

1990 TRIAL TESTIMONY OF BRENDA BISSETTE , SBI
AND JOHN BONDURA, SBI

1 (Reporter read Page 437, Lines 20 through 23, back.)

2 A. If I -- if that's what I said. I have not seen this
3 report. That's my personal opinion. Nothing else.

4 (Witness left stand.)

5 (A recess was taken.)

6 (Jury present.)

7 THE COURT:- Sir, call your next witness.

8 MR. YEATTS:- Brenda Bissette.

9 BRENDA BISSETTE, being first duly sworn, testified as follows
10 during DIRECT EXAMINATION by MR. YEATTS:-

11 MR. YEATTS:- May I proceed, Your Honor?

12 Q. You are Mrs. Brenda Bissette?

13 A. That's correct.

14 Q. Where are you employed?

15 A. I'm employed by the North Carolina State Bureau of
16 Investigation Crime Laboratory in Raleigh.

17 Q. How long have you been employed there?

18 A. Thirteen years.

19 Q. And what is your position there?

20 A. I'm a forensic serologist.

21 Q. And what is a forensic serologist?

22 A. A forensic serologist examines articles of evidence for
23 the presence of blood or body fluids, such as semen;
24 determines if the substances are present; performs typing
25 tests on these body fluids; and makes comparisons of these

1 typing tests to known samples which are submitted from
2 individuals related to the incident; and testifies to the
3 findings in court.

4 Q. And what training have you had in that area of expertise?

5 A. I have a Bachelor of Science degree in medical technology
6 from the University of North Carolina at Greensboro. I did
7 my clinical training in medical technology at the UNC School
8 of Medicine and North Carolina Memorial Hospital in Chapel
9 Hill. I am also a registered medical technologist with the
10 American Society of Clinical Pathologists. Since joining the
11 S.B.I., I have attended the basic S.B.I. Academy in
12 Salemburg, North Carolina and various workshops and
13 symposiums throughout the United States related to the field
14 of forensic serology.

15 Q. And have you testified in a court of law in your area of
16 expertise before this date?

17 A. That's correct.

18 Q. And approximately how many times have you done that?

19 A. In excess of 130 times.

20 Q. And on those occasions, have you been held to be an
21 expert in the area of your testifying and expertise?

22 A. Yes, sir, I have.

23 MR. YEATTS:- Your Honor, at this time I would
24 offer Mrs. Brenda Bisette as an expert in the field of
25 forensic serology.

1 THE COURT:- Let her be so RECEIVED.

2 Q. Mrs. Bissette, on a date certain, did you receive what is
3 referred to as the State Bureau of Investigation rape kit?

4 A. That's correct.

5 Q. And did you receive that from an Officer Brinkley of the
6 Winston-Salem Police Department?

7 A. Yes, I did.

8 Q. Do you recall what date that you received that?

9 A. That was on August the 16th, 1984.

10 Q. All right. And on a date certain, did you receive a
11 specimen of blood and saliva from the defendant in this
12 matter, Mr. Darryl Hunt?

13 A. That's correct.

14 Q. And what date did you receive that, if you recall?

15 A. On September the 14th, 1984.

16 Q. Now, would you explain to these fourteen people over here
17 what a S.B.I. rape kit consists of?

18 A. An S.B.I. rape kit consists of various smears and swabs
19 which are collected from a victim, either at autopsy or at
20 the time of examination in a hospital. Also contained in
21 this kit, in addition to the swabs and smears which are
22 collected from the various body cavities which have been
23 penetrated, are known standards which include a blood sample,
24 a saliva sample, and head and pubic hair samples.

25 Q. And were those items received by you in regard to the

1 deceased and the body of [REDACTED]?

2 A. That's correct.

3 Q. Now, would you explain to these fourteen people over here
4 what a swab is?

5 A. A swab is like a Q-tip swab, just an applicator.

6 Q. And mainly what do you do with the swab and what do you
7 use that for?

8 A. I examine the swab to determine if there's any semen
9 present on the swab and then perform the typing tests on the
10 body fluids on the swab.

11 Q. Okay now, that swab is obtained from the body of the
12 deceased, is that correct?

13 A. That is correct.

14 Q. Is there a certain procedure used in using that swab on
15 the body?

16 A. It's generally just an internal swabbing of the affected
17 cavity whether it be the oral cavity, the vaginal cavity, or
18 the anal cavity.

19 Q. Would you explain to these fourteen people over here what
20 a smear is?

21 A. A smear is a microscope slide which has been prepared
22 using the swab of the body cavity. The purpose of the smear
23 is to stain it and examine it under a microscope to look for
24 the presence of sperm cells.

25 Q. Now, do you have a blood grouping for individuals of

1 various types of blood?

