

THE COURT: You can step down, Detective Harper.

(Witness excused.)

THE COURT: Call your next witness.

MR. KELLER: Your Honor, we would call Ms. Tillman to the stand.

LINDA B. TILLMAN

was called as a witness by the State of Georgia, and after the following oath was duly administered, was examined and testified as follows:

MR. KELLER: Would you raise your right hand?

You solemnly swear the testimony you are about to give before this Court and this Jury in the case of the State of Georgia versus Calvin Johnson, who is charged with the offense of rape, aggravated sodomy and burglary in case number 12-22011-3, shall be the truth, the whole truth, and nothing but the truth, so help you, God?

THE WITNESS: I do.

DIRECT EXAMINATION

BY MR. KELLER:

Q Would you please give us your name?

A Linda B. Tillman.

Q And, Ms. Tillman, where are you employed?

A I'm employed at the State Crime Laboratory in Atlanta.

Q And what do you do there?

A I'm a forensic serologist.

Q And what is a forensic serologist?

A I examine body fluids and the dried stains of body fluids for the purposes of identification, characterization and individualization. These fluids would normally include such things as blood, saliva or seminal fluid.

Q Ms. Tillman, how long have you been with the Georgia State Crime Laboratory?

A For approximately nine years.

Q And how long have you been a forensic serologist?

A During that entire period.

Q And what type of training have you had that allows you to make such comparisons?

A I received a bachelor's degree in biology from Converse College in Spartanburg, South Carolina.

MR. SECRET: Your Honor, we will stipulate that this witness is an expert in the field of forensic serology.

THE COURT: Accept the stipulation?

MR. KELLER: Yes, Your Honor.

THE COURT: Admitted as an expert in serology.

BY MR. KELLER:

Q Now when you examine these particular body fluids, what is normally the nature of your examination? What do you do to them?

A Normally it would be in identification of what the particular substance is. We will get a request from an officer to examine evidence usually either for blood or for seminal fluids, sometimes for saliva, so I will first identify what the substance is, then I will attempt to individualize the substance or to try in some way to relate it to a particular person who could have been involved with the crime or either to eliminate this person as being involved with the crime.

Q And have you been doing this for approximately nine years?

A Yes, sir; I have.

Q I will ask you whether or not you had an occasion to get some evidence from College Park Police Department as it related to a case involving a [REDACTED]?

A Yes, sir; I did.

Q Let me show you what is totally marked State's Exhibit State's Exhibit 20 --

(Thereupon, the above referred to item was marked as State's Exhibit Number 20 for identification only.)

BY MR. KELLER:

Q -- and ask you are you familiar with this?

A Yes, sir, I am.

Q All right. Does it contain a series of other exhibits?

A Yes, sir, it does.

Q And how are you familiar with that particular --

A When we receive items of evidence in the crime laboratory, these items are assigned a particular case number. This is the case number which is identified here, and the items which are contained, we describe the items of evidence and number them, and this bag says which items are contained in this bag.

Q All right, and let me show you what has been marked State's Exhibit 21 and ask you are you familiar with this?

A Yes, sir; I am.

Q And what is that?

A This is called a State Crime Laboratory rape kit. This is just the name that we give it. This is a kit which was designed by the lab in conjunction with members of rape crisis centers to give the physicians who examine girls who say that they are victims of a rape a standardized means of collecting evidence to send to us at the crime laboratory that would be collected in a manner which it would be

preserved in the best way possible for our examination and testing.

Q And did you receive a rape kit for a [REDACTED]

[REDACTED]?

A Yes, sir; I did.

Q And how did you get the rape kit?

A An officer -- if I may refer to my notes. An officer from College Park brought this into the laboratory. Officers Storey and Wilkerson.

Q And did you perform certain tests or analysis on the things that you had in the rape kit?

A Yes, sir; I did.

Q Just for illustrative purposes if you would put State's Exhibit 22 on that.

(Thereupon, the above referred to item was marked as State's Exhibit Number 22 for identification only.)

BY MR. KELLER:

Q Ms. Tillman, let me show you what has been marked State's Exhibit 22, and I will ask you whether or not you performed any analysis or comparisons or tests with regard to that document?

A No, sir; I did not.

Q All right.

MR. KELLER: Mark this, please.

(Thereupon, the above referred to item was marked as State's Exhibit Number 23 for identification only.)

BY MR. REEDER:

Q Let me show you what has been marked State's Exhibit 23, and I'll ask you whether or not you can identify that.

A Yes, sir; I can. This bag is marked with the same case number and also some item numbers. There are two glass test tubes in the bag, and each of these at one time contained saliva samples. I removed the saliva samples, and they are presently stored in the freezer at the crime laboratory.

Q And then you made the analysis on that?

A Yes, sir; I did.

