Q And after you dyed it, what did you do with  
1874:13 it?  
1874:14 A I viewed it under a microscope.  
1874:15 Q And what if anything did you see when you  
1874:16 viewed People's Exhibit 16-D-1 under a microscope?  
1874:17 A I saw intact spermatozoa which would be  
1874:18 sperm cells with tail intact.  
1874:19 Q Now, at what point do the sperm cells begin  
1874:20 to break down? In other words, not being intact?  
1874:21 A Basically from my readings it would be  
1874:22 between twenty-four to thirty-six hours in certain  
1874:23 cases.  
1874:24 Q Yes. And are there any conditions that are,  
1875:01 you know, variables involved in this?  
1875:02 A Yes, sir.  
1875:03 Q What are those, could you tell the ladies  
1875:04 and gentlemen of the jury?  
1875:05 A Basically it would be the environment or  
1875:06 the condition that it was in. Sperm cells would  
1875:07 stay intact if they were on clothing. But if they  
1875:08 were found in a moist area, in this case the vagina,  
1875:09 they have a tendency to break down in a period of time

1875:10 because the bacteria and the enzymes. They have a  
1875:11 tendency to digest it. So, after a certain period  
1875:12 of time the tail would literally disappear. I wouldn't  
1875:13 be able to see anything.

1875:14 Q However, in this case you found intact  
1875:15 spermatozoa indicative, you know, that it was present,  
1875:16 it was there, that it hadn't begun to break down  
1875:17 yet, is that correct?

1875:18 A Yes, sir. As long as the swabbing of the  
1875:19 area in which this slide was taken was taken in a  
1875:20 certain amount of time the cells will not break  
1875:21 down as long as they are taken out and swabbed on the  
1875:22 slide. Once they're on the slide they won't degenerate.

1875:23 Q You now say if we were to take a look at  
1875:24 that People's Exhibit now under a microscope we would  
1876:01 still see intact spermatozoa?

1876:02 A Yes, sir. If you looked at it five years  
1876:03 from today it would still look the same.

1876:04 Q Once again directing your attention to  
1876:05 that date, 5-15-78, among the items that you received  
1876:06 from Genty I show you People's Exhibit 16 for Ident-  
1876:07 tification. Would you examine it, please?

1876:08 A Yes.

1876:09 Q Do you recognize it, sir?

1876:10 A Yes, sir.

1876:11 Q What do you recognize it to be?

1876:12 A One brown paper bag containing a variety  
1876:13 of items, three swabs, two slide containers, finger-  
1876:14 nail scrapings, head and pubic hair standards of

1876:15 [REDACTED]

1876:16 Q And did you have an occasion to do anything  
1876:17 with that People's Exhibit?

1876:18 A Yes, sir; I opened it and removed the items.

1876:19 Q I now show you what's been previously marked  
1876:20 as People's Exhibit Number 16-A for Identification.

1876:21 Would you examine People's Exhibit Number 16-A for  
1876:22 Identification?

1876:23 A 16-A is the vaginal swab standard of [REDACTED]

1876:24 [REDACTED]

1877:01 Q And what if anything did you have an  
1877:02 occasion to do with respect to People's Exhibit Number  
1877:03 16-A relative to the presence of seminal fluid?

1877:04 A I tested it for the presence of seminal  
1877:05 materials, seminal fluid.

1877:06 Q Can you describe once again to the ladies



1877:07 and gentlemen of the jury how you did it?  
1877:08 A Basically it's found in a tube like this.  
1877:09 I opened it, removed a portion of it and tested for  
1877:10 the presence of enzyme as I explained before,  
1877:11 Phosphatase. The enzyme was present. Basically  
1877:12 the material was removed. A drop of reagent was put  
1877:13 on a piece of cotton and indicative of a purple  
1877:14 color would show the presence of this enzyme.  
1877:15 The next thing I did was another portion  
1877:16 of that item inside was then removed and then under  
1877:17 gone by test gel diffusion agglutination to test  
1877:18 for the proteins found. The test was run, positive  
1877:19 results were concluded. It showed the presence  
1877:20 of proteins.  
1877:21 Both of these tests in conjunction with  
1877:22 one another indicated the presence of seminal  
1877:23 material.  
1877:24 Q Once again on that 5-15 date one of the  
1878:01 items you received from Genty, did you have occasion  
1878:02 to receive People's Exhibit Number 8 for Identification?  
1878:03 A Yes.  
1878:04 Q Okay. And do you recognize People's  
1878:05 Exhibit Number 8 for Identification?  
1878:06 A Yes, sir; it's one brown paper bag. I  
1878:07 have my date, case number, my initials and also the  
1878:08 item number identified as containing a pair of  
1878:09 slacks, pink slacks.  
1878:10 Q What if anything did you have occasion to  
1878:11 do with People's Exhibit Number 8 for Identification?  
1878:12 A It was logged into evidence and it was  
1878:13 opened and then the item was analyzed.  
1878:14 Q I now show you what's been previously  
1878:15 marked as People's Exhibit Number 8-A for Identification.  
1878:16 Would you examine that People's Exhibit, please?  
1878:17 A Yes.  
1878:18 Q Do you recognize People's Exhibit Number 8-A  
1878:19 for Identification?  
1878:20 A Yes, sir. Here I have my markings. One  
1878:21 pair of pinkish colored trousers.  
1878:22 Q What if anything did you have an occasion to  
1878:23 do with that People's Exhibit relative to the presence  
1878:24 of seminal fluid?  
1879:01 A Basically I tested the item to see if there  
1879:02 was any seminal fluid or sperm present.  
1879:03 Q Would you explain to the ladies and gentlemen

1879:04 how you do that with a garment such as that?  
1879:05 A Basically a sample section of the crotch  
1879:06 area, a hole was removed, cut and was tested in  
1879:07 the same procedures that I used to test the swab.  
1879:08 Q And what was the results of your examination  
1879:09 or test?  
1879:10 A That seminal fluid was present.  
1879:11 Q Did you have an occasion to perform any  
1879:12 further examination of that People's Exhibit?  
1879:13 A Could I refer to my report on that, sir?  
1879:14 I have a copy here in my pocket.  
1879:15 Q Do you have it?  
1879:16 A Yes, sir.  
1879:17 Q All right.  
1879:18 MR. CRESWELL: Could we have that marked your  
1879:19 Honor?  
1879:20 MR. JOHNSON: Mark it was People's Exhibit Number  
1879:21 105 for Identification.  
1879:22 THE COURT: What number?  
1879:23 MR. JOHNSON: 105.  
1880:01 (Whereupon said document  
1880:02 was thereupon marked as  
1880:03 People's Exhibit Number  
1880:04 105 for Identification by  
1880:05 the Court Reporter.)  
1880:06 THE WITNESS: Yes, sir; the item was tested for  
1880:07 the presence of intact spermatozoa.  
1880:08 MR. JOHNSON: Q Could you tell, please, the  
1880:09 ladies and gentlemen of the jury in what manner you  
1880:10 tested for the spermatozoa?  
1880:11 A Basically the crotch area was removed, a  
1880:12 section of it was then immersed in saline which is  
1880:13 basically salt water and was set on we have like a  
1880:14 little mixer. I can't remove it from the cloth.  
1880:15 I wouldn't be able to see it so I put it in saline.  
1880:16 Put a portion of the cloth in there. Put it on  
1880:17 like a little mixer to break the sperm from being  
1880:18 attached to the clothing fibers. Then the fibers --  
1880:19 strike that. Not fibers but the saline would then  
1880:20 be removed and would be put on a slide like so forth  
1880:21 and then stained and checked for the presence of  
1880:22 sperm cells and viewed under the microscope.  
1880:23 Q And did you have in fact occasion to do  
1880:24 that with People's Exhibit Number 8-A for Identification?  
1881:01 A Yes, sir.

1881:02 Q And what was the result of your examination  
1881:03 or test?  
1881:04 A That it indicated the presence of seminal  
1881:05 material and also sperm cells.  
1881:06 Q And in what form or what condition were  
1881:07 those sperm cells found by you?  
1881:08 A They were intact with the tails attached.  
1881:09 Q Now, after you had finished your examinations  
1881:10 or testings of People's Exhibit Number 8-A for  
1881:11 Identification, what did you do with that exhibit when  
1881:12 you were done with it?  
1881:13 A This item here was then placed in the paper  
1881:14 bag and sealed and then logged into the evidence vault  
1881:15 with the rest of the evidence.  
1881:16 Q Now, could you pick up again, if you would,  
1881:17 People's Exhibit Number 16-A for Identification. Did  
1881:18 you have an occasion to perform any other test or  
1881:19 examination on People's Exhibit Number 16-A for  
1881:20 Identification?  
1881:21 A Yes, sir.  
1881:22 Q What kind of test did you perform and  
1881:23 for what purpose did you perform it?  
1881:24 A Basically a final test I made was as I  
1882:01 concluded the seminal material was found thereon this  
1882:02 item I tried to determine to see if I could resolve  
1882:03 a blood type from this item.  
1882:04 Q Could you tell us how that's done or how  
1882:05 it could be that you could come up with a blood type  
1882:06 from seminal fluid?  
1882:07 MR. CRESWELL: I'll object. He hasn't said that  
1882:08 he has come up with a blood type. He said he tried to.  
1882:09 I don't know whether he has or hasn't.  
1882:10 MR. JOHNSON: I'm asking in generalities.  
1882:11 THE COURT: Overruled.  
1882:12 MR. CREWSELL: I'll withdraw the objection if  
1882:13 it is generalities.  
1882:14 THE WITNESS: I was able to test it. I was able  
1882:15 to come up --  
1882:16 MR. JOHNSON: Q Excuse me, Mr. Podlecki. The  
1882:17 question is how can it be that you can test seminal  
1882:18 fluid and come up with a blood type? How can you do  
1882:19 this?  
1882:20 A Basically there are people that have a gene  
1882:21 in their blood called secretor gene which is inherited  
1882:22 through your characteristics, your parents, and eighty

1882:23 percent of the population has this. Twenty percent  
1882:24 don't.

1883:01 Basically what it is is you can secrete  
1883:02 antigens. Antigens found in your blood that deter-  
1883:03 mine your blood type as A, B, AB or O. And antigens  
1883:04 can also be found in water soluble physiological  
1883:05 fluids, perspiration, vaginal secretions, seminal  
1883:06 material, so forth.

1883:07 Q And from that what can you determine?  
1883:08 A We can determine the blood type.

1883:09 Q And what test did you use to do this?  
1883:10 A Basically it's an absorption inhibition  
1883:11 test a test whereby you inhibit an antigen antibody  
1883:12 reaction.

1883:13 Q And from that you can determine blood type,  
1883:14 is that correct?  
1883:15 A We can determine the presence of a blood  
1883:16 group substance.

1883:17 Q Blood group substance, okay. Now, what if  
1883:18 anything did you have an occasion to do with People's  
1883:19 Exhibit Number 16-A?  
1883:20 A I performed the test as I explained, the  
1883:21 absorption inhibition test.

1883:22 Q Tell us exactly what you did, if you can?  
1883:23 A Basically a section of the item was removed  
1883:24 and placed -- could I draw it on the board? It would  
1884:01 be easier.

1884:02 Q Sure.  
1884:03 A What I use is I use a porcelain plate. Okay,  
1884:04 then what I would do is I take a sample of the swab,  
1884:05 the cotton fibers. I'd mark this A and this B and  
1884:06 I'd mark this O. Just in relativity, okay.

1884:07 Then what I did was I put the fibers of the  
1884:08 vaginal swab in each one of these wells. Then what  
1884:09 I'd do was I took known seminal fluid that was dried  
1884:10 on filter paper from a person who secretes his blood  
1884:11 type and just labelled this secretor A. So, the person  
1884:12 has Group A blood type with known seminal material  
1884:13 found on a piece of filter paper.

1884:14 Then I took another one but from somebody  
1884:15 who doesn't secrete his blood type. I did the same  
1884:16 with secretor for AB and a secretor for Group B.

1884:17 The plates I used only have four wells down  
1884:18 here, three rows with four down, so I had to use  
1884:19 another plate. But then I also have a control or

1884:20 blank. What a blank would be is just a piece of  
1884:21 paper. Now, if I received a reaction in the blank  
1884:22 that would mean something is wrong here. The blank  
1884:23 is something that doesn't have anything on it. That  
1884:24 should come up as a negative reaction. And when I  
1885:01 ran the test I looked for the presence of agglutination  
1885:02 which would be the clumping of cells, and I found a  
1885:03 strong reaction here, very slight reaction there,  
1885:04 strong reaction here.

1885:05 In other words, what you're looking for is  
1885:06 inhibiting. If you inhibit the antigen and it's taken  
1885:07 up and inhibiting isn't there, so it's going to react.

1885:08 Q You mean the clumping?

1885:09 A Right, the clumping. It looks something  
1885:10 like this, basic blood cell clumping. In other words  
1885:11 a positive reaction would be a negative reaction.

1885:12 Q So, when you got the reaction --

1885:13 A This reaction here would indicate the same  
1885:14 as a reaction in the A, but I had a slight  
1885:15 agglutination reaction in the A well which would  
1885:16 indicate to me that there exists a possibility of a  
1885:17 trace of O. Not so much a person with Group O, it  
1885:18 possibly could be but I could not rule that out or  
1885:19 people with Group O Blood secrete a substance called  
1885:20 A substance, a substance found in your blood. I  
1885:21 could only make three determinations from that.

1885:22 One, the person with Group O blood, seminal  
1885:23 fluid and a person with Group O seminal fluid, it  
1885:24 would be a combination. Two, it would just be a person  
1886:01 with Group A blood, but there could be a trace of O  
1886:02 if the victim is a Group O blood, from Group O blood.

1886:03 Q Through her vaginal discharge?

1886:04 A Correct. Or, third, it could be a person  
1886:05 with Group A blood that has a slight secretion that  
1886:06 I would find here of A. Why I would get a very  
1886:07 light agglutination there.

1886:08 Q And did you have an occasion to perform  
1886:09 this test on 16-A and what was your --

1886:10 MR. CRESWELL: Wait a minute. Don't take that  
1886:11 off of there.

1886:12 MR. JOHNSON: He can reproduce it at anytime,  
1886:13 Judge.

1886:14 THE COURT: Well, it's better to leave it so  
1886:15 they can cross examine on it in the same form in  
1886:16 which the witness testified.

1886:17 MR. JOHNSON: Q And did you have occasion to  
1886:18 perform this test on 16-A and does this represent  
1886:19 your results?

1886:20 A Yes, sir.

1886:21 Q So, what blood group substance did you  
1886:22 find on 16-A?

1886:23 A I would have to say my conclusions were  
1886:24 it indicated the presence of Group A and Group O  
1887:01 blood group substance.

1887:02 Q Strong A and then you explained the O  
1887:03 reaction, why you had to indicate O on your report,  
1887:04 is that correct?

1887:05 A Yes, sir; I had to put that down.

1887:06 Q Which was attributable to one of those  
1887:07 three things you went through?

1887:08 MR. WESTON: I object to the leading type of  
1887:09 questions.

1887:10 THE COURT: Sustained.

1887:11 MR. CRESWELL: Could I have the witness' answer  
1887:12 to that read back?

1887:13 THE COURT: The previous question?

1887:14 MR. CRESWELL: Yes, sir. It indicated a group  
1887:15 A or something like that. I don't know.

1887:16 THE COURT: Yes, you may. I'll direct that right  
1887:17 now.

1887:18 MR. CRESWELL: Thank you.

1887:19 (Record read by Reporter.)

1887:20 MR. JOHNSON: Q And what if anything would  
1887:21 explain the presence of the Group O substance?