2 A. That's correct.

3 Q. And how many groups are there?

4 A. There are well over two hundred different blood types

5 but, in the forensic field, we are looking for blood types

6 that are stable in a dried form as opposed to those in a

7 liquid form which may be tested for in a hospital.

8 Q. And how many types are there in the dry form? Or groups,

9 maybe I should use the word groups.

10 A. At the time that this particular evidence was submitted

11 to the laboratory, we were doing three blood typing tests on

12 semen and nine blood grouping tests on blood.

13 Q. What ABO group or blood type was [REDACTED]?

14 A. She was an O secretor.

15 Q. Type O blood, secretor?

16 A. That's correct.

17 Q. What do you mean by secretor?

18 A. A secretor is a person whose ABO blood type and there's

19 four of those. It can be either A, B, AB or O. It is

20 present in their body fluids in addition to being in their

21 blood. I am an A secretor which means that my blood type is

22 A. If I were to take a sample of my saliva, it would also be

23 type A and my vaginal fluid would be type A. In this

24 respect, her saliva would be type O and any of her fluid from

25 her vaginal cavity would also be type O because she was a

1 secretor.

2 Q. Is there such a thing as an O type blood that is
3 non-secretor?

4 A. That is correct. A non-secretor individual would only
5 have a blood type in their blood. Their blood would be --
6 for example, if you were an A non-secretor, their blood type
7 would be A, but if you were to test one of their body fluids
8 whether it was vaginal fluid, seminal fluid, or saliva, it
9 would detect no blood type.

10 Q. And what blood -- ABO blood type was the defendant, Mr.
11 Darryl Hunt?

12 A. He was a B secretor.

13 Q. Now, when you looked at the swab as collected from the
14 body of the deceased, [REDACTED], what did you observe and
15 find in that swab?

16 A. I examined the swab to determine if there was any acid
17 phosphatase present. I did detect the presence of acid
18 phosphatase and that ---

19 Q. May I interrupt you at that point please, ma'am? Would
20 you tell us what you -- that tells you in regard to finding
21 acid phosphates?

22 A. Acid phosphatase is an enzyme which is found in vaginal
23 fluid, as well as in seminal fluid. However, it is found in
24 much higher concentrations in seminal fluid as opposed to
25 vaginal fluid. Having detected the presence of acid

1 phosphatase and also having examined the vaginal smears which
2 were prepared from the stained swabs and detecting sperm
3 cells, I did then proceed to do the blood typing tests.

4 Q. And what were the results of your blood typing tests?

5 A. I performed three blood typing tests. The ABO and the
6 result was O; the PGM, it was a group two; and the peptidase
7 A which was group one.

8 Q. So if I understand it right what you're saying is that
9 you found O type blood in the semen.

10 A. No, that's not correct. I did not detect the presence of
11 blood. What I am saying is that the body fluids that were
12 present on this swab, the vaginal swab, were type O.

13 Q. And did you state whether or not you found spermatozoa
14 present?

15 A. Yes, I did find spermatozoa.

16 Q. And did you do any further tests on that?

17 A. Other than those three blood groupings tests, no, I did
18 not.

19 MR. YEATTS:- I have no further questions.

20 THE COURT:- Cross.

21 MR. STEIN:- No questions.

22 THE COURT:- You may stand down, ma'am.

23 MR. YEATTS:- Your Honor, I have just one further
24 question, if I may.

25 Q. Did you do a swab or was there a swab that you tested

1 from the oral, that is, from the mouth cavity of the
2 deceased?

3 A. That is correct.

4 Q. What did you find in regard to that?

5 A. I found that there was no semen present on the oral swab.

6 Q. And did you do or test a swab in the anal cavity of the
7 deceased, [REDACTED]?

8 A. Yes, I did.

9 Q. What did you find in regard to that?

10 A. I found that there was sperm present on the anal swab.

11 Q. So there was sperm present in the vaginal cavity and in
12 the anal?

13 A. That is correct.

14 MR. YEATTS:- I have no further questions.

15 THE COURT:- Cross.

16 MR. STEIN:- No, Your Honor.

17 THE COURT:- You may stand down.

18 MR. YEATTS:- Wait just a minute please, ma'am.

19 THE COURT:- All right, move along, sir.

20 Q. Mrs. Bissette ---

21 THE COURT:- Sir, now you desire to Direct examine
22 the witness again?

23 MR. YEATTS:- Yes, I would like to ask her
24 additional questions, if I may.

25 THE COURT:- Proceed then.

1 Q. Mrs. Bisette, the fact that you found no ABO blood type
2 B secretor in the vaginal cavity of [REDACTED] and in the
3 anal cavity of [REDACTED], would you state whether or not
4 you have an opinion whether that includes Mr. Darryl Hunt or
5 excludes him?