Q And whose saliva samples were these?

A One was identified to me as having been taken from a [REDACTED]. The other was identified to me as having been taken from a Calvin Johnson.

Q Now, you did not physically take these saliva samples?

A No, sir; I didn't.

Q So you just have a recordation from someone else as to whose saliva they are?

A That's correct.

Q And contained within State's Exhibit 20 are other bags; is that correct?

A Yes, sir, that's correct.

Q And have you examined these bags as to be familiar with their contents?

A I described these items when they came into the crime laboratory. However, I did not perform any analysis on the items.

Q And what type of items were these?

A Clothing, bed clothing. There was a towel.

Q And have you had an occasion to physically examine those items?

A I examined them today.

Q After examining those items, did you note any particular type stains on these?

A I did on the panties; yes, sir.

Q And were you able to form an opinion as to what that stain might be?

A The stain had the visual characteristics of blood, although I could not make any chemical determination.

Q And were there any other stains that you were able to make a physical characterization of as opposed to a chemical analysis?

A No, sir.

Q Now, Ms. Tillman, did you have, as you just

stated, a rape kit to analyze in this?

A Yes, sir; I did.

Q And were you able to make a complete analysis of body fluids that were contained within the rape kit?

A Yes, sir; I was.

Q And how is your analysis or can you compare an analysis of body fluids to an analysis of stains as to its accuracy or the fact -- the ease with which you are able to do it?

A I'm not sure I understand.

Q Is it easier to analyze a body fluid or a stain?

A Well, it depends. Normally body fluid.

Q And if you are able to analyze body fluids, you would not have to analyze stains as such --

A That's correct.

Q -- to get the same results?

A That's correct.

Q Now, could you please just open the rape kit, which is I think State's Exhibit 23.

A State's Exhibit 21.

Q And describe for this Court and Jury exactly what you were able to analyze and then I will ask you some core questions.

A Yes, sir. The items that are contained in the rape kit for biological examination consists of two cotton



tipped applicators, a cardboard slide mailer which contains microscope smears. The instructions in the kit tell the doctor to use the swabs for swabbing the vaginal tract and to then make a smear on the slides.

We do a chemical testing of the swabs to determine if there is seminal fluid there and to perform seminal fluid typing procedures if that is indicated in the case and do a microscopic examination of the smears that are on the slides to determine if spermatozoa or the male sex cells are present.

We also include and which was not used in this case that is for the doctor's use if he see areas on the body other than the vaginal tract where there are crusted stains that he thinks might perhaps be seminal fluid, there are items in here for him to use in a situation like that. This item was not used in the kit as it was sent to us.

Q And what type of testing do you use to determine the presence of seminal fluid?

A On microscope slides I stain the slides with a particular stain that will cause differentiation of the sperm cell itself so that it can be easily identified, and I just do a microscopic examination. Testing of the swabs involve a chemical test for the presence of acid phosphatase.

This is a chemical that is found in high concentration in seminal fluid, and then I also elute some of

the stain or some of the fluid off of the swab and prepare a microscope slide from that to confirm that sperm are present on the slide.

Q And these are vaginal slides as reported to you from [REDACTED]?

A That is correct.

Q And as a result of the testing, did you form an opinion as to whether or not there was the presence of seminal fluid in the vaginal area of [REDACTED]?

A Yes, sir. There was seminal fluid and spermatozoa present.

Q And where does seminal fluid and spermatozoa originate?

A The seminal fluid and sperm are produced by the male and are released at the point of ejaculation.

Q Now, you also stated that you analysed other body fluids at the request, and I believe in one of the exhibits, State's exhibit 23, you related to blood and saliva; is that correct?

A Yes, sir, that's correct.

Q And what is the purpose of analyzing those body fluids?

A We analyze the blood and saliva to determine first the blood type, international blood group, of the person involved, and then we try to determine whether they

belong to a group known as secretors or whether they belong to a group known as non-secretors.

Q All right. Now, what is a secretor and what is a non-secretor?

A A secretor is a person who will have the same type blood substance that you find in the blood. It will be present in other body fluids besides the blood. A non-secretor will have this blood type substance only in his blood. With a secretor, you could thus determine the type of another body fluid other than blood, saliva, seminal fluid in the male, vaginal fluid in a female.

For example, if a person had type B blood and that person was a type B person who was a secretor, their seminal fluid if they were a male would also be type B, so would their saliva, their tears, their ear wax, anything that is secreted by their body.

If that same person were a non-secretor, you would not find substance present in the other body fluids.

Q Now, does that hold true if the person has O type blood?

A It's a similar situation except that there is -- the name, the scientific name of the O substance that is present in a type O person's blood is a reactive substance. There is no antigen as such. It's just a reactive substance. Therefore, if a type O person were a secretor, they would have

this type A -- excuse me, type H reactive substance in their blood and in their other body fluids.