1887:22 A It's Group A substance that would be found  
1887:23 there which would indicate Group O.

1887:24 Q How can you explain this? How would you  
1888:01 explain it?

1888:02 A Basically for those three items you want  
1888:03 me to discuss those again. Basically we run tests  
1888:04 in the laboratory and we report what we see. By what  
1888:05 we see we have to draw conclusions, scientifically.  
1888:06 We don't guess or make up things. We see what we  
1888:07 have. We see everything that would be attributable  
1888:08 to that scientifically. In other words what con-  
1888:09 conclusion can be brought when we run a test like this,  
1888:10 all controls and things that like come out.

1888:11 First thing, we could assume that a person  
1888:12 with Group A is a secretor, Group A blood. This is  
1888:13 looking at the top one there that I marked.

1888:14           The second would be a combination of  
1888:15 Group A and Group O because of that slight  
1888:16 agglutination reaction I showed there in the well  
1888:17 marked under A. Or it could be a person with Group A  
1888:18 that had a slight H substance found in the blood. H  
1888:19 substance is a substance found in Group O blood.  
1888:20       MR. CRESWELL: Found in Group O blood?  
1888:21       THE WITNESS: Yes, sir. H substance.  
1888:22       MR. JOHNSON: Q What else could you attribute  
1888:23 this to? What could you attribute this to?  
1888:24       A To a person with Group A blood, a slight H  
1889:01 substance. Some people secrete B substances in their  
1889:02 blood and some do not.  
1889:03       Q Or any other?  
1889:04       A Or the last one would be the possibility  
1889:05 of vaginal secretions, secretions from the vagina  
1889:06 area of a person that has Group O blood.  
1889:07       Q Directing your attention to June 7, 1978,  
1889:08 did you have occasion to go to locker thirteen at  
1889:09 the Maywood facility of the Illinois State Crime Lab?  
1889:10       A Yes, sir.  
1889:11       Q And from there did you have an occasion  
1889:12 to see People's Exhibit Number 11 for Identification?  
1889:13       A Yes, sir.  
1889:14       Q And do you recognize People's Exhibit Number  
1889:15 11?  
1889:16       A Yes, sir.  
1889:17       Q What do you recognize that to be?  
1889:18       A One sealed manila envelope containing  
1889:19 several standards.  
1889:20       Q I show you People's Exhibit Number 13 for  
1889:21 Identification. Do you recognize that?  
1889:22       A Yes, sir. A sealed manila envelope containing  
1889:23 several standards.  
1889:24       Q I show you People's Exhibit Number 12 for  
1889:25 Identification. Do you recognize that People's  
1890:01 Exhibit?  
1890:02       A A sealed manila envelope containing several  
1890:03 standards.  
1890:04       Q I show you People's Exhibit Number 11-B  
1890:05 for Identification. Do you recognize that?  
1890:06       A Yes, sir.  
1890:07       Q What do you recognize it to be?  
1890:08       A A tube containing what was left of a saliva  
1890:09 standard of Dennis Williams.

1890:10 Q I show you People's Exhibit Number 13-B  
1890:11 for Identification. Do you recognize People's  
1890:12 Exhibit Number 13-B for Identification?  
1890:13 A Yes, sir.  
1890:14 Q What do you recognize it to be?  
1890:15 A Containing the remains of a saliva standard  
1890:16 of Mr. Willie Rainge.  
1890:17 Q I show you People's Exhibit Number 12-B for  
1890:18 Identification. Do you recognize People's Exhibit  
1890:19 Number 12-B for Identification?  
1890:20 A Yes, sir.  
1890:21 Q What do you recognize it to be?  
1890:22 A The remains of a saliva standard of Mr. Kenny  
1890:23 Adams.  
1890:24 Q Now, looking at all these exhibits, 11, 11-B,  
1891:01 13-B and 12-B, how is it that you recognize those  
1891:02 items to be what they are?  
1891:03 A The tape around them, basically, and my  
1891:04 markings on each one.  
1891:05 Q On each and every one, is that correct?  
1891:06 A Yes, sir.  
1891:07 Q Now, what if anything did you have an  
1891:08 occasion to do with People's Exhibit Number 11-B,  
1891:09 13-B and 12-B for Identification?  
1891:10 A These three items from each separate  
1891:11 defendant, the three saliva standards?  
1891:12 Q That's correct.  
1891:13 A Basically absorption inhibition test to  
1891:14 see if I could determine if the people were secretors  
1891:15 and also if they could secrete their blood type  
1891:16 through their body fluids in this case which is saliva.  
1891:17 Q What did you do with the saliva initially?  
1891:18 A Basically a portion of the saliva was  
1891:19 removed from each one of these individual tubes and  
1891:20 put in separate tubes that were marked separately so  
1891:21 I could identify each one. They were then immersed,  
1891:22 tubes with the saliva inside immersed in boiling water  
1891:23 basically to break down any enzymes that possibly  
1891:24 could break down these blood group substances. It  
1892:01 was boiled for thirty seconds or so. Then it was  
1892:02 removed, the saliva was removed and put on filter  
1892:03 paper.  
1892:04 When I did all these examinations I wanted  
1892:05 to keep the same kind of testing procedure and the  
1892:06 same kind of environment that everything was done on



1892:07 in the previous case where I explained the vaginal  
1892:08 swab was dry, was not wet, and I wanted to test each  
1892:09 one of these saliva standards in a dry state. And  
1892:10 I did the testing as I show basically up there on  
1892:11 the board.  
1892:12 Q Now, with respect to People's Exhibit Number  
1892:13 11-B for Identification, that saliva standard identified  
1892:14 as coming from the Defendant Dennis Williams, what if  
1892:15 anything was the result -- what if any determinations  
1892:16 were you able to make of People's Exhibit Number 11-B  
1892:17 for Identification?  
1892:18 A I was able to determine that he was a  
1892:19 secretor and also that his saliva contained Group A  
1892:20 blood group substance.  
1892:21 Q Now, directing your attention to People's  
1892:22 Exhibit Number 12-B for Identification, would you  
1892:23 please explain to the ladies and gentlemen of these  
1892:24 two juries what if any determination you made  
1893:01 relative to 11-B?  
1893:02 A 13-B, sir?  
1893:03 Q 13-B for Identification, yes.  
1893:04 THE COURT: 13-B you're inquiring about?  
1893:05 MR. JOHNSON: Yes. That saliva standard as  
1893:06 has been previously identified taken from the  
1893:07 defendant Willie Rainge.  
1893:08 THE COURT: All right.  
1893:09 THE WITNESS: Basically the same test.  
1893:10 MR. JOHNSON: Q Okay. And what was the  
1893:11 results or determination you were able to make on  
1893:12 that?  
1893:13 A That it was a secretor and also that it  
1893:14 contained blood group O blood group substance.  
1893:15 Q Now, directing your attention to People's  
1893:16 Exhibit Number 12-B for Identification, did you have  
1893:17 occasion to perform that test once again?  
1893:18 A Yes, sir; the basic same test that was  
1893:19 done with the other two items.  
1893:20 Q Now, relative to that People's Exhibit  
1893:21 were you able to make any determination relative  
1893:22 to that exhibit?  
1893:23 A Yes, sir.  
1893:24 Q Okay. And what determination did you make?  
1894:01 A Basically it contained Group A blood group  
1894:02 substance.  
1894:03 Q Now, Mr. Podlecki, in making your examination

1894:04 of People's Exhibit Number 12-B for Identification,  
1894:05 the saliva standard taken from the defendant Kenneth  
1894:06 Adams, what if anything in particular did you notice  
1894:07 in common between that exhibit and People's Exhibit  
1894:08 Number 16-A?  
1894:09 A The vaginal?  
1894:10 Q Correct.  
1894:11 A When this examination, this item was run,  
1894:12 it has the same results --  
1894:13 MR. CRESWELL: What is he holding? I don't know.  
1894:14 THE WITNESS: 12-B.  
1894:15 MR. CRESWELL: Thank you.  
1894:16 THE WITNESS: I received the same reaction, the  
1894:17 same visual examination or reaction I could see as  
1894:18 I received in this item here, the vaginal swab as  
1894:19 you would see on the top of the first row, same kind  
1894:20 of reaction with a slight H reaction. That would be  
1894:21 the A column. Strong B reaction as you see in the B  
1894:22 and the slight -- no reaction as you would see in the O.  
1894:23 MR. JOHNSON: Q Would the testing of seminal  
1895:01 fluid and saliva, if they were from the same person,  
1895:02 would they correspond in the same manner?  
1895:03 MR. WESTON: Objection to the suggestive and  
1895:04 leading nature.  
1895:05 MR. JOHNSON: Would they correspond?  
1895:06 THE COURT: Overruled.  
1895:07 THE WITNESS: Yes, sir; any bodily secretions  
1895:08 from the person would as well as his blood type.  
1895:09 MR. JOHNSON: Q Are you familiar with human  
1895:10 blood groupings?  
1895:11 A Yes, sir.  
1895:12 Q And what examination or what manner, what  
1895:13 do you use to group blood, what method, methodology?  
1895:14 A Basically a direct antiserum over the  
1895:15 whole blood cells.  
1895:16 Q But in describing the types of blood you  
1895:17 already talked about A, B, AB system which is  
1895:18 probably the most common used, is that correct?  
1895:19 A Yes, sir.  
1895:20 Q Is that the one that you used?  
1895:21 A Yes, sir.  
1895:22 Q Now, could you explain to the ladies and  
1895:23 gentlemen of the jury what are human blood groupings?  
1895:24 You know, basically what are they?  
1896:01 A Basically blood groups in this case which

1896:02 would be the ABO blood system is basically four types;  
1896:03 Group A, B, AB and Group O. Each one is attributable  
1896:04 to an antigen. Group A contains A antigen, B contains  
1896:05 Group B antigens, AB contains Group AB antigens and  
1896:06 Group O contains no antigens. Each one has their  
1896:07 own certain frequency.

1896:08 Q And from that they become identifiable under  
1896:09 those groups, is that correct?

1896:10 A Yes, sir.

1896:11 Q What is whole blood?

1896:12 A Basically whole blood is a mixture of red  
1896:13 blood cells and white blood cells. A clear portion  
1896:14 which contains the antibodies and also the red portion.  
1896:15 In other words if you took a test tube of blood and  
1896:16 spin it down at ten thousand revolutions per minute  
1896:17 you would see on the bottom red cells and on top a  
1896:18 clear portion, white, which would be the serum.  
1896:19 You would have red blood cells on the bottom. The  
1896:20 red portion. And on the top you would see the clear  
1896:21 portion which would look like water almost. That  
1896:22 would be containing the antibodies or the white blood  
1896:23 cells.

1896:24 Q Now, having a sample of whole blood how,  
1897:01 if at all, do you test for the blood groupings?

1897:02 A Basically the test tube would be spun down,  
1897:03 washed with saline to take out any impurities. Cells  
1897:04 are then removed, basically put on a spot plate just  
1897:05 like I showed there and antisera were then added.  
1897:06 In this case there was Group A and the antiserum.  
1897:07 Group B was added to the second well. Group O  
1897:08 antiserum or H is what it would be added to the third  
1897:09 row. We look for agglutinations.

1897:10 Q That's clumping of cells, is that correct?

1897:11 A Yes, sir. In other words if you had --  
1897:12 If you had a person with A blood you would get  
1897:13 clumping in the A well with a negative in the B and  
1897:14 negative in the O. If you ran the test with Group O,  
1897:15 no reaction in A, no reaction in B, but you show  
1897:16 clumping in the Group O well.

1897:17 Q So, in that case the positive would be a  
1897:18 positive, is that correct?

1897:19 A Yes, sir.

1897:20 Q Whereas in the absorption inhibition the  
1897:21 negative means a positive, is that correct?

1897:22 A Yes, sir.

1897:23 Q Now, showing you People's Exhibit Number 18  
1897:24 for Identification, do you recognize this, sir?

1898:01 A Yes, sir.

1898:02 Q And what do you recognize it to be?

1898:03 A Basically it's an opened brown paper bag  
1898:04 identified as containing a small bottle containing a  
1898:05 liquid blood sample of Mr. [REDACTED]

1898:06 Q I show you People's Exhibit Number 18-A  
1898:07 for Identification. Do you recognize People's Exhibit  
1898:08 Number 18-A for Identification?

1898:09 A Yes, sir; this was the bottle I removed  
1898:10 from this bag.

1898:11 Q And what do you recognize it to be?

1898:12 A The liquid blood sample identified as being  
1898:13 liquid blood sample of Mr. Lionberg.

1898:14 MR. WESTON: Who?

1898:15 THE WITNESS: Mr. Lionberg.

1898:16 MR. JOHNSON: Q Now, would you please tell the  
1898:17 ladies and gentlemen of the jury what if anything  
1898:18 relative to blood groupings did you have an occasion  
1898:19 to do with People's Exhibit Number 18-A?

1898:20 A A sample of blood was removed, was then  
1898:21 put in a test tube, spun down and washed. A portion  
1898:22 of that removed, put in a well, as I said, in three  
1898:23 separate spots.

1898:24 Also, whenever I ran a test like this in  
1899:01 blood typing I always run known controls with it.  
1899:02 In other words I ran blood from Group A, Group B,  
1899:03 Group AB to make sure everything was correspondingly  
1899:04 working in the right order.

1899:05 Q Now, could you please tell the ladies and  
1899:06 gentlemen of these two juries what if any determination  
1899:07 you were able to make pursuant to this testing of  
1899:08 People's Exhibit Number 18-A, Mr. [REDACTED] blood?

1899:09 A They contained Group O blood.

1899:10 Q I show you People's Exhibit Number 14 for  
1899:11 Identification. Do you recognize it, sir?

1899:12 A One opened brown paper bag identified as  
1899:13 containing the liquid blood sample of [REDACTED]

1899:14 Q I now show you People's Exhibit Number 14-A  
1899:15 for Identification. Do you recognize that?

1899:16 A Yes, sir.

1899:17 Q What do you recognize it to be?

1899:18 A The small bottle I removed from People's  
1899:19 Exhibit Number 14, liquid blood sample of [REDACTED]

1899:20 Q And could you tell the ladies and gentlemen  
1899:21 of these two juries exactly what if anything you had  
1899:22 an occasion to do with People's Exhibit Number 14-A  
1899:23 for Identification?

1899:24 A I removed the blood, a portion of the blood  
1900:01 from the tube, put in a test tube, spun it down,  
1900:02 washed it with saline and then proceeded the basic  
1900:03 blood typing as I discussed before which results I  
1900:04 found were Group O blood.

1900:05 Q I show you what's been previously marked  
1900:06 as People's Exhibit Number 11-A for Identification.  
1900:07 Do you recognize People's Exhibit Number 11-A for  
1900:08 Identification?

1900:09 A Yes, sir.

1900:10 Q What do you recognize it to be?

1900:11 A A sealed white envelope containing liquid  
1900:12 blood sample of Mr. Dennis Williams.

1900:13 Q Have you ever seen that envelope before?

1900:14 A Yes, sir.

1900:15 Q And what was the last time you saw it?

1900:16 A When I was back at work testing it when I  
1900:17 sealed it and it was put in this manila envelope.

1900:18 Q So, it still contains your seal, is that  
1900:19 correct?

1900:20 A Yes, sir. My seal has not been opened.

1900:21 Q Could you now at this time open it.

1900:22 A Yes.

1900:23 MR. JOHNSON: Mark this 11-A-1.

1901:01 (Whereupon said document  
1901:02 was thereupon marked as  
1901:03 People's Exhibit Number  
1901:04 11-A-1 for Identification.)

1901:05 MR. JOHNSON: I now show Counsel what has been  
1901:06 marked People's Exhibit Number 11-A-1 for Identification.