6 MR. STEIN:- OBJECTION, Your Honor. It's all new.
7 He's said twice that he had no further questions.

8 THE COURT:- OVERRULED. You may answer.

9 Q. You may answer.

10 A. I do not have any opinion as to whether that either
11 includes or excludes Mr. Hunt.

12 Q. And would you explain your answer please, ma'am?

13 A. In interrupting the results of the analysis of say a
14 vaginal swab, you're dealing with a mixture of two body
15 fluids, vaginal fluids from the victim and also semen which
16 has been identified by the acid phosphatase test and also by
17 the observation of sperm cells. The only time that you can
18 truly attribute a blood type to another individual is when it
19 is different from that of the victim. In this particular
20 case, what I obtained from the analysis of the vaginal swab
21 was type O. That is the same blood type as [REDACTED].
22 Therefore, I have no opinion as to what the type of the semen
23 was and it in no way includes or excludes any individual.

24 Q. Why doesn't it exclude any individual?

25 A. In performing this test, I do not actually know how much

1 semen and how much vaginal fluid is present. Therefore, I
2 can not predict whether or not I should be able to detect the
3 type of -- of the semen. There could be a large
4 concentration of semen and a small concentration of vaginal
5 fluid. They could be in equal amounts or there could be the
6 reverse of that. So not knowing the concentration of either
7 of the two body fluids, only the fact that two body fluids
8 exist, the only time that I can really exclude someone is
9 when it is completely different from known samples that I
10 have been submitted and the only time that I could include
11 someone is when I found a blood type that was different from
12 the victim but yet matched another individual whose samples I
13 had been submitted in reference to the case. In this
14 particular case, here again, what I detected was type O and
15 what I found is that that type O was the same as [REDACTED]
16 [REDACTED] and I have no opinion as to the blood type of the
17 semen.

18 Q. Mrs. Bisette, did -- this testing was done in 1984 and
19 '85, is that correct?

20 A. Yes, sir, it was.

21 Q. And at that time did you perform every procedure that was
22 known at that time for the S.B.I. ---

23 MR. FERGUSON:- OBJECTION.

24 Q. --- on that -- on those items?

25 MR. FERGUSON:- OBJECTION.

1 THE COURT:- OVERRULED. You may answer.

2 A. Did I perform these particular tests ---

3 Q. Well, everything that was known. In other words, did you
4 perform a DNA test on this?

5 A. No, sir, I did not. In 1984 DNA testing did not exist in
6 the forensic field.

7 MR. YEATTS:- I have no further questions.

8 THE COURT:- Will there be Cross, sir?

9 CROSS EXAMINATION- By MR. STEIN:-

10 Q. Miss Bissette, when you ended up finding that the swab
11 that had spermatozoa on it that was from the victim's vagina
12 tested O type and you found out that Mrs. [REDACTED] had O type
13 blood and you found that Darryl Hunt was a B secretor, let me
14 -- let me ask you whether or not the following is true: The
15 sample which included semen and spermatozoa was from a person
16 who was either O type -- could be from a person who was O
17 type like the victim Mrs. [REDACTED] could it not?

18 A. That's correct.

19 Q. It could be from a person who is a non-secretor, could it
20 not?

21 A. That is correct.

22 Q. Because if a person was a non-secretor you wouldn't find
23 that person's blood type in his semen, isn't that right?

24 A. That is correct.

25 Q. Now, of course, your tests on the blood of Darryl Hunt

1 was that he is a secretor.

2 A. That is correct.

3 Q. And your -- your tests on Darryl Hunt showed that he was
4 a -- had B type blood, isn't that right?

5 A. That he was a B secretor, yes, sir.

6 Q. So that if the -- one of the possibilities that the
7 donor, the person whose sperm that was on that swab, was an O
8 type which the test showed, that wouldn't -- that would not
9 be Darryl Hunt, isn't that right?

10 A. If you could truly attribute the O solely to the semen,
11 yes, that is correct. However, in this particular case, you
12 could just as well attribute the O to the vaginal material as
13 opposed to the semen.

14 Q. Well, you were looking for a B type secretor to see
15 whether there was a B type secretor in the material that was
16 taken from the body of [REDACTED] to see whether her
17 attacker was a B type secretor, isn't that right?

18 A. Not entirely. I was performing tests on swabs and
19 obtaining results. As to whether I was looking for a
20 particular type or not, that is not correct.

21 Q. Well, you wanted to know whether the sample you had from
22 Darryl Hunt matched the sample that was taken from the
23 vaginal cavity of [REDACTED], did you not? Wasn't that
24 the question put to you?

