

1 A That I don't know. It was delivered to me
2 to be processed. I don't know where it was at
3 though.

4 MS. AUSTIN: Thank you. Your Honor, I
5 have know further questions.

6 MR. KAISER: No redirect, Judge.

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

9 MR. KAISER: Again, your Honor, we'll
10 be little bit out of order. Next witness,
11 Melinda Jackson.

12 M E L I N D A J A C K S O N

13 Having been first duly sworn testified
14 as follows:

15 DIRECT EXAMINATION.

16 BY MR. KAISER:

17 Q Ms. Jackson, what do you do for a living?

18 A I'm a laboratory scientist for the Michigan
19 State Police in the forensic division at Sterling
20 Heights laboratory.

21 Q How long you been so employed?

22 A 12 years.

23 Q Precisely what type of science do you
24 practice and participate in at the crime lab?

25 A Responsible for the analysis of whatever

1 * comes into the laboratory that involves body fluids,
2 * blood, semen, saliva, perspiration and also hair
3 * comparisons.

4 * Q And did you receive any training, both
5 * formal, in terms of your education before you started
6 * with the State Police as well as any subsequent to
7 * your employment with the State Police?

8 * A Yes, I have.

9 * Q Would you give the Court a brief
10 * description of what the training consist of?

11 * A A Batchelor of Science from Michigan State
12 * University in criminalistics, with a major in medical
13 * technology. Upon joining the State Police I
14 * completed a year's training program in serology,
15 * which is a study of body fluids, and two years
16 * training program in hair comparisons. I have also
17 * received training from outside agencies, such as the
18 * Macon Research Institute in Chicago, Serological
19 * Institute in California, and also the FBI.

20 * Q And let's, in terms of blood and hair
21 * comparisons, have you been doing that the whole
22 * period of time you have worked with the State police?

23 * A Blood and serology the whole time and hair
24 * comparisons for the last nine years.

25 * MR. KAISER: Your Honor, I will be

1 asking this witness for some opinions regarding some
2 scientific evidence in this matter. I don't know if
3 Counsel wants to ask any further background questions
4 before I proceed with my direct exam.

5 MS. AUSTIN: I reserve, your Honor.

6 THE COURT: All right. Thank you.

7 MR. KAISER: Thank you, Judge.

8 Q (Mr. Kaiser, continuing): Like to ask you
9 whether or not you did some scientific analysis in a
10 matter regarding an alleged sexual assault involved
11 with a victim identified as a Annett Ventimiglia and
12 a suspect described as Nathaniel Hatchett?

13 A Yes, I did.

14 Q What types of analysis or comparisons did
15 you do in that investigation?

16 A May I refer to my report?

17 Q Certainly, if that will refresh your
18 memory.

19 A Yes, it would.

20 Q Go ahead.

21 A Okay. I received evidence back in November
22 of 1996, which was a evidence collection packet, and
23 in it contained several items which I did analysis on
24 to detect the presence of semen and also to see if
25 there are any foreign hairs present. Also in the kit

1 * was a blood sample which I went ahead and did a blood
2 * typing on.

3 * Q Would you be able to tell the Court whether
4 * or not the analysis you just described came from
5 * People's Proposed Exhibit 12?

6 * A Yes, it did. I recognize the property tag
7 * number that corresponds to my report and also it has
8 * our laboratory number assigned to this case as well
9 * as my initials.

10 * MR. KAISER: It might be -- it's
11 * premature. I don't know if Counsel has objection to
12 * Exhibit 12, but I will make the motion now.

13 * MS. AUSTIN: Your Honor, may I reserve
14 * my decision until the witness is questioned? You're
15 * proposing it at this time; is that correct? You're
16 * not trying to offer it as an Exhibit at this time?

17 * MR. KAISER: Well, yes, I guess I am.
18 * It can be the Court's ruling it can be reserved if it
19 * choices because -- may I confer with Counsel?

20 * THE COURT: Sure.

21 * MS. AUSTIN: No objection.

22 * THE COURT: Court will receive Exhibit
23 * 12 in evidence.