1901:07 Q I tender it to you, Mr. Witness, for  
1901:08 your examination. Do you recognize People's Exhibit  
1901:09 Number 11-A-1 for Identification?

1901:10 A Yes, sir.

1901:11 Q What do you recognize?

1901:12 A I recognize my markings.

1901:13 Q You had occasion to seal that, is that  
1901:14 correct?

1901:15 A Yes, sir.

1901:16 Q Prior to sealing it did you have an  
1901:17 occasion to do anything with People's Exhibit Number

1901:18 11-A-1 for Identification?  
1901:19 A Yes, sir; I did the basic blood typing  
1901:20 test.  
1901:21 Q Much as you described before, is that  
1901:22 correct?  
1901:23 A Yes, sir.  
1901:24 Q Okay. And could you tell the ladies and  
1902:01 gentlemen of these two juries what if any determination  
1902:02 you were able to make relative to People's Exhibit  
1902:03 11-A-1 for Identification?  
1902:04 A It contained Group A blood.  
1902:05 THE COURT: What type?  
1902:06 THE WITNESS: Group A.  
1902:07 MR. JOHNSON: Q I direct your attention to  
1902:08 People's Exhibit 13-A for Identification. Do  
1902:09 you recognize it?  
1902:10 A Yes, sir.  
1902:11 Q What do you recognize it to be?  
1902:12 A One sealed white envelope.  
1902:13 Q Does it contain any markings or anything?  
1902:14 A Yes, sir; my markings here containing the  
1902:15 liquid -- identified as containing the liquid blood  
1902:16 sample of Willie Rainge.  
1902:17 Q Would you open it, please.  
1902:18 A Yes.  
1902:19 MR. JOHNSON: Mark this 13-A-1.  
1902:20 (Whereupon said document  
1902:21 was thereupon marked as  
1902:22 People's Exhibit Number  
1902:23 13-A-1 for Identification  
1902:24 by the Court Reporter.)  
1903:01 MR. JOHNSON: I now tender to Counsel what's  
1903:02 been marked People's Exhibit 13-A-1 for Identification.  
1903:03 Q I now will show you, Mr. Witness,  
1903:04 People's Exhibit Number 13-A-1 for Identification.  
1903:05 Do you recognize it?  
1903:06 A Yes, sir.  
1903:07 Q What do you recognize it to be?  
1903:08 A Liquid blood sample of Willie Rainge,  
1903:09 identified as being the liquid blood sample of Willie  
1903:10 Rainge.  
1903:11 Q Did you have occasion to perform any test  
1903:12 or examinations of that?  
1903:13 A Yes, sir; the basic blood test.  
1903:14 Q And could you tell these ladies and

1903:15 gentlemen of the juries, both these juries, what if  
1903:16 any determination you were able to make?  
1903:17 A Yes, sir. It contained Group O blood.  
1903:18 Q Now, Mr. Witness, I direct your attention  
1903:19 to People's Exhibit Number 12-A for Identification.  
1903:20 Do you recognize it?  
1903:21 A Yes, sir.  
1903:22 Q What do you recognize it to be?  
1903:23 A A sealed white envelope identified as con-  
1903:24 taining the liquid blood sample of Kenneth Adams.  
1904:01 A Okay. Could you open it, please.  
1904:02 A Yes.  
1904:03 MR. JOHNSON: Mark this 12-A-1.  
1904:04 (Whereupon said document  
1904:05 was thereupon marked as  
1904:06 People's Exhibit Number  
1904:07 12-A-1 for Identification  
1904:08 by the Court Reporter.)  
1904:09 MR. JOHNSON: Now, what I had marked People's  
1904:10 Exhibit Number 12-A-1 I tender to Counsel.  
1904:11 Q Mr. Witness, I tender it to you for  
1904:12 your examination. Would you examine People's  
1904:13 Exhibit Number 12-A-1 for Identification? Do you  
1904:14 recognize it?  
1904:15 A Yes, sir.  
1904:16 Q What do you recognize it to be?  
1904:17 A Identified as being the liquid blood sample  
1904:18 of Mr. Kenneth Adams.  
1904:19 Q And what if anything exactly -- exactly  
1904:20 what if anything did you have an occasion to do with  
1904:21 People's Exhibit Number 12-A-1 for Identification?  
1904:22 A The basic simple blood test as I said before  
1904:23 in the other blood samples.  
1904:24 Q And could you please tell the ladies and  
1905:01 gentlemen of these two juries what if any determination  
1905:02 you were able to make as a result of your test?  
1905:03 A That it contained Group A blood and also  
1905:04 had a distinct characteristic of showing up slight  
1905:05 agglutination in the O well which would indicate a  
1905:06 person had H substance found in his blood.  
1905:07 Q Showing you People's Exhibit 12-A-1,  
1905:08 People's Exhibit Number 16-A and People's Exhibit  
1905:09 Number 12-B, the vaginal swab of [REDACTED] the  
1905:10 saliva standard from Kenneth Adams and the blood  
1905:11 standard from Kenneth Adams, what if anything in your

1905:12 examinations did you notice in common between these  
1905:13 exhibits, if anything?

1905:14 A Basically the blood was tested showed the  
1905:15 same characteristics, Group A with a slight trace of  
1905:16 H substance. I also found it in the saliva because  
1905:17 if I found it in the blood it would come up in any  
1905:18 other body fluid. It came from the saliva, and just  
1905:19 being incidental, it also came up on the vaginal  
1905:20 swab.

1905:21 MR. CRESWELL: I object to the incidental, your  
1905:22 Honor. It's what he found.

1905:23 THE COURT: Sustained.

1905:24 MR. JOHNSON: Q What if anything does this  
1906:01 correlation in results mean to you?

1906:02 A With each item - -

1906:03 MR. CRESWELL: I'm going to object to that,  
1906:04 Judge.

1906:05 THE COURT: Overruled.

1906:06 THE WITNESS: Basically this contained Group A  
1906:07 blood with a slight trace of the H substance blood.  
1906:08 Saliva contained Group A with a trace of H. And the  
1906:09 swab with those three conclusions that I could draw,  
1906:10 it could have contained blood Group A substance with  
1906:11 a trace of H also in one of those three conclusions  
1906:12 that I said before.

1906:13 Q And what if anything does the correlation  
1906:14 between those three exhibits mean to you, if anything?

1906:15 MR. CRESWELL: Same objection, your Honor.

1906:16 THE COURT: Overruled.

1906:17 THE WITNESS: They all have the same results.

1906:18 MR. JOHNS: Q Now showing you People's  
1906:19 Exhibit Number 16-A for Identification, 11-A-1 for  
1906:20 Identification and 11-B for Identification, showing  
1906:21 you those exhibits, in making your examination of  
1906:22 those exhibits, Dennis Williams' blood and Dennis  
1906:23 Williams' saliva, did you notice any correlation in  
1906:24 results from those examinations?

1907:01 A The blood contained --

1907:02 MR. WESTON: Objection

1907:03 THE COURT: Overruled.

1907:04 THE WITNESS: The blood contained Group A blood,  
1907:05 the saliva contained Group A blood group substance  
1907:06 and also Group A blood group substance also found  
1907:07 in the vaginal swab.

1907:08 MR. JOHNSON: Q One more question. People's



1907:09 Exhibit Number 16-A for Identification is a swab?  
1907:10 A Yes, sir; vaginal swab.  
1907:11 Q Okay. And it's got a relatively small point  
1907:12 or edge to it, is that correct?  
1907:13 A Yes, sir.  
1907:14 Q The swabby part?  
1907:15 A Yes, sir.  
1907:16 Q How is it you can perform, you know, these  
1907:17 tests with such a small sample?  
1907:18 A The test that we use in the laboratory  
1907:19 are very sensitive to our techniques. We're working  
1907:20 with molecular things, antigens and molecular bodies,  
1907:21 molecules. We don't need a lot to run these certain  
1907:22 tests.  
1907:23 MR. JOHNSON: Judge, I have no further questions  
1907:24 of this witness at this time.  
1908:01 THE COURT: Very well. Would you care to have  
1908:02 a short recess before your cross examination?  
1908:03 MR. CRESWELL: Fine, Judge.  
1908:04 MR. WESTON: That's all right, your Honor. What-  
1908:05 ever the Court wants.  
1908:06 THE COURT: I'll give you a chance to put your  
1908:07 thoughts together.  
1908:08 MR. WESTON: I'm ready now.  
1908:09 THE COURT: Well, the ladies and gentlemen might  
1908:10 want to take a break. Ten minutes if you please.  
1908:11 (Whereupon a recess was taken  
1908:12 after which the following  
1908:13 proceedings were had out-  
1908:14 side the presence and  
1908:15 hearing of the jury:)  
1908:16 MR. ARTHUR: Judge, I advise Mr. Weston that  
1908:17 while testimony was in progress at one point when I  
1908:18 went in the back to get another towel to erase the  
1908:19 blackboard I received a phone call who said she was  
1908:20 the secretary for Judge Perry and then I spoke to  
1908:21 Judge Perry himself. He indicated to me that he  
1908:22 would have no problem if Mr. Weston was not there.  
1908:23 He would continue the matter to Monday at 10:00  
1908:24 o'clock. So, you know, he'll be glad to accommodate  
1909:01 us. I just wanted to get that clear.  
1909:02 MR. WESTON: That frees me.  
1909:03 MR. ARTHUR: So, in light of that if we can  
1909:04 set up a standard time because all these people have  
1909:05 to make arrangements.

1909:06 THE COURT: 10:00 o'clock is okay then.  
1909:07 MR. WESTON: Sure.  
1909:08 THE COURT: And Mr. Creswell?  
1909:09 MR. CRESWELL: Yes, sir.  
1909:10 MR. WESTON: 10:00 o'clock I'll be here.  
1909:11 MR. ARTHUR: There are some other, you know,  
1909:12 technical things.  
1909:13 THE COURT: We have to release Mr. Weston at  
1909:14 4:00 o'clock today.  
1909:15 MR. ARTHUR: Well, okay. If that's to happen  
1909:16 then obviously we will not finish probably with cross  
1909:17 examination. I assume we can pick that up tomorrow  
1909:18 afternoon.  
1909:19 THE COURT: Right.  
1909:20 MR. ARTHUR: But there are other matters to be  
1909:21 resolved on the viewing itself that we have to take  
1909:22 up sometimes before we leave here.  
1909:23 THE COURT: Yes. Let's take them up right now.  
1909:24 MR. ARTHUR: Okay. First of all I would tender  
1910:01 to the Court and Counsel has copies, or an order.  
1910:02 And these documents, your Honor are in order with  
1910:03 the documents that were used previously in this  
1910:04 County by his Honor Judge Bailey when he ordered such  
1910:05 a viewing in the Henry Brisbon trial, the I-57 case.  
1910:06 MR. CRESWELL: In the preamble of the order,  
1910:07 your Honor, I want the record to be made clear that  
1910:08 we had a hearing on this before. Your Honor was  
1910:09 presented this draft order for your signature and  
1910:10 at that point I argued on behalf of the defendant  
1910:11 Adams against allowing this to happen and I would  
1910:12 request that the order reflect that my arguments  
1910:13 are repeated here verbatim.  
1910:14 MR. WESTON: I join therein, your Honor.  
1910:15 THE COURT: Very well. Mr. Archie Weston  
1910:16 on behalf of the defendants Rainge, Williams and  
1910:17 Paula Gray joined in and supplemented the motion.  
1910:18 MR. WESTON: Yes, sir.  
1910:19 THE COURT: Or [On?] the objection as stated by Mr.  
1910:20 Creswell.  
1910:21 MR. WESTON: Yes, sir.  
1910:22 THE COURT: So, I'll now sign the order as  
1910:23 having heard the order and entered it over the  
1910:24 objections of the defendants on October 12, 1978.  
1911:01 The only other amendments I'll make in the order is  
1911:02 to change the word "Hamlin" to "Hammond" wherever

1911:03 it appears.

1911:04 MR. CRESWELL: Yes, sir. In paragraph three and  
1911:05 six you have to change the name thereon from Scott A.  
1911:06 Mayer to Chief Jack Davis I believe.

1911:07 MR. ARTHUR: Right. That's my understanding,  
1911:08 that Chief Davis from East Chicago Heights has  
1911:09 volunteered his services, Judge, as the shower in  
1911:10 this matter.

1911:11 THE COURT: Yes. Chief Jack Davis.

1911:12 MR. CRESWELL: Today is the 12th, Judge.

1911:13 THE COURT: Right.

1911:14 MR. ARTHUR: Judge, I believe --

1911:15 THE COURT: The viewing will be on the 13th at  
1911:16 10:00 o'clock.

1911:17 MR. CRESWELL: Friday.

1911:18 MR. ARTHUR: Friday the 13th, correct.

1911:19 MR. CRESWELL; Would your Honor wish to incorporate  
1911:20 in there an additional paragraph or put it on the  
1911:21 record that the Court is in its entirety physically  
1911:22 moving to the location and the Court Clerk must  
1911:23 accompany this.

1911:24 THE COURT: Yes, we'll put that on the record  
1912:01 that the Court, the Clerk, the Deputies assigned to  
1912:02 the jury will accompany the juries in their res-  
1912:03 pective modes of transportation and that they'll  
1912:04 be transported, each jury, in a separate bus. And  
1912:05 then, before leaving today I'll read to the juries  
1912:06 and the deputies the instructions that accompany  
1912:07 the order with respect to the manner of procedure  
1912:08 of the viewing.

1912:09 MR. CRESWELL: Now, how about -- wait a minute,  
1912:10 before you get to that. How about my defendant,  
1912:11 Kenneth Adams, being present also, your Honor.

1912:12 THE COURT: Well, they'll be transported by  
1912:13 the Sheriff and they'll be appearing on the scene  
1912:14 normally without any form of restraint other than  
1912:15 the presence of deputies with them.

1912:16 MR. WESTON: I assume all defendants, your Honor?

1912:17 THE COURT: All defendants.

1912:18 MR. CRESWELL: Very well.

1912:19 MR. ARTHUR: Okay.

1912:20 THE COURT: So, while to and from they may be  
1912:21 however the Sheriff wants them to be. All right,  
1912:22 I think we can resume now.

1912:23 MR. ARTHUR: There are other documents too

1912:24 accompanying this which I think we should take care  
1913:01 of. I tender at this time the instructions to the  
1913:02 Bailiff and Sheriffs on the viewing filled in and  
1913:03 amended and specifically the date and time as well  
1913:04 as the name of the shower. I tender copies of that  
1913:05 to Counsel and I will make copies of that for the  
1913:06 Sheriffs who will be in charge of that maneuver.  
1913:07 THE COURT: All right, then hand to each deputy  
1913:08 a copy and each bailiff.  
1913:09 MR. ARTHUR: Fine.  
1913:10 THE COURT: Will you do that?  
1913:11 MR. ARTHUR: I will, your Honor. Furthermore,  
1913:12 Judge, I tender to the Court copies of which I've  
1913:13 tendered to Counsel, a document entitled instructions  
1913:14 to the jury on the view. This, of course, contains  
1913:15 the date, the time and the amendments with respect  
1913:16 to the shower.  
1913:17 THE COURT: All right, I'll read this document  
1913:18 to the jury this evening upon recess.  
1913:19 MR. CRESWELL: This will not be given to the jury  
1913:20 however?  
1913:21 THE COURT: No, no.  
1913:22 MR. ARTHUR: Judge, finally --  
1913:23 MR. CRESWELL: Has that been amended on its face?  
1913:24 THE COURT: It's corrected in respect to the name  
1914:01 of the shower.  
1914:02 MR. CRESWELL: All right.  
1914:03 THE COURT: Chief Jack Davis.  
1914:04 MR. CRESWELL: Okay.  
1914:05 MR. ARTHUR: Finally, Judge, I tender to the  
1914:06 Court a document entitled shower's card which is  
1914:07 an instruction to the shower as far as what he will  
1914:08 say at certain points. Copies of this have been  
1914:09 tendered to Counsel and the copy that I'm tendering  
1914:10 to the Court has been amended by your Honor to show  
1914:11 the correct address.  
1914:12 THE COURT: All right.  
1914:13 MR. CRESWELL: Your Honor, the motion itself  
1914:14 as presented by the State technically becomes part  
1914:15 of the pleadings in this case?  
1914:16 THE COURT: All these documents do.  
1914:17 MR. CRESWELL: I assume that they will not be  
1914:18 given to the jury at anytime during the course of  
1914:19 this trial?  
1914:20 THE COURT: Oh, no.