25 A. I was making a comparison between the blood type which I

1 obtained from the vaginal swabs to various blood samples
2 which were submitted to me in reference to this case, yes.
3 Q. Now, and the only one that you had submitted to you at
4 that time was Darryl Hunt, isn't that right?
5 A. At that particular time, yes.
6 Q. Yes. Now, once you had made that determination that you
7 had O type from the -- from the tests taken from the vagina
8 of Deborah Sykes and you knew that [REDACTED] blood was
9 O, you didn't perform any further tests, did you?
10 A. Yes, I also did perform the PGM test and the peptidase A
11 test.
12 Q. Now, isn't -- isn't it true that other forensic labs,
13 once they come to the -- to the finding that the donors --
14 that the blood type of victim is the same as the blood type
15 from the sample which would include the sample from the
16 donor, isn't it true that other labs at that time then
17 perform further tests to determine whether or not the sample
18 taken from the vagina is showing the blood type of the victim
19 or the blood type of the donor?
20 MR. BOWMAN:- OBJECTION.
21 MR. YEATTS:- OBJECTION.
22 THE COURT:- OVERRULED.
23 A. May I clarify a few things before I answer that? In
24 reference to the donor, are we speaking of the donor of the
25 semen?

1 Q. Yes, the donor of the semen, that's what I'm talking
2 about.

3 A. And these other tests that you're referring to, may I
4 assume that we are making reference to some type of
5 quantitative tests?

6 Q. I'm simply asking you whether there are other tests that
7 labs at that time conducted so that one could look further to
8 see whether the O type you were getting from the sample that
9 included the donor was the blood type of the donor or was the
10 blood type of victim.

11 MR. BOWMAN:- OBJECT to what other labs could have
12 done, Your Honor.

13 THE COURT:- OVERRULED.

14 A. At that particular time in 1984, it's true that there
15 were other laboratories in the United States that performed
16 tests in reference to P-30 analysis and tried to give some
17 indication as to the quantity of the two body fluids that
18 were present and to predict as to what body fluids the typing
19 tests actually reflected. However, I would like to state
20 that the number of laboratories that performed this procedure
21 were quite small and to the best of my knowledge the majority
22 of laboratories, which would include the F.B.I., did not
23 perform this test and give any kind of interpretation as to
24 quantity of either the semen or the vaginal fluid in light of
25 what the typing tests mean.

1 Q. Well, one thing that you did was to look in your
2 microscope and to estimate the quantity of spermatozoa that
3 you were observing on your slide, is that not right?
4 A. I did examine the slide and make notations as to the
5 quantity of sperm that I observed. However, let me state
6 that the detection of a number of sperm really has no bearing
7 as to the antigenic properties of the semen as to whether a
8 blood type should or should not be obtained.
9 Q. Now, what notation did you make as to the quantity of
10 spermatozoa that you were observing in the microscope?
11 A. In reference to which sample?
12 Q. Well ---
13 A. The vaginal smear?
14 Q. Whichever samples you checked for sperm count.
15 A. I found light to moderate sperm present on the vaginal
16 smears and I also found few to light sperm present on the
17 anal smear.
18 Q. Now, as to the -- the test and the material you had to
19 test, in addition to the swabs that you received with the
20 rape kit, you also received some kind of vial with liquid
21 material in it, didn't you?
22 A. That is correct.
23 Q. And that was material that was taken from the vagina at
24 autopsy by the person performing autopsy, is that right?
25 A. That is correct.

1 Q. And that was labeled, and how was that labeled?

2 A. That was labeled as a vaginal aspirate.

3 Q. And what tests did you perform on that?

4 A. I examined a sample of the vaginal aspirate
5 microscopically and found that there were light to moderate
6 sperm present.

7 Q. Now, did you -- did you conduct an acid phosphatase
8 assay?

9 A. No, sir.

10 Q. That was a procedure that was being done at that time in
11 labs in this country, wasn't it?

12 A. Not to my knowledge.

13 Q. What about a prostatic antigen assay?

14 A. I'm not familiar with the test that you're referring to
15 as prostatic antigen assay. I think what you're asking me is
16 was a P-30 performed and no, it was not.

17 Q. There were people in labs at that time who were
18 performing those tests in order to make a judgment as to
19 whether the sample being tested was that from the donor, the
20 perpetrator of the crime, or from the victim, isn't that
21 right?

22 MR. YEATTS:- OBJECTION.

23 THE COURT:- OVERRULED.

24 A. Here again, I'll state that, yes, that test was performed
25 in a number of limited laboratories in the United States.

1 However, I would have to say that that particular methodology
2 has not really been accepted throughout the United States as
3 being an accurate prediction of whether or not the typing
4 test that you obtain can be attributed either to vaginal
5 material or semen.

6 Q. Well, it is -- it is another piece of evidence that one
7 could look at if one is trying to determine who the
8 perpetrator of the crime is, isn't that true?