24 * Q (Mr. Kaiser, continuing): Describe what
25 * this is other than you already have. Think you

1 • called it an Evidence Collection Kit. Can you be
2 • more specific?

3 • A This is a kit that was distributed by the
4 • State Police, and it is for use on victims of alleged
5 • sexual assaults and it is used at hospitals to
6 • collect samples for the purpose of examination by the
7 • crime laboratory.

8 • Q What you did with this after the initial
9 • time that you received this was just regarding the
10 • blood?

11 • A No, I also checked the swab and smears for
12 • the presence of semen or seminal fluids, and I did
13 • receive some head hair combed and I looked for
14 • possible foreign hairs among those.

15 • Q What were the results of those searches?

16 • A Again, if I can refer to the results of the
17 • report? I detected the presence of semen on the
18 • vaginal swab and smears, on black pants and
19 • underpants. I did not detect any foreign hair to the
20 • victim and I went ahead and typed the blood sample.

21 • Q Thank you. Did you ever do anything with
22 • People's Proposed 1?

23 • A Yes. This was, again, Evidence Collection
24 • Kit that came into the laboratory in November of
25 • 1996. I recognize it by the property tag number that

1 : corresponds to my report as well as my laboratory
2 : number and my initials.

3 : Q First of all, can you be more specific in
4 : terms of what that consist of; what that is that
5 : you're holding?

6 : A This is the Evidence Collection Kit. In
7 : this particular case it was used to collect known
8 : samples from the suspect.

9 : Q Is his name on there anywhere?

10 : A Yes, it does. On the property tag it says
11 : samples from Nathaniel Hackett.

12 : Q By the way, I don't think I asked you, how
13 : is is People's 12 identified in terms of who those
14 : samples came from?

15 : A It says the victims name, [REDACTED]
16 : [REDACTED].

17 : Q Thank you. Now, what did you do -- let me
18 : ask Counsel if there is any objection to the
19 : admission of 1, which was previously testified to but
20 : not admitted.

21 : MS. AUSTIN: No objection, your Honor.

22 : THE COURT: Court will receive that
23 : item.

24 : Q (Mr. Kaiser, continuing): You don't mind
25 : if I leave it here few minutes, if you have to refer.

1 : What did you do, if anything, with the contents of
2 : People's 1?

3 : A In that particular case I went ahead and
4 : collected blood samples. I typed the blood sample to
5 : determine SAVO blood type as as well as secreter
6 : status and I went ahead and looked at the known hair
7 : samples.

8 : Q How about People's Proposed 5, can you tell
9 : the Court anything about that exhibit?

10 : A This would be the envelope that I generated
11 : in the laboratory, and inside it contains hair
12 : samples that I mounted and in glass slides for the
13 : purpose of comparison.

14 : Q And can you tell the Court how many hair
15 : samples were there on those slides?

16 : A There are three glass slides present. One
17 : is labeled head hair from suspect, pubic from suspect
18 : and passenger floor.

19 : Q Can you tell the Court where each of those
20 : came from, and why don't you stick with the same
21 : identification that you just referred to them on the
22 : record. So it would be head hair?

23 : A Yes. Head hair sample would have been the
24 : hair that was collected in this kit, the known
25 : samples?

Q People's 1?

A Yes, from the suspect as well as the pubic hair would have also been collected out of the known samples from this kit.

Q Which again this kit you mean, People's 1?

A Yes.

Q Okay.

A And the passenger floor was the hair collected from the passenger floor, was hair that was collected out of the evidence that was received by myself from the Sterling Heights Police Department.

Q And would that have come out of the contents of People's 3?

A Yes, that would be correct.

Q You can put the three slides back in 5. And these two, to this point, have not been admitted. I will move their admission now.

MS. AUSTIN: No objection.

THE COURT: Court will receive Exhibit number 5 into evidence.

Q (Mr. Kaiser, continuing): Now, could you tell the Court, these are the things among others that you analyzed during the course of your investigation in this case; is that right?

A Yes.

Q What findings did you have, if any? Let's begin with any serological findings?

A Okay. I did detect the presence of semen on the vaginal swab, on the under pants and black pants. Samples were collected and store frozen at our laboratory. I went ahead and typed the blood sample from the victim and suspect. Would you like those results?