1914:21 MR. CRESWELL: Even during their deliberations  
1914:22 because there's certain allegations made in this motion.  
1914:23 MR. ARTHUR: Sure, no problem.  
1914:24 THE COURT: Tell you what, I'll order them filed,  
1915:01 stamped and sealed.  
1915:02 MR. CRESWELL: Thank you, sir.  
1915:03 MR. ARTHUR: Thank you, your Honor. That's all  
1915:04 the preliminary matters I have, Judge.  
1915:05 THE COURT: All right, bring up the juries now.  
1915:06 (Whereupon the following  
1915:07 proceedings were had in  
1915:08 the presence and hearing  
1915:09 of the jury:)  
1915:10 THE COURT: All right, you may proceed with  
1915:11 cross examination.  
1915:12 MR. WESTON: Yes, your Honor.  
1915:13 CROSS EXAMINATION  
1915:14 By Mr. Weston:  
1915:15 Q Now, Mr. Podlecki, that's the correct  
1915:16 pronunciation, sir?  
1915:17 A Yes, sir.  
1915:18 Q You testified on direct as to a number of  
1915:19 tests that you performed?  
1915:20 A Yes, sir.  
1915:21 Q Specifically liquid blood standards of  
1915:22 the defendants herein to the exclusion of Miss Gray,  
1916:01 is that right?  
1916:02 A Yes, sir.  
1916:03 Q And saliva standards, is that right?  
1916:04 A Yes, sir.  
1916:05 Q Did you examine anything else from these  
1916:06 defendants?  
1916:07 A Yes, sir.  
1916:08 Q What?  
1916:09 A There were some pubic hair standards.  
1916:10 Q Now, pursuant to your examination first as  
1916:11 to the pubic hair standards, did you then submit a  
1916:12 report to-wit: June 7th?  
1916:13 A Yes, sir.  
1916:14 Q That's your report, is that right, sir?  
1916:15 A Yes, sir.  
1916:16 Q Now, going over this report, in your report  
1916:17 you indicated that you received it from an evidence  
1916:18 locker number, is that correct, sir?  
1916:19 A Yes, sir.

1916:20 Q Now, when you received items from the  
1916:21 evidence locker number, what does that mean as opposed  
1916:22 to receiving them from the police officer direct?

1916:23 A Presumably a police officer would put it  
1916:24 in the locker, lock it and then would stay there  
1917:01 until myself opened the locker and removed it.

1917:02 Q You know, of course, that these defendants  
1917:03 submitted to these tests pursuant to court order,  
1917:04 is that correct?

1917:05 A Sir, all I know is that the evidence that  
1917:06 was put in the locker had their names on it.

1917:07 Q You don't know how the evidence got there,  
1917:08 the blood test and pubic hair and saliva?

1917:09 A No, sir.

1917:10 Q Now, as to the pubic hair of Willie Rainge,  
1917:11 sir, did you find some conclusion from examination  
1917:12 of that hair?

1917:13 A No, sir.

1917:14 Q What did you say in your report?

1917:15 A Nothing of evidential value.

1917:16 Q So, what you found was nothing of evidential  
1917:17 value, right?

1917:18 A Yes, sir.

1917:19 Q Now, did you also examine pubic hairs from  
1917:20 one Dennis Williams, Kenneth Adams and Verneal  
1917:21 Jimerson?

1917:22 A Yes, sir.

1917:23 Q Did you then submit the same results,  
1917:24 nothing of evidential value?

1918:01 A Yes, sir.

1918:02 Q Now, when you're examining pubic hairs,  
1918:03 sir, what were you seeking terms of evidential  
1918:04 value?

1918:05 MR. JOHNSON: Objection.

1918:06 THE COURT: Why?

1918:07 MR. JOHNSON: There's nothing of evidential  
1918:08 value. It would be irrelevant and immaterial to  
1918:09 go into it.

1918:10 THE COURT: As to what he was seeking?

1918:11 MR. JOHNSON: Yes, Judge, yes. Because in his  
1918:12 answer that nothing of evidential value was found in  
1918:13 it just about says it all, number one.

1918:14 THE COURT: Well that's true. That's true,  
1918:15 nothing multiplied by nothing is still nothing.

1918:16 MR. WESTON: Nothing of evidential value.

1918:17 THE COURT: But Mr. Weston says what were you  
1918:18 seeking?  
1918:19 MR. JOHNSON: Then beyond the scope.  
1918:20 THE COURT: Overruled.  
1918:21 MR. WESTON: Q What were you seeking?  
1918:22 A Basically other hairs to compare them to.  
1918:23 Other hairs in the case that were found.  
1918:24 Q Other hairs that were found where?  
1919:01 A On a few items, sir.  
1919:02 Q Now, you took liquid blood standards that  
1919:03 you testified to, is that right?  
1919:04 A Yes, those were submitted to me.  
1919:05 Q And these results came up with a blood type  
1919:06 classification, is that right?  
1919:07 A Yes, sir.  
1919:08 Q Now, you also examined the deceased, the  
1919:09 victims, is that right?  
1919:10 A Blood, sir?  
1919:11 Q Blood.  
1919:12 A Yes, sir.  
1919:13 Q And then came up with a blood type  
1919:14 classification, is that correct?  
1919:15 A Yes, sir.  
1919:16 Q Now, do you recall what blood type classi-  
1919:17 fication both of the victims had, sir?  
1919:18 A Group O.  
1919:19 Q Do you recall if any defendant had a  
1919:20 similar blood type classification?  
1919:21 A Basically Group O.  
1919:22 Q Were there any defendants with Group A?  
1919:23 A Yes, sir.  
1919:24 Q Who were they, sir?  
1920:01 A Mr. Dennis --  
1920:02 Q You want to look at your report?  
1920:03 A Yes, sir. Mr. Adams, Mr. Dennis Williams.  
1920:04 Q And who else, sir?  
1920:05 A Mr. Willie Ränge is Group O.  
1920:06 Q What about Mr. Jimerson?  
1920:07 A Mr. Jimerson was Group A.  
1920:08 Q All right, sir. Now, by that grouping test  
1920:09 alone what if any implication or meaning is there to  
1920:10 it other than the classification of the blood type?  
1920:11 A That's it, sir.  
1920:12 Q That's it, is that right?  
1920:13 A Yes, sir.

1920:14 Q SO, all of these twenty-four jurors and myself  
1920:15 and the Judge and you have some type of blood type,  
1920:16 is that right?

1920:17 A Yes, sir.

1920:18 Q Now, is there anything else in your test  
1920:19 pertaining to the types of blood that has any evidentiary  
1920:20 value other than the fact that it's a classified type?

1920:21 A Basically all you do is determine the blood  
1920:22 type and report what you see.

1920:23 Q Now, you made saliva standard tests. The  
1920:24 same type of rationale as to the classification purpose  
1921:01 only applicable to the saliva test?

1921:02 A Yes sir; to determine the type.

1921:03 Q Now, you also mentioned, sir, that eighty  
1921:04 percent of the population have certain scientific  
1921:05 matters which I don't know the name of?

1921:06 A Secretors, sir.

1921:07 Q Secretors, yes, sir. And they can then  
1921:08 determine what? I didn't quite get that?

1921:09 A A secretor is a person that has the gene,  
1921:10 secretor gene. The secretor secretes his blood type  
1921:11 in his body fluids. Twenty percent of the population  
1921:12 do not.

1921:13 Q Yes, sir. So, theoretically twenty percent  
1921:14 of this jury would not be able to do that and the  
1921:15 other eighty percent would, is that right, sir?

1921:16 A It's possible if it was a large enough  
1921:17 population and random sampling.

1921:18 Q I'm just trying to compare it to something.  
1921:19 We're talking about eighty percent of the population,  
1921:20 talking about eighty percent of the United States  
1921:21 government or eighty percent of the --

1921:22 A Eighty percent of the general population.

1921:23 Q In that twenty percent that cannot secrete  
1921:24 whatever these elements are, would that have affected  
1922:01 your examinations in any form or fashion?

1922:02 A No, sir.

1922:03 Q So, the fact that eighty percent can and  
1922:04 twenty percent can't is immaterial so far as your  
1922:05 testimony is concerned?

1922:06 A Basically just to determine who secretes  
1922:07 their blood type and who doesn't.

1922:08 Q Now, we got into an aspect of possibilities.  
1922:09 We talked in terms of possibilities. Are there other  
1922:10 elements in the blood that would tend to affect



1922:11 changes on your examinations?  
1922:12 A There's a possibility.  
1922:13 Q Possibility. Whatever the number of the  
1922:14 State's Exhibit, the pink pants, you stated that  
1922:15 somewhere in the crotch, right here, you cut this  
1922:16 piece of cloth off, right?  
1922:17 A Yes, sir.  
1922:18 Q And you found on that cloth what, sir?  
1922:19 A Seminal material, sir.  
1922:20 Q Seminal material?  
1922:21 A And intact spermatozoa.  
1922:22 Q Did you know whether or not it had penetrated  
1922:23 the entire cloth or was it on the outside or whether  
1922:24 it was on the inside?  
1923:01 A I don't know that, sir.  
1923:02 Q You don't know. Now, that particular sperm  
1923:03 that you found on these pants was what, sir? Let  
1923:04 me refresh your memory again with the report.  
1923:05 A It wouldn't be on this report here. It  
1923:06 basically was intact spermatozoa and seminal  
1923:07 material that was found in the pants.  
1923:08 Q All right. Now, this sperm that you're  
1923:09 referring to, what does that mean, sir?  
1923:10 A It was human sperm cells and also human  
1923:11 seminal material.  
1923:12 Q Now, could you determine whether the sperm  
1923:13 cells for the human sperm material was male or  
1923:14 female?  
1923:15 A Sperm cells mainly come from the male.  
1923:16 Q Now, coming from a male could you determine  
1923:17 whether or not the sperm cell had any characteristics  
1923:18 of any of these blood types?  
1923:19 A Basically on this item here, sir?  
1923:20 Q Yes, sir.  
1923:21 A No, sir; I could not.  
1923:22 Q When they handed you these pants did they  
1923:23 say that the victim had them on during some inter-  
1923:24 course?  
1924:01 A Sir, they were just put in the bag and I  
1924:02 just examined them. I didn't know where they came  
1924:03 from.  
1924:04 Q They didn't tell you they were off the victim  
1924:05 or on the victim?  
1924:06 A No, sir. They just came to me in a bag  
1924:07 and said they're from the victim.

1924:08 Q From the victim. Belong to the victim?  
1924:09 A Yes, sir.  
1924:10 Q Now, the deceased male had a blood type  
1924:11 too, didn't he, sir?  
1924:12 A Yes, sir.  
1924:13 Q And from your test of that sperm that  
1924:14 was found inside or outside on that cloth, can you  
1924:15 ascertain whether or not that sperm was the same  
1924:16 type of blood classification as the deceased male?  
1924:17 A No, sir; I wasn't able to come up with  
1924:18 a conclusive result on the blood typing on that  
1924:19 seminal matter.  
1924:20 Q Now, getting back to the liquid blood  
1924:21 standards and the tests that were ordered by this  
1924:22 Court, they were placed in an evidence locker with  
1924:23 a number on it, is that right, sir?  
1924:24 A Yes, sir.  
1925:01 Q Now, you have then a reference number to  
1925:02 a case. That case reference number is from you or  
1925:03 from whom?  
1925:04 A From me. M782033.  
1925:05 Q Now, here, is this also one of your reports,  
1925:06 to-wit: People's Exhibit Number 105 identified by  
1925:07 the State?  
1925:08 A Yes, sir; that's my signature on it.  
1925:09 Q Now, the note that this indicates it was  
1925:10 received May 15th, 1978, is that right?  
1925:11 A Yes, sir.  
1925:12 Q This wasn't received from a laboratory  
1925:13 evidence locker?  
1925:14 A No, it was received from Mr. Genty in  
1925:15 person.  
1925:16 Q Mr. Genty gave this to you, is that right?  
1925:17 A Yes, sir.  
1925:18 Q Now, do you know where it had been prior  
1925:19 to Mr. Genty giving it to you?  
1925:20 A No, sir.  
1925:21 Q Now, the first item there that you examined  
1925:22 was one white comb containing hairlike fibers, is that  
1925:23 right?  
1925:24 A Yes, sir.  
1926:01 Q Now, you made a conclusion after examining  
1926:02 that comb, did you not, sir?  
1926:03 A Yes, sir.  
1926:04 Q What was that conclusion?

1926:05 A That the items that I found, hair fibers that  
1926:06 I found were nothing of evidential value.  
1926:07 Q Thank you, sir. Now, you also made a  
1926:08 conclusion as to this one pair of pink denim jeans,  
1926:09 is that right?  
1926:10 A Yes, sir.  
1926:11 Q What is that conclusion, sir?  
1926:12 A Grouping results, blood grouping results  
1926:13 were found to be inconclusive.  
1926:14 Q When you say the blood grouping results  
1926:15 inconclusive, what does that mean?  
1926:16 A That means I could not find a final  
1926:17 conclusion from the results which I obtained in doing  
1926:18 that test.  
1926:19 Q And what were you seeking, sir?  
1926:20 A To see if I could determine if the seminal  
1926:21 material deposited on those pants had a blood type.  
1926:22 MR. WESTON: Your Honor, I would make an offer  
1926:23 of proof --  
1926:24 MR. JOHNSON: Objection. Object to any offer  
1927:01 of proof in front of any jury.  
1927:02 THE COURT: Sustained.  
1927:03 MR. WESTON: I withdraw the offer of proof.  
1927:04 THE COURT: You can do that anytime outside  
1927:05 their presence.  
1927:06 MR. WESTON: All right, sir.  
1927:07 Q Now, I assume that you made these  
1927:08 tests in some type of order, is that right, sir?  
1927:09 A Yes, sir.  
1927:10 Q And as you made them in some type of order  
1927:11 you then started to prepare that report which is the  
1927:12 report of People's Exhibit 105, is that right?  
1927:13 A Yes, sir.  
1927:14 Q What's the next item that you examined, sir,  
1927:15 number three?  
1927:16 MR. JOHNSON: I'm going to object. Beyond the  
1927:17 scope.  
1927:18 THE COURT: The order of the examination?  
1927:19 MR. JOHNSON: No, what was the next item?  
1927:20 THE COURT: I thought his question was what was  
1927:21 the order in which the witness made his examinations  
1927:22 and tests.  
1927:23 MR. ARTHUR: Judge, that's not his question. His  
1927:24 question was what's Item Number 3 on there.  
1928:01 MR. WESTON: The next item.