9 A. At that ---

10 MR. YEATTS:- OBJECTION.

11 THE COURT:- Just a minute. SUSTAINED.

12 Q. Now, turning to other matters in terms of your analysis
13 on this case, could ---

14 MR. STEIN:- Could I ask the District Attorney
15 whether there's a witness statement with regard to this ---

16 MR. BOWMAN:- We've given you copies of our report.
17 That's all that I have.

18 Q. Now, you testified on Direct Examination that you
19 received a rape kit on this case.

20 A. That's correct.

21 Q. And that's a standard procedure which has been developed
22 in cases where there's suspected sexual assault, isn't that
23 right?

24 A. Yes, sir.

25 Q. And I think that you said that there was semen and swabs.

1 There is also hair collected in a rape kit, isn't that right?

2 A. Yes, sir.

3 Q. There are known samples of the head hair from the victim,
4 isn't that true?

5 A. Yes, sir.

6 Q. And there are also samples of head hair found on the
7 victim or on the victim's clothing that may or may not be
8 hers, isn't that right, and are forwarded with the rape kit
9 so that there can be a comparison between hair that's on her
10 loose and known hair that's still in her skull.

11 A. The clothing of the victim may or may not be submitted
12 and actually the clothing is not considered part of the rape
13 kit. The known standards and the pubic combings are
14 considered a standard item in the rape kit. In reference to
15 hair being present on the clothing, yes, that is generally
16 looked for and a comparison of that hair is made back to hair
17 from the various individual's hair samples related to the
18 case.

19 Q. Were there hair samples in this case?

20 A. I only do serology and am not the hair analyst. However,
21 I do know that hair was received by the laboratory by another
22 analyst in reference to this case.

23 Q. When you say hair was received, hair in addition to the
24 known hair that was in the rape kit.

25 A. I actually did not receive any hair in this rape kit when

1 I received it.

2 Q. Well, your answer a minute ago, as I understood it, was
3 that you know that some hair was received at the S.B.I. lab
4 for analysis.

5 A. That is correct. I do know that.

6 Q. And my question is are we talking about known hair that
7 was taken from her head or hair that was found about her in
8 some way?

9 A. Of my own personal knowledge, I do not know the exact
10 samples which were received by the laboratory. I do know
11 that in the process of hair examination that analysis is not
12 performed unless known standards are obtained from the
13 victim.

14 Q. So if there's analysis, there is the known standards from
15 the victim to be compared against some other hair.

16 A. Yes.

17 Q. Now, there's also in the rape kit a combing from -- of
18 the pubic hair of the person who's been attacked, isn't that
19 right?

20 A. Generally that is true.

21 Q. And there are also known samples taken from -- of pubic
22 hair taken from the woman who's been attacked.

23 A. That is correct.

24 Q. And that was true in this case, is that right?

25 A. Here again, I did not receive any of the hair evidence

1 directly so I have no personal knowledge that these samples
2 were submitted. I do know that they are standard items which
3 are generally collected at the time of autopsy.

4 Q. And the idea in what's called the combing of the pubic
5 hair is to collect loose hair that's -- that's there in the
6 event it might be the pubic hair of the person who attacked
7 the victim, isn't that right?

8 A. Yes, sir.

9 Q. And the S.B.I. lab has the capacity to compare hair
10 samples so that if there's a known hair sample of the victim
11 and there's another hair sample from someone else, the S.B.I.
12 can look at it and to see whether they're similar or
13 dissimilar, isn't that true?

14 MR. YEATTS:- OBJECTION.

15 THE COURT:- OVERRULED. You may answer.

16 A. Yes, sir.

17 Q. And the same thing's true about pubic hair, isn't that
18 right?

19 A. That's correct.

20 Q. And with the materials that were received, isn't it also
21 true that known head hair and pubic hair of Darryl Hunt was
22 sent to the S.B.I. lab for analysis?

23 MR. YEATTS:- OBJECTION.

24 THE COURT:- OVERRULED if she knows.

25 A. I do not know of my own personal knowledge that such

1 samples were submitted because I am not a hair analyst.

2 However, I do know that it is the standard policy of the hair
3 analyst only to examine questioned samples when known samples
4 have been submitted from the victims and the suspects in
5 reference to a case.

6 Q. And you do know that analysis was conducted in this case.

7 A. That is correct.

8 Q. Now, were you asked to compare blood samples that were --
9 that were found in connection with this case in addition to
10 what you've testified to?