Q Yes, please.

A I went ahead and typed those for the AVO blood type. There are four blood types, blood type A, blood type B, blood type A-B and blood type O. In both cases the victim and suspect were both blood type B. I went ahead and determined their secreter status.

Q What does that mean?

A Secreter is going to be an individual who exhibits their AVO blood type in their other body fluids. For example, saliva, perspiration, semen and vaginal secretion. 80 percent of the population are secreters. On an individuals who is a non-secreter, he is one that does not exhibit their blood type in their body fluids. In this particular case both victim and suspect were secreters. It was then that I determined that because they were both the same

1 blood type and they were both secreters, rather than
2 use the sample for blood typing it would be better to
3 send the sample to DNA unit for further
4 identification.

5 Q So your conclusion, at least at that point
6 absent a DNA analysis, you could not say anything
7 significant about your findings regarding the fluid?

8 A Correct.

9 Q And what about the hairs?

10 A In regards to the hair samples, I again
11 received some brown paper bag that contained various
12 debris and dirt from areas of the vehicle, I believe,
13 and I went ahead and did analysis on the hairs that
14 were collected from those.

15 Q If I could interrupt, and tell the Court
16 little bit about what kind of analysis you do on
17 hairs to start the process of making a comparison?

18 A First of all hair samples are collected,
19 and again in most cases you have known samples from
20 both individuals involved and any other people that
21 could be involved also. You go ahead and classify
22 the known samples, as far as racial origin, body
23 origin, whether it's from the head area, pubic area,
24 and then go ahead and do a classification using
25 microscopic techniques whereby we look at about 13

1 : different characteristics that are found with a --
2 : within a hair under a microscope. Once those are
3 : classified, any hairs that are similar to the known
4 : are placed under a comparison microscope, and what a
5 : comparison microscope is, it has two stages on the
6 : microscope and it has a split screen, and you're able
7 : to put your unknown hair and known hair under the
8 : same field of view and do a comparison to see if they
9 : are similar in all respects, from the root to the
10 : tip, and whether it's possible that it could have
11 : originated from that particular source or not.

12 : Q So you first classify them as to race and
13 : part of the body that the hair came from?

14 : A Correct.

15 : Q And then looking at more particularized
16 : factors in the hair to come up with whether or not
17 : it's similar or not?

18 : A Correct.

19 : Q And what is the significance of the word
20 : similar that you're using as you testify?

21 : A The hair would have to be, to contain the
22 : same characteristics. The unknown hair would have to
23 : contain the same characteristics as the known hair in
24 : order to say it was similar and could have
25 : originated. Again, it is not an identification.

1 : With hairs, you can not identify an individual to a
2 : hair but you can say that it's similar to that
3 : individual known sample.

4 : Q If the 13, or how many factors were there
5 : that you go into in greater depth?

6 : A Probably 13 to 16. It depends on the type
7 : of hair and how many characteristics are within a
8 : hair. Not everybody has the same characteristics
9 : within their hair.

10 : Q If the known and unknown don't have a
11 : matching of those 13 or 16 then you say it did not
12 : come from the same person?

13 : A Correct, it could not have come.

14 : Q You can exclude some?

15 : A Definitely.

16 : Q And you only say they are similar if there
17 : is a match of all the factors?

18 : A Yes.

19 : Q What was the finding, if any, you made
20 : regarding the hairs that you compared that were in
21 : People's 5, the three slides you mentioned?

22 : A In that particular instance I was able to
23 : determine that there was one pubic hair collected
24 : from the passenger floor that had similar
25 : characteristics to the known pubic hair of Nathaniel

1 * Hatchett and could have originated from that source.

2 * Q When we have fingerprint experts on the
3 * stand they always say it's certain, there's nobody
4 * else that could have it. When you have DNA experts
5 * on the stand you get some degree of certainty, not as
6 * of as fingerprints, but they try to get close?

7 * A Yes.

8 * Q I don't know if you understand where I'm
9 * going, but is there any language or description you
10 * can give the Court at all in terms of number in the
11 * population or any types of characteristics or
12 * statistical language regarding when you find
13 * similarity when you compare hairs?