1928:02 MR. ARTHUR: Totally beyond the scope.  
1928:03 THE COURT: Well, just a minute. I'll sustain  
1928:04 the objection.  
1928:05 MR. WESTON: Don't sustain the objection until  
1928:06 we understand it, your Honor, please.  
1928:07 THE COURT: I want you to restate your question.  
1928:08 If you please, so we get it clear here what we're  
1928:09 arguing about or discussing.  
1928:10 MR. WESTON: Q People's Exhibit Number 105 has  
1928:11 a number of examinations performed by this witness.  
1928:12 All I'm asking the witness is what was these  
1928:13 examinations and what was the results. Now, if I'm  
1928:14 not permitted to do that, I'll cut it off right now.  
1928:15 MR. JOHNSON: I object.  
1928:16 THE COURT: Sustained.  
1928:17 MR. WESTON: Q You took a head hair sample  
1928:18 standard from [REDACTED] did you, sir?  
1928:19 A It was in an envelope. I didn't take the  
1928:20 standard from him.  
1928:21 Q Did you have it and perform a test on it?  
1928:22 A Could I refer to my report on that, please?  
1928:23 Q Sure.  
1928:24 A Yes, sir.  
1929:01 Q And after you performed that test you came  
1929:02 up with some results, is that right, sir?  
1929:03 A Yes, sir.  
1929:04 Q What were those results?  
1929:05 A That the head hair standard was found to be  
1929:06 similar in color and character to line number 37.  
1929:07 Q Now, Item Number 37, that's one of the items  
1929:08 that you have listed here, is that right, sir?  
1929:09 A Yes, sir.  
1929:10 Q Now, Item Number 37 is what, sir?  
1929:11 A Trace material.  
1929:12 Q Now, when you refer to trace material, are  
1929:13 you talking about an item from this particular case,  
1929:14 case report number 745880?  
1929:15 A The sheets that I am referring to would be  
1929:16 the evidence. I don't know if it would be these  
1929:17 sheets, but the evidence receipts that we have at the  
1929:18 crime laboratory that the Cook County State's Attorneys  
1929:19 would submit to us. I just use the same terminology  
1929:20 that they use.  
1929:21 Q Now, do you have on your report that you  
1929:22 submitted a reference number as to what you're talking

1929:23 about? Does that number correspond with the number  
1929:24 on that report that contains those trace materials?  
1930:01 A Yes, sir. The agency case number.  
1930:02 Q Does that mean anything?  
1930:03 A To me, no, sir.  
1930:04 Q What do you use the number for?  
1930:05 A Basically so we put that down so then the  
1930:06 Sheriff's Department have their agency numbers so  
1930:07 they can look it up to find out what case this is  
1930:08 corresponding to their work.  
1930:09 Q So, because it's the same number as this  
1930:10 doesn't mean anything?  
1930:11 A Not to me, sir, no.  
1930:12 Q All right. Now, you got this trace material  
1930:13 from whom, sir?  
1930:14 A Mr. Genty.  
1930:15 Q And you don't know where Mr. Genty got it  
1930:16 from?  
1930:17 A No, sir.  
1930:18 Q Now, you took some facial hair from [REDACTED]  
1930:19 [REDACTED] Did you test that, sir?  
1930:20 A Sir, it was put in an envelope. I didn't  
1930:21 take it.  
1930:22 Q You had it, sir. Did you test it?  
1930:23 A Yes, sir.  
1930:24 Q What was your results from that test?  
1931:01 A There were no facial hairs throughout the  
1931:02 evidence to compare it to. No comparison.  
1931:03 Q Now, when you said no comparison you mean  
1931:04 you found no hairs similar to his facial hairs in any  
1931:05 of the evidence you had?  
1931:06 A This is correct.  
1931:07 Q Now, you took some fingernails or you had  
1931:08 some fingernail scrapings from [REDACTED]?  
1931:09 A Yes.  
1931:10 MR. JOHNSON: Judge, I object to this.  
1931:11 THE COURT: Beyond the direct?  
1931:12 MR. JOHNSON: Yes.  
1931:13 THE COURT: Overruled.  
1931:14 MR. WESTON: Q You took tests of fingernail  
1931:15 scrapings from [REDACTED] is that right, sir?  
1931:16 A They were received by me, yes, sir.  
1931:17 Q And you made tests, did you not?  
1931:18 A Yes, sir.  
1931:19 Q And what were the results of that test?

1931:20 A I found a section, small portion of one  
1931:21 Caucasian hair, brown in color.  
1931:22 Q Now, once you found the section of one  
1931:23 Caucasian hair, brown in color, what do you deduce  
1931:24 from that, if anything?  
1932:01 A Basically it was such a minute quantity  
1932:02 that I examined it microscopically and just determined  
1932:03 that it was Caucasian and it was brown.  
1932:04 Q Was it similar in characteristics to [REDACTED]  
1932:05 hair?  
1932:06 A Pardon me, sir?  
1932:07 Q Was it similar in characteristics to [REDACTED]  
1932:08 hair?  
1932:09 A I couldn't make a determination on the hair.  
1932:10 It was too minute a piece of hair.  
1932:11 Q So small you couldn't determine.  
1932:12 A Yes, sir. All that I have on the report is  
1932:13 all I could determine.  
1932:14 Q Could you determine a difference between  
1932:15 Caucasian and Negroid hair?  
1932:16 A Oh, yes, sir.  
1932:17 Q It wasn't Negroid?  
1932:18 A This is correct, sir.  
1932:19 Q Now, Number 21 says one pair of green socks  
1932:20 and the plastic box of hair fibers.  
1932:21 MR. JOHNSON: I'll object again.  
1932:22 THE COURT: As beyond the direct again?  
1932:23 MR. JOHNSON: Yes.  
1932:24 THE COURT: Sustained.  
1933:01 MR. WESTON: Your Honor, I'll have to make my  
1933:02 offer of proof outside the presence of the jury.  
1933:03 THE COURT: Right. I understand.  
1933:04 MR. WESTON: Can I do it now?  
1933:05 THE COURT: No, let's do it tomorrow. Or when  
1933:06 you're finished tonight.  
1933:07 MR. WESTON: Q In fact, you tested quite a  
1933:08 bit of trace material and you came up with completely  
1933:09 nothing of evidentiary value, is that right, sir?  
1933:10 A This is correct, sir.  
1933:11 THE COURT: I think I changed my mind about those  
1933:12 socks. Go ahead and ask about it. Overruled.  
1933:13 MR. WESTON: Thank you, sir.  
1933:14 Q You had one pair of green socks and  
1933:15 a plastic box of hair fibers?  
1933:16 A Yes, sir.

1933:17 Q You made a test.  
1933:18 A Yes, sir.  
1933:19 Q That test disclosed that there was nothing  
1933:20 of evidential value, is that right, sir?  
1933:21 A This is correct, sir.  
1933:22 Q Now,, you also took or you had an oral  
1933:23 swab and rectal swab from the victim [REDACTED] is  
1933:24 that right?  
1934:01 A Yes, sir.  
1934:02 Q Now, what exactly did you examine it for,  
1934:03 sir?  
1934:04 A The presence of seminal material, sir.  
1934:05 Q The presence of seminal material?  
1934:06 A Yes, sir.  
1934:07 Q And your conclusion there was nothing of  
1934:08 evidential value?  
1934:09 A Rectal swab and oral swab no. Negative  
1934:10 for seminal material. There was none found.  
1934:11 Q I see. Now, you also were submitted some  
1934:12 floor debris. Now, what particular --  
1934:13 MR. JOHNSON: Objection, Judge.  
1934:14 MR. WESTON: Q What does that mean?  
1934:15 THE COURT: Same ruling.  
1934:16 THE WITNESS: Are you referring to Item 26 on my  
1934:17 report?  
1934:18 MR. WESTON: Q Yes, sir.  
1934:19 A Basically debris from the floor.  
1934:20 Q Debris from the floor. And what type of  
1934:21 examination did you do with the debris from the floor?  
1934:22 A Basically I would look for hairs.  
1934:23 Q Hairs?  
1934:24 A Hairs or fibers that could be pertinent to  
1935:01 the case.  
1935:02 Q And what happened? Go ahead.  
1935:03 A Basically what I would do is look for foreign  
1935:04 trace material. If I found anything of evidential  
1935:05 value in either case it would be reported. Otherwise  
1935:06 there was nothing found.  
1935:07 Q So, in this particular incident what happened?  
1935:08 What were the results of the examination?  
1935:09 A There was nothing of evidential value that  
1935:10 I could find.  
1935:11 Q Now, sir, I see your name on that report.  
1935:12 I'm a little confused as to what happened. That indicates  
1935:13 that you gave this to someone after they gave it to you?

1935:14 What does that mean?  
1935:15 A Basically Item Number 14, one pair of socks  
1935:16 and one pairs of shoes, I turned over to Mr. Sherk on  
1935:17 May 22nd, 1978.  
1935:18 Q Mr. Sherk is another -- he's another forensic  
1935:19 scientist at the lab?  
1935:20 A Correct.  
1935:21 Q Did you examine Item 14 prior to turning it  
1935:22 over to him?  
1935:23 A I would have to check my reports, sir.  
1935:24 Q So according to this, this came from D.J.  
1936:01 Genty on May 15th, right?  
1936:02 A Right.  
1936:03 Q And then --  
1936:04 MR. ARTHUR: I object to the use of that report.  
1936:05 It's not Mr. Podlecki's report. He's already said it's  
1936:06 not his.  
1936:07 MR. WESTON: The question is asked as to procedure.  
1936:08 I'm not trying to introduce anything on the report.  
1936:09 THE COURT: I understand.  
1936:10 MR. WESTON: I just want to understand the procedure.  
1936:11 THE COURT: What are you trying to get to?  
1936:12 MR. WESTON: I'm trying to let the jury know that  
1936:13 these items were transferred quite a bit prior to  
1936:14 anybody examining them aside from not being in any-  
1936:15 body's control.  
1936:16 MR. ARTHUR: This jury knows that. We've gone  
1936:17 through a meticulous chain of evidence to show  
1936:18 what happened to it.  
1936:19 MR. WESTON: I'm entitled to go through a  
1936:20 meticulous line of questioning.  
1936:21 THE COURT: Not if it's irrelevant, so I'll  
1936:22 sustain the objection.  
1936:23 MR. WESTON: It's irrelevant?  
1936:24 THE COURT: Irrelevant.  
1937:01 MR. WESTON: Irrelevant where they came from?  
1937:02 THE COURT: Or what happened.  
1937:03 MR. WESTON: Or what happened, all right.  
1937:04 Q Now, when you first started your  
1937:05 testimony, sir, you testified you saw some brown  
1937:06 hair in a standard. What do you mean by standard?  
1937:07 A Brown hair is a standard identifiable.  
1937:08 Basically a standard would be removed. In this case  
1937:09 I didn't remove the standard.  
1937:10 Q So, someone removed a standard from what?



1937:11 A From the top of a person's head.  
1937:12 Q So, when you say a standard you're talking  
1937:13 about something that you definitely know where it  
1937:14 came from and you want to compare something with it,  
1937:15 is that right?  
1937:16 A I can say it's identified as being where  
1937:17 it came from.  
1937:18 Q You can identify where the standard came from?  
1937:19 A No, I can't identify where it came from.  
1937:20 I can say it's marked on there as identified as being  
1937:21 from.  
1937:22 Q So, someone told you that the standard came  
1937:23 from somewhere?  
1937:24 A Yes, sir.  
1938:01 Q Oh. Then you compare it to -- say it's  
1938:02 a hair. In this instance a brown hair. Then you  
1938:03 had some items classified as unknown hairs?  
1938:04 A Yes, sir.  
1938:05 Q Now, someone classified one hair as a  
1938:06 standard and some other hairs as unknown. Who makes  
1938:07 the classification unknown, if you know?  
1938:08 A Basically unknown hair in my own terms --  
1938:09 Q You didn't make this classification, did you?  
1938:10 When it came to you it was labelled unknown, is that  
1938:11 right?  
1938:12 A No, sir; it was labelled trace material.  
1938:13 They don't know what was in there.  
1938:14 Q They had some trace materials that they  
1938:15 didn't know what it was?  
1938:16 A Any they gave it to me to find out if there  
1938:17 was any hair found in there. At that time when they  
1938:18 brought it to me it was unknown. They wouldn't know  
1938:19 what it contained.  
1938:20 Q Now, when you exchanged items with another  
1938:21 department or individual in your job, do you get  
1938:22 receipts like Dr. Stein or the doctors do? Do you  
1938:23 get receipts for the individual items?  
1938:24 A They sign for them, sir.  
1939:01 Q You sign for them as they give them to you?  
1939:02 A Yes, sir. And then when they're transported  
1939:03 over to another serologist, not serologist but firearms  
1939:04 examiner, it would be documented that I turned this  
1939:05 item over to him on this date.  
1939:06 Q Now, as you get these items then you have  
1939:07 a request from whomever submits them to you to try to

1939:08 find something or to look for something or to do some-  
1939:09 thing?  
1939:10 A Yes, sir.  
1939:11 Q And that request is in this case what in  
1939:12 terms of the blood? You got some blood. And they  
1939:13 gave you a sample. What did they tell you to look for?  
1939:14 What did they say to you? What were you supposed to  
1939:15 do with it?  
1939:16 A Could I explain the whole story?  
1939:17 Q You sure can, sir.  
1939:18 A Basically I had this vaginal swab, People's  
1939:19 Exhibit 16, and I found seminal material in it. I  
1939:20 then grouped it, typed it, came up with two types,  
1939:21 Group A and Group O. I then asked the police officers  
1939:22 for the benefit of the defendants that I would need  
1939:23 to know their blood type in order to either eliminate  
1939:24 them, exclude them. So, I requested standards from  
1940:01 them. That is our policy, so in other words we can  
1940:02 do a thorough job. Saliva standards to determine  
1940:03 if they were secretors and also blood standards to  
1940:04 determine if the blood type and the secretor type  
1940:05 were the same type.  
1940:06 Q So, when you got that blood then you went  
1940:07 through what's known as exclusionary evidentiary  
1940:08 seeking, is that what you're talking about? You can  
1940:09 either exclude or you could identify?  
1940:10 A Yes, sir. That's the reason why we asked  
1940:11 for standards of the defendants and also the victims  
1940:12 to either identify or exclude them.  
1940:13 Q So, when you find evidence that does not  
1940:14 exclude, then the conclusion is it's possible it's  
1940:15 within an eighty percent or ninety percent or something,  
1940:16 right?  
1940:17 A Could you rephrase what you mean?  
1940:18 Q Surely. When you find evidence that does  
1940:19 not exclude, it's not exclusionary, then it becomes  
1940:20 a possibility, right?  
1940:21 A This is correct.  
1940:22 Q All right. So, what you discovered was  
1940:23 possibilities, is that right?  
1940:24 A No, I discover things that I see on the case,  
1941:01 facts.  
1941:02 Q No way you could identify? You can't say --  
1941:03 you told me you couldn't identify two hairs if I took  
1941:04 them out of my head and gave them to you. You couldn't

1941:05 tell me they came from me. All you can do is exclude.  
1941:06 The evidence that you locate is exclusionary.  
1941:07 A Concerning hairs, yes, sir.  
1941:08 Q All right. So, in your test you found out  
1941:09 that people of A and O blood classifications were  
1941:10 in the realm of possibilities and thereby are not  
1941:11 excluded, is that right?  
1941:12 A This is correct.  
1941:13 Q These two defendants -- these three  
1941:14 defendants happen to have that blood classification.  
1941:15 You found that out too, did you not?  
1941:16 A Yes, sir; by testing it.  
1941:17 Q Do you know what type of blood classification  
1941:18 you have, sir?  
1941:19 A Yes, sir.  
1941:20 Q What is that?  
1941:21 A Group A.  
1941:22 MR. WESTON: Thank you. No further questions.  
1941:23 THE COURT: Mr. Creswell.  
1942:01 CROSS EXAMINATION  
1942:02 By Mr. Creswell:  
1942:03 Q Mr. Podlecki, in connection with your last --  
1942:04 one of your last answers that Counsel Weston asked  
1942:05 you concerning his hair, did you not tell me also  
1942:06 the other day when I was cross examining you regarding  
1942:07 your qualifications that the type of testing regarding  
1942:08 blood types are exclusionary also?  
1942:09 A To a degree, yes. Depending on the matter  
1942:10 of the case.  
1942:11 Q Pardon me?  
1942:12 A Depending on the case.  
1942:13 Q In other words I think you told me the  
1942:14 other day that when a person has a type A blood he  
1942:15 falls within I think you used the term thirty-five  
1942:16 percent of the population of the United States?  
1942:17 A Yes, sir.  
1942:18 Q I'm not finished. Which, at the present  
1942:19 day population would be about seventy or eighty million  
1942:20 people, is that correct?  
1942:21 A I don't know how many people live in the  
1942:22 country.  
1942:23 Q Would it be fair to say that about two  
1942:24 hundred to two hundred twenty million people presently  
1943:01 populate the United States of America?  
1943:02 A I'd say a great number of people.