11 A. Yes, sir.

12 Q. And -- there was -- were you asked to compare blood
13 samples that were found on some pants?

14 A. Yes, I was.

15 Q. And I ask you whether these are the pants ---

16 MR. STEIN:- Your Honor, I need help with the ---

17 MR. YEATTS:- No. 25.

18 Q. --- State's Exhibit No. 25, are these the pants that you
19 checked some blood samples from?

20 A. May I examine them closer please?

21 Q. Yes.

22 A. This is a pair of pants which was submitted to me at the
23 laboratory to be examined for the presence of blood.

24 However, this is not the pair of pants that I performed the
25 blood typing tests on.

1 Q. Was the pair of pants that you performed blood samples on
2 pants that were taken from Darryl Hunt?
3 A. They were identified to me as being taken from Darryl
4 Hunt.
5 Q. And did you compare and did you find any blood on those
6 pants?
7 A. Yes, I did.
8 Q. And did you compare the blood that you found on those
9 pants with the blood samples of Deborah Sykes?
10 A. Yes, I did.
11 Q. And what did your analysis show?
12 A. That these blood stains did not originate from Deborah
13 Sykes.
14 Q. So that whatever blood was on his pants didn't come from
15 Deborah Sykes, is that right?
16 A. That's correct.
17 Q. Now, a final area, maybe one question, maybe more.
18 You've testified about various blood groupings and so on and
19 the analysis you've done. You've used some technical terms.
20 Let me ask you whether you -- in more lay terms -- whether
21 you found anything in your analysis, your chemical analysis,
22 that connected Darryl Hunt's -- Darryl Hunt to Mrs. [REDACTED] or
23 to the crime.
24 A. During the course of my examination, I found blood types
25 in reference to body fluids on the vaginal swab that were the

1 same as the victim which meant no, I did not detect any blood
2 type that could be directly attributed to Darryl Hunt.
3 However, I did not know the quantity of the two body fluids
4 present. In reference as to whom it may have originated
5 from, I have no opinion, number one, as to who the semen
6 originated from, or even as to where I should have been able
7 to detect a blood type from the donor of the semen. In
8 reference to the blood which I analyzed on the panties, I
9 found that the blood -- I mean, pardon me, on the pants --
10 was not consistent with either Deborah Sykes nor was it
11 consistent with Darryl Hunt.

12 Q. Now, if the -- the sample that you took that you looked
13 at that was the swab from the vagina was -- was -- that you
14 were examining, in fact, were examining seminal fluid from
15 the person who attacked her, if that were so, that person was
16 not Darryl Hunt, isn't that true?

17 MR. YEATTS:- OBJECTION.

18 THE COURT:- OVERRULED.

19 A. I'm not sure I really understand what your question is.
20 I did not find a blood type that could be attributed to Mr.
21 Hunt on the vaginal swabs.

22 MR. STEIN:- That's all, Your Honor.

23 REDIRECT EXAMINATION By MR. YEATTS:-

24 Q. Mrs. Bissette, examining the semen that you found by
25 using the swabs in the vaginal cavity of Deborah Sykes, could

1 there have been an undetected ABO group reaction B secretor
2 in that semen?

3 A. Yes, sir.

4 MR. YEATTS:- I have no further questions.

5 RECROSS EXAMINATION- By MR. STEIN:-

6 Q. Well as to that, is that the same thing as a typical
7 secretor?

8 A. No, sir.

9 Q. Was the question whether -- was your answer that the --
10 that it could have been a B non-secretor?

11 A. In reference to the type of the semen, here again, let me
12 state I have no opinion what the type of the semen is. It
13 could be any type.

14 MR. STEIN:- No further questions.

15 THE COURT:- All right, stand down. Sir, would you
16 then retrieve the Exhibit 25 ---

17 MR. STEIN:- Yes, sir.

18 THE COURT:- --- please, sir, and put it back on
19 the evidence table. Call your next witness please.

20 MR. YEATTS:- Like to call Mr. Bendura.

21 JOHN W. BENDURA, being first duly sworn, testified as follows
22 during DIRECT EXAMINATION- By MR. YEATTS:-

23 Q. Would you state your name to the Court please, sir?

24 A. John Wayne Bendura.

25 Q. Where are you employed, sir?

1 A. With the North Carolina State Bureau of Investigation in
2 Raleigh.

3 Q. How long have you been employed there, sir?

4 A. Approximately ten years now.

5 Q. And what is your position or title there?

6 A. I'm Special Agent assigned to the Trace Evidence Section
7 laboratory where I specialize in the area of fiber
8 identification and comparison.

9 Q. When you say fiber identification and comparison, would
10 you explain that in layman's term to these fourteen people
11 please, sir?

12 A. Yes, fiber identification and comparison is an area of
13 analysis in a laboratory where we compare fibers from items
14 such as clothing, carpet, blankets, any type of textile
15 related material. We also look at plastics or polymer
16 materials, make up tapes and cordage that would be rope, and
17 various other textile related items. We do these
18 examinations to determine whether or not a possible
19 association can be made between, say, an individual, say a
20 victim and a suspect, or a suspect or victim to a place or to
21 an object. It could be a crime scene or a murder weapon.
22 For instance, if we have a hit and run case, we look at
23 automobiles, the surface of automobile, to determine if any
24 fiber has been transferred to the surface from the victim's
25 clothing and we compare these fibers to determine whether or

1 not they could have originated from the same source and we do
2 these examinations there in the laboratory.