14 * A No. Unfortunately there is not, and for
15 * the reason being there has never been any study where
16 * people's hair have been collected, classified and
17 * identified using the characteristics. Whereby with
18 * DNA we actually know the number of people because we
19 * have blood samples that are drawn from individuals
20 * and they can generate footprints. There has never
21 * been a study, just comparison.

22 * Q And studies exist even with blood typing
23 * and Rh factors. For example, the B positive you can
24 * say 11 percent of the population has such a blood
25 * type or 11 or 13 percent, whatever it is?

1 A Yes.

2 Q Same with the other blood types and the Rh
3 factors and the secrete factors also?

4 A Yes, they all come with statistics because
5 they're generated on people's actual blood types.

6 Q Other than the two analysis that you have
7 described so far, the three I guess, were there any
8 others that you did with scientific evidence you
9 received in this examination?

10 A No, there was not.

11 Q Was there any other conclusions that you
12 reached other than those you described regarding
13 materials that were submitted to you for analysis?

14 A No.

15 MR. KAISER: That's all I have,
16 Judge. Thank you.

17 THE COURT: Thank you, Mr. Kaiser.
18 Ms. Austin?

19 If I might interrupt you for another
20 short arraignment. But get started.

21 MS. AUSTIN: Thank you.

22 CROSS EXAMINATION

23 BY MS. AUSTIN:

24 Q Good afternoon, Ms. Jackson.

25 A Good afternoon.

1 Q I have some questions to ask you about your
2 analysis. I'm going to go slow. If I mis-state
3 something please correct me. All right?

4 A Okay.

5 MR. KAISER: Court wanting to break?

6 THE COURT: Why don't I so I don't get
7 you messed up in your train of thought.

8 (Proceedings in short recess)
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THE COURT: You may continue, Ms.

Austin, on cross.

Q (Ms. Austin, continuing): Ms. Jackson?

A Yes.

Q You indicated on direct testimony that there were several analysis that you did; is that correct, with the evidence that you got in this case?

A Yes your testimony was that the first analysis was an analysis of the blood samples?

A Known blood sample.

Q And when you say known blood samples, what do you mean known?

A Known samples would be blood samples collected from the individual directly.

Q And your known blood samples that you had were from who?

A I received one known blood sample originally in the first we had in the collection kit from the victim. That would have been the first, then subsequently I received a blood sample in an evidence collection kit from the suspect.

Q And your analysis was these two blood samples?

A Yes.

Q You indicated both the victim and the

1 Defendant had like blood; is that correct?

2 A They had the same ABO blood type.

3 Q Now, because both of those individuals had
4 the same blood type you indicated that this did not
5 include anything for you in terms of your analysis;
6 is that correct?

7 A Well, at that point in time, actually it's
8 State Police policy that all sexual assault cases,
9 once items are collected and blood samples are
10 submitted, the case goes to the DNA lab for further
11 analysis rather than going ahead and using samples
12 for ABO blood typing which will not get you a very
13 good percent as compared to DNA typing.

14 Q So what you did was to send the blood
15 samples on to the State lab for DNA analysis?

16 A Yes, along with the collected samples, the
17 known seminal stains from the vaginal swab as well as
18 the underpants.

19 Q Would you say that again?

20 A In order to do a comparison you need to
21 have the unknown samples, which would be considered
22 the vaginal swab in this case and the underpants,
23 those that contain the seminal fluid to compare to
24 the known blood samples.

25 Q I would like to repeat that for you just to

1 : be sure my notes are correct. Your unknown samples
2 : would be the swab from the vagina area and pants?

3 : A Correct, underpants.

4 : Q Underpants?

5 : A Yes.

6 : Q And the known sample that went came from
7 : the Defendant, Mr. Hatchett, and from the victim?

8 : A Yes.

9 : Q Okay. So that was sent on to the crime
10 : lab?

11 : A Yes.

12 : Q Now, you indicated that your second
13 : analysis was the secreter status. That correct?

14 : A Yes.

15 : Q Now, could you detail for me what is
16 : included or involved in this secreter status
17 : analysis?