1943:03 Q Would that be a fair estimate if I made  
1943:04 that to you?  
1943:05 A Yes, sir.  
1943:06 Q So, thirty-five percent of two hundred to  
1943:07 two hundred and twenty million people amounts I  
1943:08 think mathematically to around seventy million  
1943:09 people conservatively speaking, is that correct?  
1943:10 A Yes.  
1943:11 Q Mr. Podlecki, I refer you to People's  
1943:12 Exhibit Number 105.  
1943:13 A My report?  
1943:14 Q Yes. Which consists of six pages, is  
1943:15 that correct?  
1943:16 A Yes, sir.  
1943:17 Q And those pages run up to by your item  
1943:18 number, number 61, is that correct?  
1943:19 A Yes, sir.  
1943:20 Q Now, all of those sixty-one items that  
1943:21 you have listed on here are not here, are they, sir?  
1943:22 A This is correct.  
1943:23 Q As a matter of fact only a few of them are  
1943:24 here compared to 61, is that right?  
1944:01 A Yes, sir.  
1944:02 Q And items number 47 and 50, I refer you to,  
1944:03 your numbers.  
1944:04 A Yes, sir.  
1944:05 Q Did you run some tests on that item?  
1944:06 A Yes, sir.  
1944:07 Q And those were various pieces of carpeting,  
1944:08 were they not?  
1944:09 A Yes, sir.  
1944:10 Q And your conclusion there was there was  
1944:11 nothing of evidentiary value, is that correct?  
1944:12 MR. JOHNSON: Objection.  
1944:13 THE COURT: Same order. Overruled.  
1944:14 THE WITNESS: Yes, sir.  
1944:15 MR. CRESWELL: Q This question of secretors  
1944:16 as you use it, Mr. Podlecki, I'm not quite sure  
1944:17 I understand how you arrive at that terminology. You  
1944:18 stated that eighty percent of the people in this  
1944:19 country or maybe throughout the world for that matter  
1944:20 are secretors, is that correct?  
1944:21 A Yes, sir.  
1944:22 Q And how are you able to determine who is  
1944:23 a secretor and who is not a secretor?

1944:24 A Basically by the tests that I showed there  
1945:01 on the blackboard.  
1945:02 Q And is that done from what material, blood?  
1945:03 A No, sir; it would be bodily fluids.  
1945:04 Q All right. The only bodily fluids that you  
1945:05 received from any of these victims then, Mr. Podlecki,  
1945:06 are blood samples, is that correct?  
1945:07 A Yes, sir.  
1945:08 Q Now, would the blood samples allow you  
1945:09 to determine whether either of the victims were  
1945:10 secretors?  
1945:11 A No, sir. I would need the saliva sample.  
1945:12 Q So, you don't know whether or not these  
1945:13 victims were secretors, is that correct?  
1945:14 A That's correct, sir.  
1945:15 Q And, Mr. Podlecki, in your studies and  
1945:16 experience and readings of this, is it possible for  
1945:17 a female person to have a prostate gland?  
1945:18 A I don't know that, sir.  
1945:19 Q You've never heard of that if I told you  
1945:20 that it would be possible, would that be fair?  
1945:21 MR. JOHNSON: Judge, I object to the possibility.  
1945:22 THE COURT: Sustained.  
1945:23 MR. CRESWELL: Q You don't know whether or not  
1945:24 the female victim here had a prostate gland, do you?  
1946:01 A No, sir.  
1946:02 Q So, you cannot determine whether in that  
1946:03 sense she was a secretor either?  
1946:04 A No, sir.  
1946:05 Q Okay. Now, in connection with this -- these  
1946:06 tests that you performed regarding these -- I believe  
1946:07 you referred to it as seminal fluid, is that correct?  
1946:08 A Seminal fluid, seminal material.  
1946:09 Q And you stated that comes from possibly  
1946:10 the testicles of a male, is that correct?  
1946:11 A Yes, sir; in conjunction with other glands.  
1946:12 Q And that one of those other glands would  
1946:13 be the prostate?  
1946:14 A Yes, sir.  
1946:15 Q And what other glands?  
1946:16 A Prostate gland, testicles.  
1946:17 Q Is that all?  
1946:18 A There could be more, sir.  
1946:19 Q What would they be?  
1946:20 A I don't know sir, offhand.

1946:21 Q You don't know?  
1946:22 A No, sir. I'm an expert in the identification  
1946:23 of seminal material, not in anatomy.  
1946:24 Q Not where its source comes from, is that  
1947:01 my understanding?  
1947:02 A Yes, sir.  
1947:03 Q Now, did you state here that on direct  
1947:04 examination or cross -- well, before I ask you any  
1947:05 questions, that sperm would remain intact on clothing  
1947:06 more so than it would in, say, a wet, damp place?  
1947:07 A Yes, sir. It's possible considering the  
1947:08 condition of where the clothing was at.  
1947:09 Q And you did discern from People's Exhibit  
1947:10 8 I believe that there was some intact sperm on this  
1947:11 particular piece of clothing that was given to you  
1947:12 for examination, is that correct?  
1947:13 A Yes, sir; there was some intact spermatozoa.  
1947:14 Q Now, did you not state to Mr. Weston on his  
1947:15 cross examination and refer to that as seminal fluid  
1947:16 and not spermatozoa?  
1947:17 A Yes, sir.  
1947:18 Q So, then which is right? Was it spermatozoa  
1947:19 or was it seminal fluid?  
1947:20 A There was both.  
1947:21 Q All right, I show you your exhibit, People's  
1947:22 Exhibit Number 105 for Identification, and I refer  
1947:23 you to Item Number 2 which has been marked People's  
1947:24 Exhibit Number 8-A as being the pink denim pants.  
1948:01 A Yes, sir.  
1948:02 Q And is there anywhere in your conclusions  
1948:03 there that said that there was seminal fluid?  
1948:04 A On my results I put intact spermatozoa.  
1948:05 Q No seminal fluid?  
1948:06 A No.  
1948:07 Q Now you're saying there was both seminal  
1948:08 fluid and spermatozoa.  
1948:09 A In my notes there would be that I tested  
1948:10 it.  
1948:11 Q Do you have your notes with you?  
1948:12 A They're in the hands of the State's Attorney.  
1948:13 MR. CRESWELL: May I have them, please?  
1948:14 THE COURT: Mr. Creswell, let's recess now. He  
1948:15 has to leave at 4:00 o'clock. We're going to recess  
1948:16 at this point.  
1948:17 MR. JOHNSON: For the day?

1985:24 by the Court Reporter.)  
1986:01 MICHAEL PODLECKI,  
1986:02 called as a witness on behalf of the People of the  
1986:03 State of Illinois, having been previously duly sworn,  
1986:04 was examined and testified further as follows:  
1986:05 THE COURT: You're the same Mr. Podlecki that  
1986:06 was testifying yesterday and you realize you're  
1986:07 still under oath, of course, do you not, sir?  
1986:08 THE WITNESS: Yes, sir.  
1986:09 THE COURT: All right.  
1986:10 CROSS EXAMINATION (Resumed)  
1986:11 By Mr. Creswell:  
1986:12 Q Officer, I show you what has been marked  
1986:13 as Defendant Adams Exhibit Number 5 for Identification  
1986:14 and ask you if those are your notes in your hand-  
1986:15 writing, consisting of six pages?  
1986:16 A Seven pages.  
1986:17 Q Seven pages, I'm sorry.  
1986:18 A Yes.  
1986:19 Q I thought my father taught me how to add,  
1986:20 but apparently he didn't. I know he didn't teach me  
1986:21 how to subtract. Officer, I show you Defendant Adams  
1986:22 Exhibit 5 for Identification and also People's Exhibit  
1987:01 Number 105 for Identification and I ask you if the  
1987:02 numbers that appear in the lefthand margin of the  
1987:03 different exhibits are corresponding numbers?  
1987:04 A Yes, sir.  
1987:05 Q They are?  
1987:06 A Yes, sir.  
1987:07 Q Now, in Item Number 3 of People's Exhibit  
1987:08 Number 5 for Identification which refers to a piece  
1987:09 of plywood, does it not?  
1987:10 A Yes, sir.  
1987:11 Q Your conclusion is negative for blood, is  
1987:12 that correct?  
1987:13 A Yes, sir.  
1987:14 Q In your item number three here I notice  
1987:15 you have a little line drawn down there and what is  
1987:16 that?  
1987:17 A That is my abbreviations for does not  
1987:18 equal blood. Negative.  
1987:19 Q It looked like a plus mark, that's why I  
1987:20 asked. By the way, in referring to People's Exhibit  
1987:21 Number 105 for Identification, Officer, I note in  
1987:22 your conclusions here the results of examinations

1987:23 you have various items that you say negative or  
1987:24 nothing of evidentiary value?  
1988:01 A Yes, sir.  
1988:02 Q I take it those are your conclusions, is  
1988:03 that correct?  
1988:04 A Yes, sir; with each item.  
1988:05 MR. CRESWELL: I have to apologize to the Court  
1988:06 since I have not been given this prior to trial. It's  
1988:07 the first opportunity I've had to see it. So, if  
1988:08 I take a little extra time it's for that reason.  
1988:09 Q Officer, in -- well, now just a minute.  
1988:10 In your notation for Item 19, the blood sample of  
1988:11 the victim [REDACTED] you have various delineations  
1988:12 there of A, B -- I can't read that.  
1988:13 A H.  
1988:14 Q What is that?  
1988:15 A That's equivalent to O.  
1988:16 Q O?  
1988:17 A Right.  
1988:18 Q And AB, is that correct?  
1988:19 A Yes, sir.  
1988:20 Q And under those you have a minus sign under  
1988:21 the A, B and the AB?  
1988:22 A Yes, sir.  
1988:23 Q And a plus sign under the O, is that correct?  
1988:24 A Under the H.  
1989:01 Q Or what you say is O?  
1989:02 A Right. This is mainly my abbreviation.  
1989:03 Q You arrive at the conclusion that [REDACTED]  
1989:04 [REDACTED] had blood group O, is that right?  
1989:05 A Yes, sir.  
1989:06 Q Now, under the one for Kenneth Adams, you  
1989:07 have a plus sign under the A, the O, the AB, is that  
1989:08 correct?  
1989:09 A Yes, sir.  
1989:10 Q So, you found qualities of all three of  
1989:11 those types, is that right, under Kenneth Adams'  
1989:12 blood?  
1989:13 A No, sir.  
1989:14 Q Would that plus sign mean that?  
1989:15 A No, sir; I'd have to explain that.  
1989:16 Q Well, what does the plus sign mean over  
1989:17 here for [REDACTED] that she has O blood, is that  
1989:18 correct?  
1989:19 MR. JOHNSON: Judge, I will object. If the



1989:20 witness wants to explain it I think it's only fair.  
1989:21 MR. CRESWELL: I'm asking the question.  
1989:22 THE WITNESS: Basically this would mean there was  
1989:23 a positive reaction or positive agglutination in the  
1989:24 H well. What that would represent is a person with  
1990:01 Group O blood.  
1990:02 MR. CRESWELL: Q Now, on Kenneth Adams you had  
1990:03 a positive agglutination as you call it in A, in O  
1990:04 and under AB?  
1990:05 A Yes, sir.  
1990:06 Q And none under B?  
1990:07 A This is correct, sir.  
1990:08 Q In your notes as exhibited by Defendant  
1990:09 Adams Exhibit Number 5 for Identification and in the  
1990:10 typewritten copy of the Sheriff's -- or the People's  
1990:11 Exhibit Number 105 for Identification you refer to  
1990:12 Items 57, 58, 59 and 60 and 61, is that correct?  
1990:13 A Yes, sir.  
1990:14 MR. CRESWELL: For the record, your Honor, I'd  
1990:15 like to state that these were not given to us at  
1990:16 any time prior to today.  
1990:17 THE COURT: Correct. They weren't even mentioned  
1990:18 until yesterday.  
1990:19 MR. CRESWELL: Q All right. Now, those are  
1990:20 vacuuming samples taken from someplace, are they not?  
1990:21 A They were vacuum samples taken from some  
1990:22 vehicle of which I do not know.  
1990:23 Q Do you know the vehicle?  
1990:24 A No, sir.  
1991:01 Q The type of vehicle?  
1991:02 A No, sir.  
1991:03 Q When were those taken, do you know?  
1991:04 A I don't know when they were taken, but they  
1991:05 were submitted to me, as on my report, September  
1991:06 14th, 1978 from scientist George Dabdoub.  
1991:07 Q Who is he?  
1991:08 A He's another forensic scientist that  
1991:09 analyzes trace material at the crime lab.  
1991:10 Q And they were given to you on September 14th?  
1991:11 A Yes, sir; as I have stated here on my report.  
1991:12 Q And you don't know where they came from?  
1991:13 A I received them from him.  
1991:14 Q I mean --  
1991:15 A The origination?  
1991:16 Q Where the origination of these items were?

1991:17 A No, sir.  
1991:18 Q Any more than you know the origination of  
1991:19 any of these items that you've already testified to,  
1991:20 is that correct?  
1991:21 A That's correct sir.  
1991:22 Q Mr. Podlecki, you were also given some items  
1991:23 that were classified as fingernail scrapings from the  
1991:24 victim, [REDACTED] is that right?  
1992:01 A Yes, sir.  
1992:02 Q And I think you already testified that one  
1992:03 of those items was a section of human Caucasian hair,  
1992:04 brown in color?  
1992:05 A Yes, sir; a small portion.  
1992:06 Q Was one of the other items blood or some  
1992:07 substance that you identified as blood?  
1992:08 A I'd have to look at my notes.  
1992:09 Q Right here.  
1992:10 A Which item?  
1992:11 Q Number 20-D, blood present, is that correct?  
1992:12 A Yes, sir.  
1992:13 Q Did you run any test on the hairlike fibers  
1992:14 that you recovered from the green socks?  
1992:15 A Yes, sir.  
1992:16 Q Did your test reveal what type of fibers they  
1992:17 were?  
1992:18 A Yes, sir; there were some hairs found and  
1992:19 also some fibers.  
1992:20 Q Were they human hairs?  
1992:21 A Yes, sir.  
1992:22 Q Now, I believe on direct examination you  
1992:23 indicated that there were three elements that could  
1992:24 have caused the little dots you put up there under  
1993:01 A of your diagram?  
1993:02 A In the first column?  
1993:03 Q Yes, sir.  
1993:04 A Yes, sir.  
1993:05 Q And one of them Mr. Johnson went into with  
1993:06 you in great depth concerning some element that you  
1993:07 found in Kenneth Adams' blood as I understand?  
1993:08 A Yes, sir.  
1993:09 Q Who is a Type A, right?  
1993:10 A Yes, sir.  
1993:11 Q What are the other two elements that could  
1993:12 have caused the reading that you ascertained there?  
1993:13 A It could possibly be from because Miss

1993:14 [REDACTED] was Group O blood it could have been possible  
1993:15 from her vaginal secretions or it could also be from  
1993:16 a combination of Group A and Group O seminal material.