Q Now, what type of blood from your analysis did [REDACTED] have?

A She is international blood group A and she is of a blood classification Lewis, A negative, C positive, which indicates that she is a secretor. This is not to be confused with any other positive and negative blood group classification. All that this means is that she is a member of the group known as a secretor.

Q And what type of blood type did Calvin Johnson have from your analysis?

A Mr. Johnson is a type O, and he also is the Lewis, A negative, B positive, which would indicate that he is a secretor and would have the type H reactive substance in his blood and in his other body fluids.

Q And as it breaks down percentagewise or any way that you can describe it for this Court and this Jury, are more people secretors or non-secretors?

A More people are secretors. Approximately eighty percent are secretors and approximately twenty percent are non-secretors.

Q So of the blood that you analyzed, we have two secretors?

A That's right.

Q And in analyzing other bodily fluids of secretors, they would have certain characteristics of secretors that relate to their blood type?

A That's correct.

Q And I will direct your attention, then, to the body fluids that you analyzed from the vaginal swabs and what did you find?

A I found on the vaginal swabs where I had previously located seminal fluid that there was type A antigen and a small amount of H reactive substance.

Q And would that be consistent with someone who had O blood and was a secretor?

A Yes, sir.

Q And would that vaginal -- would the vaginal swab be consistent with someone who had type A blood and was a secretor?

A Yes, sir.

Q So if [REDACTED] was A and a secretor and Calvin Johnson was O and a secretor, then your findings would be consistent with sexual intercourse between those two people?

A Yes, sir. That's correct.

Q Now, did you perform any other analysis on any other body fluids?

A No, sir; I did not.

Q And had you been requested to -- well, let me ask the question this way. Had you not found the seminal fluid present with the vaginal swabs, and had you not been able to identify microscopically the seminal fluid or spermatozoa, would you then upon request analyzed the particular stains to determine blood, seminal fluid that were presented on the clothing?

A Yes, sir. I would have.

Q And with the analysis that you did on the body fluids, with everything that you found, would an analysis of the clothing give any greater information than what you have already determined?

A No, sir; it would not.

Q So you can't get anything from stains that you couldn't get from body fluids?

A That's correct.

MR. KELLER: Thank you. That's all I have, Your Honor, at this time with the exception of tendering what has been marked State's Exhibit 20, I believe 21 and 23. I am not tendering what was marked as State's Exhibit 22.

THE COURT: Not tendering?

MR. KELLER: I am not tendering that.

MR. SECRET: No objection, Your Honor.

THE COURT: 21, 22 and 23 are admitted without

objection.

(Thereupon, the above referred to items marked as State's Exhibit Numbers 21, 22, and 23 were admitted into evidence.)

THE COURT: Would counsel approach the Bench?

(Thereupon, counsel approached the Bench and a discussion transpired off-the-record.)

THE COURT: Cross examination, Mr. Secret.

CROSS EXAMINATION

BY MR. SECRET:

Q Ms. Tillman, of course, you cannot say definitely that Mr. Calvin Johnson and Ms. [REDACTED] engaged at some point in sexual intercourse?

A That's correct.

Q In fact, what you are saying is that what your test results indicate is that sexual intercourse with Ms. Lanning and any O type secretor is consistent?

A That's correct.

Q Do you have any statistical information about how many black males are type O blood?

A I don't have it for black males, but I have it for males in general.

Q What would that be?

A Approximately forty-four percent are type O.

Q What percentage of the black population generally is type O; do you have that?

A The type O? That's the forty-four percent is type O.

Q So you are saying that forty-four percent of the black population generally is type O blood?

A Right. We don't break our statistics down as to black and white. It's just the population in general.

Q The population in general? Okay. Now, also, your test results are consistent with sexual intercourse with Mr. [REDACTED] and a type A secretor; is that correct?

A Yes, sir.

Q So not only can you not eliminate forty-four percent of the population, or at least some of those who are male, you cannot eliminate type A male secretors either; is that correct?

A That's correct.

Q And the test results are also consistent with [REDACTED] having sex with a non-secretor?

A That's correct.

Q So that the test results that we have here are very, very broad?

A That's correct.

Q They don't in any way point directly to Mr.



Calvin Johnson?

A No, sir.

Q In fact, if I were a type O blood secretor, I would be in that group, wouldn't I?

A Yes, sir.

Q Any of these gentlemen on the Jury could possibly be in that group, wouldn't they?

A Yes, sir.

Q So really the purpose of these examinations are really to try and eliminate somebody?

A That's correct.

MR. SECRET: That's all I have.

THE COURT: Any other direct?

MR. KELLER: I'll ask two questions.

REDIRECT EXAMINATION

BY MR. KELLER:

Q Calvin Johnson is not eliminated, is he?