3 Q. All right, sir. Like to hand you what has been marked as
4 State's Exhibit No. 107. Ask you if you received this item
5 of clothing on a date certain at your lab.

6 A. Yes, sir, I did.

7 Q. And was that received from the Winston-Salem Police
8 Department ---

9 A. Yes, sir.

10 Q. --- to wit, Officer Brinkley?

11 A. That's correct. I also received it a second time on the
12 1st of August, 1986. It was submitted to me twice.

13 Q. I'd like to hand you what has been marked as State's
14 Exhibit No. 115 which has already been introduced into
15 evidence. Ask you if you can identify that, sir, as an item
16 that was received from the Winston-Salem Police Department,
17 to wit, Officer Brinkley, on a date certain?

18 A. Yes, sir. And again, it also bears the date I received
19 it in 1986 by UPS mail.

20 Q. Now, did you make an examination and comparison in regard
21 to what has been marked there as State's Exhibit No. 115 and
22 107?

23 A. Yes, State's Exhibit 115 identified to me as being a
24 piece of elastic material, beige elastic material, found I
25 believe on the -- identified as coming around the 600 block

1 of West End Boulevard and State's Exhibit 107 was identified
2 to me as a pair of panties that were taken from the victim or
3 torn panties taken from the victim.

4 Q. And what determinations did you make?

5 A. It was my objective in the laboratory to determine
6 whether or not the piece of elastic found at the other
7 location could have or could not have originated from the
8 victim's panties. In the examination of victim's panties,
9 the crotch area has been torn away toward the front of the
10 panties and examination of the left leg area to this side --
11 would be the left front part of the leg, about a three and a
12 quarter inch or three and a quarter inch -- excuse me, three
13 and a quarter inch or three and a quarter centimeter -- I
14 believe it was inches -- piece was taken -- three and a
15 quarter inch strip of elastic was missing from that left leg
16 area. Examination of the material in State's Exhibit 115,
17 beige elastic material, found at the other location was
18 approximately three and a quarter inches also. Examination
19 of the composition of material also found that all the fibers
20 that composed that material which I had, I believe, two types
21 of polyester, two type of nylon polypropylene. Of course,
22 the elastic material, all these different fibers were present
23 in that elastic material as it composed stitching threads,
24 border threading and also the fabric around the elastic. All
25 these were found to have the same characteristics not only

1 gross physical characteristics as far as the color and the
2 weave and construction but also microscopic characteristics
3 which I was able to compare on a comparison microscope. A
4 comparison microscope is a microscope which has two
5 microscopes built into one. We can look at known samples and
6 questioned samples at the same time and do a side-by-side
7 comparison. In this case, all the fibers found that composed
8 this material were found to be consistent with other elastic
9 material remaining in the panties identified as being the
10 victim's panties and have the same construction. There were
11 five strands of elastic, circular or round elastic, in that
12 band. All those were found present in the construction and
13 were found to be consistent; therefore could have originated
14 from the victim's panties.

15 Q. Based on those examinations and comparisons that you did,
16 do you have an opinion as to whether or not item 115
17 originated from item 107?

18 A. Yes, I do.

19 Q. And what is your opinion?

20 A. It's my opinion that based on the length and the
21 composition material, it's my opinion that the material found
22 at the other location, the 600 block of West End Avenue,
23 could have originated from that area. If it were to
24 originate from another source, it would have to originate
25 from another pair of panties similar to this or basically the

1 same material. It would have to been torn out the exact
2 lengths and the chance of that happening would be highly
3 remote.

4 Q. All right, sir. Now, I'd like to hand you what has been
5 marked as State's Exhibit No. 104. At the time same time I'd
6 like to hand you what's been marked as State's Exhibit No.
7 106 and ask you if you received these on a date certain from
8 the Winston-Salem Police Department, to wit, Officer
9 Brinkley.

10 A. Yes, sir, I did.

11 Q. Okay, sir. And what, if any, holes or damage did you
12 observe to those two items of clothing?

13 A. I observed approximately, I believe, sixteen -- I
14 described as sixteen stab holes or knife holes in the
15 material of the blouse. There were no knife holes in the bra
16 found in State's Exhibit 106 but there were approximately
17 sixteen holes present in the blouse itself.

18 Q. Now, Mr. Bendura, did you make a comparison of the
19 location of those holes on State's Exhibit, I believe it's,
20 No. 104 with the medical examiner's report as to the stab
21 wounds in the body of the deceased?