1993:17 Q Now, Mr. Podlecki, I believe when Mr.  
1993:18 Johnson questioned you about the hair comparison test  
1993:19 that you made regarding Mr. [REDACTED] hair standard  
1993:20 and one of the hair fibers that you were given, do you  
1993:21 recall your testimony then?

1993:22 A Yes, sir.

1993:23 Q And I believe at that time you stated, and I'm  
1993:24 going to use your words if I can, that you could not  
1994:01 say beyond a reasonable doubt that the hair you  
1994:02 viewed could have come from another human being other  
1994:03 than [REDACTED], is that correct?

1994:04 A This would be in the realm of scientific  
1994:05 certainty, sir. Yes, sir.

1994:06 Q I take it then, Mr. Podlecki, as far as  
1994:07 you're concerned then that you could not say beyond a  
1994:08 reasonable doubt that the blood that you examined of  
1994:09 Kenneth Adams and the results that you found from the  
1994:10 vaginal swab could not have come from another human  
1994:11 being in the seventy million people that you testified  
1994:12 might have the same or similar type of blood?

1994:13 A All that I can say is the results that I  
1994:14 found --

1994:15 Q Can you answer that yes or no?

1994:16 A Could you repeat it, please?

1994:17 MR. CRESWELL: Would you repeat the question,  
1994:18 please?

(Record read by Reporter.)

1994:19 THE WITNESS: Sir, a possibility would exist.

1994:20 MR. CRESWELL: That's all I have. Thank you.

1994:21 THE COURT: Redirect.

1995:01 REDIRECT EXAMINATION

1995:02 By Mr. Johnson:

1995:03 Q Now, Counsel Mr. Weston, when he asked you  
1995:04 the question in the breakdown of blood groups by  
1995:05 population referred to American citizenry as a whole?

1995:06 A Yes, sir.

1995:07 Q Are you acquainted with any studies done  
1995:08 with respect to the breakdown relative to Caucasians  
1995:09 alone or relative to Blacks alone?

1995:10 MR. WESTON: Your Honor, I would object.

1995:11 MR. CRESWELL: I object to this too, your Honor.

1995:12 THE COURT: Well, I'll permit the answer.

1995:13 MR. WESTON: May I state the basis for my objection?  
1995:14 THE COURT: Yes, you may, of course.  
1995:15 MR. WESTON: The possibility as to who could have  
1995:16 done this, we're limiting it to blacks alone. I don't  
1995:17 think that's right. That's the basis for my objection.  
1995:18 MR. JOHNSON: The reason I'm going into it is  
1995:19 Counsel on cross only brought out the big picture.  
1995:20 There seems to be a smaller one.  
1995:21 THE COURT: Well, there are more than two races  
1995:22 in the United States, aren't there?  
1995:23 MR. JOHNSON: Yes, Judge.  
1995:24 THE COURT: Right?  
1996:01 MR. JOHNSON: Yes.  
1996:02 THE COURT: So, I sustain the objection.  
1996:03 MR. JOHNSON: All right.  
1996:04 Q As you can readily observe, the  
1996:05 defendants in this cause are blacks, is that correct?  
1996:06 A Yes, sir.  
1996:07 Q Now, are you acquainted with any studies  
1996:08 done relative to the breakdown in blood grouping  
1996:09 relative to the black population?  
1996:10 A Yes, sir.  
1996:11 Q And could you tell us what is the breakdown  
1996:12 as to the black population relative to A, B, AB, and  
1996:13 O type bloods?  
1996:14 A Basically there was a study done by Dr.  
1996:15 Goreman of the University of California in Berkeley  
1996:16 whereby he took I don't know how many individuals in  
1996:17 population, but a certain percentage and tested  
1996:18 their blood to see what basic type they were found.  
1996:19 And in this it was found that black people had a  
1996:20 lower percentage of Group A blood than white people  
1996:21 and in the B category there was a greater percentage  
1996:22 of B in black than there was in the white. The  
1996:23 AB's were relative within two or three percent and  
1996:24 the same with Group O's relatively, two or three  
1997:01 percent difference.  
1997:02 Q Are you acquainted with the percentage  
1997:03 breakdown in particular?  
1997:04 A Yes, sir.  
1997:05 Q Can you give us the figures?  
1997:06 A Basically it would be with Group A around  
1997:07 ten percent difference. Twenty-six for blacks and  
1997:08 I believe thirty-six for whites.  
1997:09 Q So that that number -- relative to Mr.

1997:10 Creswell's examination of you, that number of population  
1997:11 he gave you was relative to the population as a whole,  
1997:12 correct?

1997:13 A This is one sample that was done, yes, sir.

1997:14 Q And if it was applied to the black population  
1997:15 it would be reduced by ten percent, is that correct?

1997:16 MR. WESTON: Your Honor, again I object to the  
1997:17 leading and suggestiveness.

1997:18 THE COURT: Overruled.

1997:19 THE WITNESS: Yes, sir.

1997:20 MR. JOHNSON: Q Now, showing you the notes  
1997:21 you've identified as your own, Counsel indicated  
1997:22 relative to the blood that you tested of Kenny Adams  
1997:23 that you found reactions in I believe it was the A  
1997:24 well?

1998:01 A Yes, sir.

1998:02 Q And the H or O well and the AB well, is  
1998:03 that correct?

1998:04 A And there was another well, A prime 1 well.

1998:05 Q What does A prime 1 mean?

1998:06 A Could I explain this on the blackboard to  
1998:07 the jury so they have an idea of what I'm talking  
1998:08 about?

1998:09 MR. CRESWELL: Your Honor, I object to this.

1998:10 THE COURT: Sustained.

1998:11 MR. CRESWELL: This is beyond the scope.

1998:12 THE COURT: Sustained.

1998:13 MR. JOHNSON: I beg your pardon?

1998:14 THE COURT: The witness isn't conducting the  
1998:15 examination, you are. And the answer is non-responsive  
1998:16 and beyond the scope of the question. And the witness  
1998:17 should not be saying -- either he can answer or he  
1998:18 can't.

1998:19 MR. JOHNSON: Fine, Judge.

1998:20 Q You referred to those reactions in the  
1998:21 wells that you had, is that correct?

1998:22 A Yes, sir.

1998:23 Q Could you illustrate these reactions, better  
1998:24 illustrate your results to the ladies and gentlemen  
1999:01 of the jury by illustrating it on the blackboard?

1999:02 A I believe they would have a better idea.

1999:03 MR. CRESWELL: Same objection, your Honor.

1999:04 THE COURT: Overruled.

1999:05 MR. CRESWELL: Let's find out if he can do it  
1999:06 verbally.

1999:07 THE COURT: Well, he says he can do it better on  
1999:08 the board, so I'll permit it.  
1999:09 What are we waiting for, Mr. Johnson?  
1999:10 MR. JOHNSON: A towel to wipe off the board.  
1999:11 Mr. Arthur is getting it.  
1999:12 THE WITNESS: Basically what I did and what I  
1999:13 have on my notes is --  
1999:14 MR. CRESWELL: Now wait a minute. I object to  
1999:15 this now. If he's going to answer a question I'm  
1999:16 going to object to him standing up here and lecturing  
1999:17 this jury like he's a college professor.  
1999:18 MR. JOHNSON: The point of my question on redirect --  
1999:19 THE COURT: Just a minute both of you. The man  
1999:20 is here or the witness is here as an expert and if he  
1999:21 says he can better illustrate his answer by using the  
1999:22 blackboard --  
1999:23 MR. WESTON: He's not answering the question.  
1999:24 THE COURT: Well, your objection is overruled.  
2000:01 MR. CRESWELL: Will you restate the question  
2000:02 then, Judge.  
2000:03 MR. WESTON: He can give answers. I don't need  
2000:04 a lecture.  
2000:05 MR. JOHNSON: The purpose of my question on  
2000:06 redirect was to go into it to complete what Mr.  
2000:07 Creswell went into.  
2000:08 MR. CRESWELL: Can we restate the question then?  
2000:09 THE COURT: You don't know the question?  
2000:10 MR. CRESWELL: I've forgotten it now.  
2000:11 THE COURT: I'll have Mr. Johnson restate the  
2000:12 question.  
2000:13 MR. JOHNSON: Q In addition to finding reactions  
2000:14 in the A, H or O, AB well, you found a reaction in  
2000:15 the A prime 1 well, is that correct?  
2000:16 A Yes, sir.  
2000:17 Q Okay. Could you explain this reaction, and  
2000:18 if you can't explain it, can you better explain it  
2000:19 by illustrating it for the ladies and gentlemen of the  
2000:20 jury.  
2000:21 A Yes, sir. Basically these would be the wells  
2000:22 and these would be the antiseras that I need to add  
2000:23 to the blood. Put a drop of blood in each well. And  
2000:24 added antiserum to this. I observed a clumping in the  
2001:01 A, no clumping in the B, a clumping in the H, a clumping  
2001:02 in the AB. I would get a clumping in the AB if it  
2001:03 either was A or B or AB. This is to show the presence

2001:04 of one of these antigens. And I received a clumping  
2001:05 in the A-1.

2001:06 Now, because I received a clumping in both  
2001:07 the H and the A I wanted to see if this is a variance.  
2001:08 In other words there's a variant besides Group A  
2001:09 blood called A-2. And because of this I received a  
2001:10 positive reaction in the A-1. That confirms my  
2001:11 results that it was A-1 blood, not the sub-group of  
2001:12 A which is A-2. If I received a negative reaction in  
2001:13 here, this would mean it is a variant. It's a rarer  
2001:14 type.

2001:15 I believe the population is less than two  
2001:16 percent of the people that have that. This would be  
2001:17 my explanation for why I ran this test because of  
2001:18 the two reactions I found in these two wells.

2001:19 Q Now, the type of reaction that you found in  
2001:20 running that test, have you seen any similar reaction  
2001:21 of that relative to the other exhibits that you  
2001:22 examined?

2001:23 A I ran anti A-1 sera just on the blood. This is  
2001:24 used for typing the blood. But when I ran the other  
2002:01 tests, the A-B was run just as a control. But when I  
2002:02 ran the other tests as I said before, the absorption  
2002:03 inhibition, when you looked and your negative is your  
2002:04 positive, the result didn't show up in the same wells.  
2002:05 The agglutination would be in different wells, but  
2002:06 they would both show you the same -- give you the  
2002:07 same conclusions.

2002:08 Q Okay. Please resume the stand.

2002:09 A Thank you.

2002:10 Q So that the type of reaction that you got in  
2002:11 running Mr. Adams' blood, saliva, People's Exhibit  
2002:12 Number 16-A, the vaginal swab was similar, is that  
2002:13 correct?

2002:14 MR. CRESWELL: I object to that as leading and  
2002:15 suggestive.

2002:16 MR. JOHNSON: This is preliminary to another  
2002:17 question.

2002:18 MR. CRESWELL: Beyond the scope of cross exam-  
2002:19 ination, your Honor. How many times is he going to  
2002:20 be allowed to keep repeating?

2002:21 MR. JOHNSON: It's a preliminary question, Judge.

2002:22 THE COURT: Overruled.

2002:23 MR. JOHNSON: Q Do you remember the question?

2002:24 A Yes, sir. The reaction was basically the same.

2003:01 It was different in each different test, but the  
2003:02 conclusions were all the same.

2003:03 Q So that in attributing three possibilities  
2003:04 to finding that presence of O in the vaginal swab,  
2003:05 all right, and the three possibilities again were  
2003:06 what?

2003:07 A Basically I found it on the vaginal swab  
2003:08 and the saliva and also in the liquid blood sample.

2003:09 Q So that the reactions that you got would  
2003:10 eliminate -- tend to eliminate two of those things  
2003:11 that you did, correct?

2003:12 MR. WESTON: Your Honor, I object to him  
2003:13 testifying.

2003:14 THE COURT: It's suggestive of the answer.

2003:15 MR. WESTON: Thank you. All he has to do is  
2003:16 say yes or no.

2003:17 THE COURT: You can't ask that question in that  
2003:18 form because it is suggestive.

2003:19 MR. JOHNSON: Often times on redirect in a point  
2003:20 to respond to an issue that Counsel raised, you know,  
2003:21 the redirector must go to that specific issue.

2003:22 THE COURT: Well, get to it without telling him  
2003:23 the answer in the question.

2003:24 MR. CRESWELL: Right.

2004:01 MR. JOHNSON: Q I believe you gave three  
2004:02 possible reasons for the presence of the O reaction,  
2004:03 slight O reaction found in the vaginal swab, is that  
2004:04 correct?

2004:05 A Yes, sir.

2004:06 Q And you found this same reaction in other  
2004:07 tests you ran, is that correct?

2004:08 MR. WESTON: Here we go again, your Honor.

2004:09 THE COURT: Well, if you said did you I don't  
2004:10 see how they can object.

2004:11 MR. WESTON: Yes. He can answer them yes or no.

2004:12 THE COURT: Well, he should answer yes or no.

2004:13 MR. WESTON: That's all he can answer.

2004:14 MR. JOHNSON: Q Did you find that other reaction  
2004:15 in other tests that you conducted?

2004:16 A Yes, sir.

2004:17 Q And what were those, if you recall?

2004:18 MR. WESTON: Apparently he doesn't understand  
2004:19 what a leading question is.

2004:20 MR. JOHNSON: What were those if you recall?

2004:21 THE COURT: I can't tell you what the answer is,



2004:22 so overrule.  
2004:23 MR. WESTON: I can tell you.  
2004:24 MR. ARTHUR: Counsel just guessed the wrong way  
2005:01 on the last question. Counsel is over there blurring  
2005:02 out no and the witness answered yes.  
2005:03 THE COURT: Now, go ahead.  
2005:04 THE WITNESS: Could you repeat the question?  
2005:05 MR. JOHNSON: Q Did you find any similar  
2005:06 results?  
2005:07 A There were reactions that I encountered that  
2005:08 were similar.  
2005:09 MR. WESTON: Objection. Not responsive to the  
2005:10 question.  
2005:11 MR. JOHNSON: That's my objection, not his.  
2005:12 THE COURT: Right. Overruled.  
2005:13 THE WITNESS: Yes, sir.  
2005:14 MR. JOHNSON: Q And in finding those reactions  
2005:15 how, if at all, does this affect your suggesting those  
2005:16 three possibilities before?  
2005:17 A Basically when the vaginal swab was analyzed  
2005:18 the only blood types I knew of were of the two victims.  
2005:19 The two victims were both Group O. I did not have  
2005:20 liquid blood samples of any of the defendants. Later  
2005:21 on this was reported as I show you there. I had no  
2005:22 other results that I could report. I had to see what  
2005:23 I saw on the plate and give a count within scientific  
2005:24 certainty what could cause that.  
2006:01 Later on the defendants' blood was submitted  
2006:02 and was typed. I noticed certain results. Then I  
2006:03 typed their saliva. I noticed certain results in each  
2006:04 of the defendants and these were reported as I said  
2006:05 previously.  
2006:06 In looking at the vaginal swab I could see  
2006:07 that I did see certain similarity between one blood  
2006:08 type and also the vaginal swab. Because of this it  
2006:09 was for one reason it was reported out. And the  
2006:10 other two conclusions I had to make. I could not  
2006:11 just decide on one conclusion. I had to take all  
2006:12 three conclusions. I do not know where that came  
2006:13 from. I can just report out what I see and introduce  
2006:14 the conclusions, and that's the reason I had to give  
2006:15 to this Court the three conclusions.  
2006:16 Q Showing you People's Exhibit 105 for Identi-  
2006:17 fication and in response to Counsel Mr. Weston's  
2006:18 question the blood type of Verneal Jimerson, when

2006:19 you tested it what was the blood type of Mr. Jimerson?