A No, sir; he is not.

Q And based on your evidence, there was sexual intercourse with someone and [REDACTED]?

A Yes, sir.

MR. KELLER: Thank you.

THE COURT: Any other cross?

RECROSS EXAMINATION

BY MR. SECRET:

Q Do any of your records indicate when [REDACTED] had any previous sexual intercourse, how soon before the incident took place?

A Normally, and I can't specifically remember on this case, but normally before I perform any seminal fluid typing, I check with the officer to make sure how long it has been since the last intercourse because if there has been a fairly recent intercourse, we need to be able to eliminate that person as the source of seminal fluid, and that is just my standard operating procedure, to ask and inquire about what, so I assume that there was a sufficient time since the last intercourse that we would not suspect to find any interfering substances.

Q What would be a sufficient time?

A It varies, three days, five days.

Q So if --

A It also would depend -- there are a lot of variables, if I could explain.

Q Surely.

A Depending on the activity of the woman. We can type seminal fluid on a body that has remained stable, not moving for days, but in a normal active person who is up, walking around, bathing, performing normal daily functions, I would think you could certainly be sure within two to three

days that you wouldn't have interference.

Q So if Lana Learning had had sexual intercourse twenty-four hours before the assault took place, would that -- then there's a possibility of another person who could not be eliminated; is that correct?

A Possibly.

Q Let me ask you to look at that, read it to yourself.

A All right.

Q Have you been able to identify what that is?

A Yes, sir.

Q Would you please tell me what it is?

A It's a medical record from Grady Hospital, and I assume that it is the one that was taken when she underwent an examination, when Ms. ██████ underwent an examination.

Q Does that medical record indicate --

MR. KEBLER: I'm going to object to the contents of whatever it eliminates, or whatever it indicates. It is not in evidence. She didn't do it. Whatever was done, it was done at Grady. It would be hearsay.

MR. SECRET: Your honor, we are admitting this under the exception to the hearsay rule with respect to the medical records as being a certified copy and certified as being the records of the doctor or the hospital.

THE COURT: Let me see it.

MR. KELLER: I didn't know anything about what he is saying it is.

THE COURT: It is not certified. I sustain the objection. As it stands now, it is not admissible.

MR. SECRET: How about this one?

(Thereupon, the above referred to item was marked as Defendant's Exhibit Number 3 for identification only.)

MR. KELLER: Yes, Your Honor. It does appear to be certified.

THE COURT: Any objection?

MR. KELLER: I don't see the relevancy or the materiality of this report as it relates to anything that we have at this time. It's another matter that doesn't have anything to do with its admissibility.

MR. SECRET: Would the Court want me to speak to that, Your Honor?

MR. KELLER: I won't object to it, though. It can be admitted as Defense Exhibit 3. No objection. Is he tendering it?

MR. SECRET: I'm tendering it.

THE COURT: Tendering and admitted without objection.

(Thereupon, the above referred to item marked as Defendant's Exhibit Number 3 was received in evidence.)

BY MR. SECRET:

Q Mr. Hillman --

MR. KELLER: Your Honor, this is going to sound unique, but I'm going to object to this particular first page. It has nothing to do with the report. I'll go into that afterwards if he will take the first page off and we'll tender the document on the second and third page.

It has nothing to do -- it does not identify the patient. I'll speak to it. It has nothing to do with this case other than a matter that we need to take up with counsel after this is --

MR. SECRET: I don't mind his reserving that.

BY MR. SECRET:

Q Mr. Hillman, would you tell me whether or not those records indicate whether or not there was any sexual activity of Ms. [REDACTED] prior to this incident and when?

A From the best that I can tell from reading the report, which they are sometimes hard to read and since I'm not accustomed to writing up the medical reports, I just have to take this as it is. It says, "Last voluntary act," and a symbol which I assume was approximately, "Twenty-four hours

before incident."

MR. SECRET: Thank you. That's all I have.

THE COURT: Any other direct?

MR. KELLER: No, sir, Your Honor.

THE COURT: Step down, Ms. Tillman.

THE WITNESS: May I be excused?

THE COURT: Release or retain?

MR. SECRET: No objection to her being excused.

THE COURT: You can go, Ms. Tillman. The Court thanks you.

(Witness excused.)

THE COURT: Ladies and gentleman of the Jury, we are going to take a recess for the weekend. Please listen very carefully.

Normally, cases are tried and all we have to recess for is overnight. We're just caught in a situation where we've got the weekend coming up.

It is extremely important that you remember that the Court instructs you not to discuss this case with spouse or friend or with anyone. Particularly don't discuss it with anyone involved in the trial of the case.

The Court also particularly cautions you and instructs you not to do any, for lack of a better word, self investigations. Don't conduct any surveillance or