18 : A Yes. That would be the determination of
19 : what is called antigen that is present on a red blood
20 : cell, and that antigen determines whether or not
21 : you're going to exhibit your ABO blood type in your
22 : other body fluids besides your blood.

23 : Q And what was your finding in this analysis?

24 : A Both individuals were secreters.

25 : Q And because both individuals were secreters

1 * were you able to draw any conclusion from the
2 * analysis?

3 * A Again, the samples were sent for DNA. It
4 * was not necessary to go ahead and run the vaginal
5 * swab to determine what blood type could be present on
6 * them.

7 * Q And this was to show whether this blood
8 * type that they both had could be shown in other
9 * bodily secretions other than the blood?

10 * A Correct.

11 * Q Now, we get to the third analysis, that's
12 * the hair samples; is that correct?

13 * A Correct.

14 * Q And the hair samples that you showed us
15 * earlier were on glass slides; is that correct?

16 * A Yes, the one that I did a comparison on.

17 * Q Were others provided to you?

18 * A I received samples that were collected from
19 * the vehicle, however, those were not similar to
20 * either the victim or the suspect. Now I did not ever
21 * receive known pubic hairs from the victim so it's
22 * possible that there may be hairs within those samples
23 * that are similar to the victim but I did not know
24 * what her known pubic hairs looked like.

25 * Q Because you did not have a known sample?

1 A Correct. I had no -- I had no head hairs
2 from the victim, correct.

3 Q So there were other hairs that were
4 presented to you but you did not test?

5 A Correct.

6 Q Let's talk about -- there was one hair from
7 the Defendant's pubic area that you did test; is that
8 correct?

9 A That was collected from the passenger floor
10 that was identified to me as collected from the
11 passenger floor, yes.

12 Q Okay. Now your direct testimony said, and
13 correct me if I'm wrong, that that hair could have
14 originated from the Defendant. Was that your
15 testimony?

16 A Yes.

17 Q When you say could have, and you don't have
18 my statistical probability; is that correct?

19 A Correct, not with hair comparisons.

20 Q Could it have come from some person other
21 than the Defendant?

22 A It would have to be of the negro race, and
23 from a pubic area it is possible.

24 Q So your testimony is that the pubic hair
25 that was submitted to you, even though it could be

1 the Defendant's hair it could have been someone
2 else's hair; is that correct, of the negro race?

3 A It is possible, yes. Again, hair
4 comparisons are not an identification.

5 Q Okay. Let's restate that. Hair
6 comparisons are not identification?

7 A No. You cannot identify an individual by
8 their hair like you can with fingerprints.

9 Q So while the hair could have belonged to
10 the Defendant it could have belonged to millions of
11 other people?

12 A I wouldn't say millions because again hair
13 comparisons, the purpose of doing them is for
14 evidential reasons for inclusion and exclusion and
15 there are many, many differences. I wouldn't say
16 millions but it's possible that it could be from
17 another individual with the exact -- they would have
18 to have the same characteristics that were present in
19 his sample as well as the unknown sample.

20 Q When you say they would have to have the
21 same characteristics, there is 13 to 16 factors that
22 you spoke about on direct?

23 A Correct.

24 Q So your testimony is that it is possible
25 that the hair could come from someone other than the

1 Defendant?

2 A That's correct.

3 MS. AUSTIN: I have no further
4 questions.

5 MR. KAISER: No Redirect.

6 THE COURT: Thank you.

7

8 Having been first duly sworn testified
9 as follows:

10 THE COURT: We'll have you take a seat.
11 I know this won't be easy but we need to
12 have you keep your voice up as much as
13 possible. If you need a break at some point
14 just let me know.

15 THE WITNESS: Thank you.

16 THE COURT: Mr. Kaiser?

17 MR. KAISER: Thank you, Judge.

18 DIRECT EXAMINATION

19 BY MR. KAISER:

20 Q I notice as you walked up to the witness
21 stand you were carrying a stenographer's note pad or
22 some notes. Would you be sure if you need to look at
23 something, whether it's there or anywhere else, you
24 tell us you're going to do that?

25 A Okay.