2006:20 A Group O.

2006:21 Q In response to Mr. Weston's questions you  
2006:22 said if you take a piece of hair from my head, what  
2006:23 would the probabilities be to come up with another,  
2006:24 you know, to go to another head and find a hair that  
2007:01 would match up. And you said it would be probable or  
2007:02 possible and this reflected on your answer to Counsel  
2007:03 Mr. Creswell's question that you couldn't say it beyond  
2007:04 a reasonable doubt, is that correct?

2007:05 MR. CRESWELL: That was your question, Mr. Johnson,  
2007:06 not mine about the hair. You elicited that from the  
2007:07 witness, not me.

2007:08 MR. JOHNSON: But you went into it.

2007:09 MR. CRESWELL: I merely repeated your question  
2007:10 and his answer, so don't term it my question, please.

2007:11 MR. JOHNSON: Q Would you answer the question,  
2007:12 Mr. Witness? Would you like it repeated?

2007:13 A No, sir. There has been one study in  
2007:14 particular concerning probability of hair.

2007:15 Q And what study was that?

2007:16 A Basically there was a study made a few  
2007:17 years ago concerning the Royal Canadian Mounted Police  
2007:18 where they took a sample of hair. Well, it was a case  
2007:19 where they wanted to know what the possibility would  
2007:20 be if they found one hair on a piece of clothing,  
2007:21 what's the possibility of that hair coming from  
2007:22 another person's head.

2007:23 So, what they did was they took a random  
2007:24 sample of hair, great amounts from all over the head  
2008:01 from that individual, from one person in particular.  
2008:02 His relatives, I think they went all the way down to  
2008:03 I think their great grandparents were alive I think  
2008:04 on one, to their uncles, sisters, brothers and see  
2008:05 what the possibility was and I believe there was  
2008:06 twins involved in there too, and they came up with a  
2008:07 conclusion that the probability if one hair was found,  
2008:08 what would be the possibility or the probability of  
2008:09 that matching that other hair and they came up with  
2008:10 the statistics that it would be one in forty-five  
2008:11 hundred.

2008:12 Q Now, sir, you testified relative to three  
2008:13 hairs in this case, is that correct?

2008:14 A Two that were found in one individual and  
2008:15 one that was found in another individual.

2008:16 Q So, according to this study -- strike that.  
2008:17 I believe you indicated that this probability study  
2008:18 was done with relatives, is that correct?  
2008:19 A Pardon me?  
2008:20 Q It was done with relatives being involved?  
2008:21 A Yes, sir.  
2008:22 Q Now, would you expect a hair to match up  
2008:23 more likely within a genetic relationship? In other  
2008:24 words within a family relationship than not?  
2009:01 MR. WESTON: Objection, your Honor. Those questions  
2009:02 are leading and suggestive. It requires a yes or  
2009:03 no answer.  
2009:04 THE COURT: Overruled.  
2009:05 THE WITNESS: They wanted to show by using family  
2009:06 members if there could possibly exist the possibility  
2009:07 of because a person is genetically related there could  
2009:08 be similar ones to the one hair that was found in  
2009:09 that case.  
2009:10 MR. JOHNSON: Q But, Mr. Witness, my question  
2009:11 was would you suspect a correlation between or in  
2009:12 similarities between head hairs between relatives?  
2009:13 A It's possible, yes, sir.  
2009:14 Q Would this be above and beyond what would  
2009:15 be the normal population or do you know?  
2009:16 MR. WESTON: Objection.  
2009:17 THE COURT: Overruled.  
2009:18 THE WITNESS: It seems possible, sir.  
2009:19 MR. JOHNSON: Q What would the probabilities  
2009:20 be of relative to this study of finding, you know,  
2009:21 three common hairs. Would it be one times forty-five  
2009:22 hundred times forty-five hundred times forty-five  
2009:23 hundred?  
2009:24 A Sir, I wouldn't know the answer to that.  
2010:01 Q I believe, sir, you testified in the Columbo  
2010:02 case, is that correct?  
2010:03 A Yes, sir.  
2010:04 Q And in that case --  
2010:05 MR. CRESWELL: I object to this. I don't know  
2010:06 what relevancy this has.  
2010:07 THE COURT: Sustained.  
2010:08 MR. JOHNSON: Q And in that case you testified  
2010:09 relative --  
2010:10 MR. CRESWELL: This is my objection, Mr. Johnson.  
2010:11 THE COURT: That didn't come out on cross  
2010:12 examination. You're way beyond.

2010:13 MR. JOHNSON: The number of hairs did, Judge.  
2010:14 THE COURT: I've ruled.  
2010:15 MR. JOHNSON: I have no further questions.  
2010:16 THE COURT: Recross.  
2010:17 RECROSS EXAMINATION  
2010:18 By Mr. Weston:  
2010:19 Q Officer, you testified about a test made  
2010:20 with Royal Mounted Canadian Police, is that right,  
2010:21 sir?  
2010:22 A Yes, sir; there was a study done.  
2011:01 Q A study done. Was this a black group of  
2011:02 Canadian Royal Mounted Police that the study was  
2011:03 done on or a white group?  
2011:04 A Sir, I don't know.  
2011:05 Q You don't know what group it was?  
2011:06 A It was human beings, sir.  
2011:07 Q You don't know whether they were white or  
2011:08 black?  
2011:09 A No, sir.  
2011:10 Q You can't compare it with these blacks  
2011:11 because there's some difference, is that correct?  
2011:12 A No, sir. This would be correct, sir, yes,  
2011:13 sir.  
2011:14 Q Now, you testified about within scientific  
2011:15 certainty. Now, what you mean is within scientific  
2011:16 possibilities, is that not right, sir?  
2011:17 A Yes, sir.  
2011:18 Q So, science does not really go toward two  
2011:19 plus two equals four, it actually says two plus two  
2011:20 could equal a number of things in terms of rationale,  
2011:21 is that right?  
2011:22 A No, sir.  
2011:23 Q You gave an example of this blood grouping  
2011:24 and you used an A as to how the A reacted, is that right?  
2012:01 A Yes, sir.  
2012:02 Q Now, can you say with any degree of scientific  
2012:03 certainty that any A would act any differently?  
2012:04 A Do you mean --  
2012:05 Q Any type of blood A would act any differently  
2012:06 than this A acted on your test?  
2012:07 A Yes, sir; it's possible.  
2012:08 Q You can say what?  
2012:09 A Different types of group A blood have different  
2012:10 degrees of agglutination.  
2012:11 Q So, you're a Group A too, aren't you?

2012:12 A No, sir.  
2012:13 Q What group are you?  
2012:14 A Group A.  
2012:15 Q You're Group A, so is Mr. Adams and so is  
2012:16 Mr. Williams. So, each of you could get the same  
2012:17 results, that's possible, isn't it?  
2012:18 A No, sir.  
2012:19 Q Why not?  
2012:20 A Because in one type there was a slight H  
2012:21 reaction and in my blood I've never had an H reaction  
2012:22 in my blood when I typed it myself.  
2012:23 Q Which one had the H reaction?  
2012:24 A Mr. Adams.  
2013:01 Q You're saying that your blood is different,  
2013:02 you don't have an H reaction?  
2013:03 A This is correct, sir.  
2013:04 Q What type of reaction do you have?  
2013:05 A I have no reaction in the H.  
2013:06 Q Did you perform this test on yourself?  
2013:07 A Yes, sir. I tested my own blood several  
2013:08 times.  
2013:09 Q There's no question pending, sir. Now,  
2013:10 you talked about percentages. In A there's a ten  
2013:11 percent difference between the black and the white,  
2013:12 is that what you said?  
2013:13 A In that study, sir.  
2013:14 Q Now, did you break down within the white  
2013:15 the German, English, French, Italian, what are their  
2013:16 percentages?  
2013:17 A No, this study was concerning race, not  
2013:18 national origin or ethnic origin.  
2013:19 Q Race?  
2013:20 A Yes, sir.  
2013:21 Q So, you consider all blacks belonging to  
2013:22 the same race?  
2013:23 A Yes, sir.  
2013:24 Q Oh. And all whites belonging to the same  
2014:01 race?  
2014:02 A Caucasian origin.  
2014:03 Q Is there a difference, sir -- we'll skip  
2014:04 the classification. We've got Negroid or Black,  
2014:05 Caucasian or White. Are there are other racial  
2014:06 classifications that you know of?  
2014:07 A Yes, sir.  
2014:08 Q What?

2014:09 A Also Indian.  
2014:10 Q Indian. Are there any more?  
2014:11 A I believe, yes, sir; there's one more.  
2014:12 Mongoloid Chinese.  
2014:13 Q Mongoloid Chinese?  
2014:14 A Or the yellow race.  
2014:15 Q Or yellow?  
2014:16 A Yes, sir.  
2014:17 Q Now, do they have any correlating relation-  
2014:18 ships to these percentages that you mentioned as  
2014:19 some of these, quote, unquote, races living in this  
2014:20 country?  
2014:21 MR. JOHNSON: Judge, I object. I think we're  
2014:22 beyond the scope.  
2014:23 THE COURT: Overruled.  
2014:24 THE WITNESS: There have been studies but I  
2015:01 don't know of any percentages off hand.  
2015:02 MR. WESTON: Q So, you didn't go any further  
2015:03 in acquiring your expert knowledge other than that  
2015:04 which you've testified to? You don't know?  
2015:05 A No, sir. There was no Indians or Chinese  
2015:06 in this case.  
2015:07 Q Indians or Chinese are in the country,  
2015:08 aren't they?  
2015:09 A Yes, sir.  
2015:10 Q We're talking about country-wide percentages,  
2015:11 aren't we, sir?  
2015:12 A Yes, sir.  
2015:13 Q So, you simply eliminated them. Now, this  
2015:14 ten percent that you referred to have a difference  
2015:15 in American, white or black, the blacks having  
2015:16 twenty-six percent and the whites having thirty-six  
2015:17 percent. Now, what do those percentages mean in  
2015:18 terms of actual numbers of people?  
2015:19 A Sir, I don't know.  
2015:20 Q You have no idea?  
2015:21 A No, sir. All I can say --  
2015:22 Q If I said it was thirty-six percent of  
2015:23 two hundred million, you wouldn't know any different,  
2015:24 is that right?  
2016:01 A This is correct.  
2016:02 MR. WESTON: No further questions.  
2016:03 THE COURT: All right, Mr. Creswell.  
2016:04 RECROSS EXAMINATION  
2016:05 By Mr. Creswell:

2016:06 Q Mr. Podlecki, I believe you used the words  
2016:07 similarities, is that right?  
2016:08 A Yes, sir.  
2016:09 Q Similarities does not mean the same as  
2016:10 conclusiveness, does it?  
2016:11 A No, sir.  
2016:12 Q And the breakdown that you made now of  
2016:13 twenty-six percent of two hundred million would now  
2016:14 result in fifty-two million, would it not, sir?  
2016:15 A Sir, I don't know.  
2016:16 Q Twenty-six percent of one hundred million  
2016:17 is how much? Twenty-six million, right?  
2016:18 A Yes, sir.  
2016:19 Q Twenty-six percent of two hundred million  
2016:20 is two times twenty-six or fifty-two million, isn't  
2016:21 that right?  
2016:22 A Yes, sir.  
2017:01 Q And as a matter of fact, Mr. Podlecki, isn't  
2017:02 it true that evidence pertaining to seminal fluids is  
2017:03 frequently inconclusive?  
2017:04 A I don't follow what you mean by inconclusive.  
2017:05 Evidence being inconclusive.  
2017:06 Q That it has no evidentiary value as you term  
2017:07 it?  
2017:08 A When I use the term no evidentiary value I  
2017:09 would mean --  
2017:10 Q I didn't ask you mean what your definition  
2017:11 of no evidentiary value is, sir. Isn't it a fact that  
2017:12 evidence pertaining to seminal fluids which have no  
2017:13 evidential value or inconclusive frequently happen?  
2017:14 A Those two terms are different in the way  
2017:15 in which I would state them.  
2017:16 Q Then you do understand what I mean by  
2017:17 inconclusive?  
2017:18 A Yes, sir.  
2017:19 Q Then answer my question. Isn't it a fact  
2017:20 that evidence pertaining to seminal fluids is  
2017:21 frequently inconclusive?  
2017:22 MR. JOHNSON: Objection.  
2017:23 THE COURT: What is it?  
2017:24 MR. JOHNSON: Inconclusive as to what?  
2018:01 THE COURT: I don't know. We'll see how he answers.  
2018:02 Overruled.  
2018:03 THE WITNESS: I can only define inconclusive as  
2018:04 not being able to draw a conclusion from that.

2018:05 MR. CRESWELL: Q Right. Isn't it a fact that  
2018:06 evidence pertaining to seminal fluids is frequently  
2018:07 inconclusive or unable to draw any conclusions?  
2018:08 MR. ARTHUR: Objection. That's been asked and  
2018:09 answered.  
2018:10 THE COURT: Sustained.  
2018:11 MR. CRESWELL: Q These tests that you applied,  
2018:12 and I had questioned you about this when you were  
2018:13 offered to us as an expert and you admitted to me --  
2018:14 MR. JOHNSON: Judge, I object to the statements  
2018:15 of Counsel. If he's got questions --  
2018:16 MR. CRESWELL: I have to preamble my question.  
2018:17 MR. JOHNSON: So, he has to preamble but I can't.  
2018:18 THE COURT: Maybe. Let him state the question in  
2018:19 full and then if you feel it's objectionable, advise me.  
2018:20 MR. JOHNSON: Yes, Judge.  
2018:21 MR. CRESWELL: That the seminal fluid is frequently  
2018:22 like a blood test in that it's exclusionary in its  
2018:23 nature, is that correct?  
2018:24 MR. JOHNSON: Objection. Beyond the scope of my  
2019:01 redirect.  
2019:02 THE COURT: Sustained.  
2019:03 MR. CRESWELL: Q Isn't it a fact, Mr. Podlecki,  
2019:04 that the test that you performed with reference to the  
2019:05 seminal fluid that you found here cannot positively  
2019:06 identify anybody in this courtroom or outside of this  
2019:07 courtroom?  
2019:08 MR. JOHNSON: Objection, Judge.  
2019:09 THE COURT: Overruled.  
2019:10 THE WITNESS: This is correct.  
2019:11 MR. CRESWELL: Thank you. That's all I have.  
2019:12 MR. JOHNSON: Nothing further.  
2019:13 THE COURT: Thank you, Mr. Podlecki.  
2019:14 THE WITNESS: Thank you.  
2019:15 (Witness excused.)  
2020:01 THE COURT: Further testimony?  
2020:02 MR. JOHNSON: Judge, if we could meet with the  
2020:03 Court, take about a ten minute recess?  
2020:04 THE COURT: I'll take five.  
2020:05 MR. JOHNSON: Okay.  
2020:06 (Whereupon the following  
2020:07 proceedings were had outside  
2020:08 the presence and hearing of  
2020:09 the jury:)  
2020:10 MR. JOHNSON: Judge, we've reached a point where