22 A. Yes, I did.

23 Q. And what, if anything, did you observe in regard to that?

24 A. Of the sixteen holes, four holes -- I did a -- basically
25 when I do a comparison of this type, you would do a general

1 comparison as far as looking at the autopsy diagram, where
2 the knife wounds were present and you also look at the --
3 where they are present in the garment would go over that part
4 of the body just to hang in a normal configuration over the
5 body. Of the sixteen holes found in the blouse, four of the
6 holes did not correspond to wounds that were indicated on the
7 report. So the only conclusion I could come from that was
8 that the blouse was not in the proper configuration at the
9 time those four stab holes were made. It was more than
10 likely moved at that time. It could be twisted or raised up.
11 To be exact, you can not -- to be exact about the exact
12 measurements but my opinion, the blouse was moved at one
13 point.

14 Q. When you say proper configuration, you're talking about
15 the blouse could have been moved up or something.

16 A. Up or twisted around, yes.

17 MR. YEATTS:- I have no further questions.

18 THE COURT:- Cross.

19 CROSS EXAMINATION- By MR. FERGUSON:-

20 Q. You say you've been working in the State Bureau of
21 Investigation laboratory for ten years, is that right?

22 A. Approximately. This January will be ten years. This
23 coming January.

24 Q. And you spent your ten years examining fabrics and
25 comparing one fabric or one fiber with another.

1 A. It's one facet of the textile analysis that I do, the
2 fiber comparison. We look at the fiber composition. We also
3 look at whether a garment's been torn or cut or trying to
4 piece fabric back together, yes.

5 Q. Yes, sir. Another part of your work is examining hair
6 fiber too, isn't it?

7 A. I help remove -- if items are submitted to me that the
8 hair examiner has not seen, if there's hair present, I would
9 turn those over to the hair examiner and I occasionally
10 remove hair but I do not do an examination. I have attended
11 the F.B.I. hair school in Quantico, Virginia, hair and fiber
12 school, which would be microscopic examination of hair and I
13 can do general screening but to do hair examinations
14 themselves takes a great deal more experience and time
15 looking at several hairs from various individuals.

16 Q. Yes, sir, and you have people down there in Raleigh at
17 your lab ---

18 A. That's correct.

19 Q. --- who spend their days and nights examining hair ---

20 A. That's correct.

21 Q. --- isn't that right?

22 A. Yes, sir.

23 Q. And they have sophisticated equipment to look at that
24 hair microscopically or otherwise to tell whether a given
25 hair matches up with another given hair in some way, isn't

1 that right?

2 A. They use the comparison microscope to -- they do hair
3 comparison on a side-by-side basis.

4 Q. Yes, sir, and of course one of the reasons you have this
5 laboratory that you work in down there to match up fibers is
6 so that you can look at fibers and see if there are ways to
7 connect suspects with crime scenes, isn't that right?

8 A. That's correct.

9 Q. That's one of the things you do.

10 A. That's correct.

11 Q. Now, nothing you did in this case connected Darryl Hunt
12 with that crime scene, does it?

13 A. No, sir, all I -- all I've done in this case is to
14 examine the material to determine how -- if it was associated
15 back to a certain garment or whether the knife holes
16 corresponded with wounds. That's all I did in this case.

17 Q. Yes, sir. You don't have anything in your analysis that
18 you did in this case that shows you that Darryl Hunt came in
19 contact with those panties in any way, do you?

20 A. That's correct.

21 Q. You didn't do anything in your analysis to say that
22 Darryl Hunt came in contact with that top there in any way,
23 isn't that right?

24 A. Yes, sir, I did not receive any items from Darryl Hunt.

25 Q. You didn't receive anything that would connect him with

1 the crime scene, isn't that right?

2 A. That's correct.

3 MR. FERGUSON:- Yes, sir. I have no further
4 questions.

5 THE COURT:- ReDirect.

6 MR. YEATTS:- No further questions.

7 THE COURT:- Sir, you may stand down.

8 MR. YEATTS:- Your Honor please, with permission of
9 the Court, without objection, I'd like to excuse Mr. Bendura
10 and Mrs. Bissette at this time.

11 THE COURT:- Yes, sir, you may.

12 MR. YEATTS:- Your Honor, with permission of the
13 Court, I'd like to approach and retrieve those items and put
14 them back on the table.

15 THE COURT:- You may, sir. Call your next witness,
16 sir.

17 MR. BOWMAN:- Mack Brunson.

18 MAC K BRUNSON, being first duly sworn, testified as follows
19 during DIRECT EXAMINATION by MR. BOWMAN:-

20 Q. State your name for the Court please, sir.

21 A. Mack Lucas Brunson.

22 Q. Now, Mr. Brunson, where do you live, sir?

23 A. At Plaza Apartment, 789.

24 Q. All right, what town is that in?

25 A. Winston-Salem.