

Illinois v. Ollins et al.

Trial Testimony of Pamela Fish
in

Illinois v. Calvin Ollins

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1 MR. O'BRIEN: Judge, for our next witness we would
2 call Pam Fish to the stand.

3 (Witness sworn.)

4 PAMELA ANN FISH,
5 a witness called on behalf of the People, being
6 first duly sworn, was examined and testified as
7 follows:

8 DIRECT EXAMINATION

9 BY MR. O'BRIEN:

10 Q Would you state your full name and spell your
11 last name, please?

12 A Yes, my name is Pamela Ann Fish; the last
13 name is spelled F-i-s-h.

14 Q And who do you work for?

15 A I work for the Chicago Police Department in
16 the Crime Laboratory Division.

17 Q How long have you been employed in the Crime
18 Laboratory Division?

19 A Approximately five and-a-half years now.

20 Q And what is your title within the Crime
21 Laboratory Division?

22 A My title is a criminalist.

23 Q And what particular section of the crime
24 laboratory do you work in?

1 A I work in the Serology Unit of the lab.

2 Q And could you tell us briefly what the
3 Serology Unit does?

4 A Serology is the study of bodily fluids such
5 things as blood, semen, saliva, things of that nature.

6 Q And in your duties -- I should say in your
7 work as a crime laboratory analyst what training have
8 you received for that work?

9 A I initially received a nine months on-the-job
10 training working with the senior officer in the unit.
11 After that I have attended nine -- excuse me, three
12 seminars in the field of serology and also went to the
13 F.B.I. Academy in Quantico, Virginia, in the field of
14 serology.

15 Q And could you tell us in your time in the
16 crime lab on how many occasions have you examined
17 articles to determine whether there was blood or not
18 on those articles?

19 A I have done that type of an examination
20 thousands of times.

21 Q And in your experience in the crime lab how
22 many times would you have been called upon to
23 determine if a secretion is semen?

24 A I have also done that determination thousands

1 of times.

2 Q And in your experience on how many occasions
3 have you had to determine the genetic markers which
4 may be found in semen or secretions?

5 A I've also done that hundreds of thousands of
6 times.

7 Q Have you testified before in the courts in
8 Cook County relative to your opinion as to the typing
9 of blood?

10 A Yes, sir, I have.

11 Q And have you testified before in Cook County
12 relative to your opinion as to the presence or absence
13 of semen in a secretion?

14 A Yes, sir, I have.

15 Q And have you testified before in courts of
16 Cook County on the question of whether genetic markers
17 were present in semen?

18 A Yes, I have.

19 MR. O'BRIEN: Judge, I would tender this witness
20 as an expert in the field of both blood and semen
21 type.

22 THE COURT: Cross-examination.

23 MR. MENAKER: Judge, we would acknowledge her as
24 such.

1 THE COURT: All right, the Court will find the
2 witness qualified to testify as an expert of her
3 field.

4 MR. O'BRIEN: Q Ms. Fish, could you tell us when
5 you received whole blood in the tube what do you do to
6 test that blood in your work?

7 A What we do to test a whole blood sample is
8 first determine if that reddish brown stain is in fact
9 blood and then to determine if it is in fact human
10 blood and then to determine the genetic markers which
11 are present in that blood sample.

12 Q In whole blood in your forensic field how
13 many genetic markers do you test whole blood in?

14 A We routinely test for eleven genetic markers.

15 Q Now, when you talk about genetic markers
16 exactly what is a genetic marker?

17 A A genetic marker is an enzyme or protein
18 which is present in blood and which everybody has this
19 enzyme or protein. In this there are hundreds of
20 thousands of these and we test for eleven of these
21 proteins. In each of these proteins has a type or
22 many types within each column and what we do is look
23 for the type that you are according to your genetic
24 makeup.

1 Q In your duties in the Chicago crime lab were
2 you assigned to work certain exhibits in connection
3 with the [REDACTED] homicide?

4 A Yes, sir, I was.

5 Q And did you receive from the Medical
6 Examiner's Office from Joann Richmond a sealed tube
7 which was labeled as containing the blood from
8 [REDACTED]?

9 A Yes, I did.

10 Q And did you perform any test for genetic
11 markers on that particular sealed tube of blood that
12 you received?

13 A Yes, I did.

14 Q And what tests did you perform?

15 A I performed the ABO blood test to determine
16 the ABO blood type and the electrophoresis test to
17 determine the ten other enzymes which were present.

18 Q Commonly people who talk about or refer to an
19 ABO type of blood is that simply one of the eleven
20 types or categories in which blood could be analyzed
21 or categorized?

22 A That is correct.

23 Q Did you test [REDACTED] blood in all of
24 the eleven categories that you mentioned?

1 A Yes, I did.

2 Q In the ABO system or typing what was
3 [REDACTED] blood?

4 A She was a blood of Type O.

5 Q Did you receive in addition to
6 [REDACTED] blood certain other exhibits in
7 connection with her homicide?

8 A Yes, I did.

9 Q Let me show you what has been marked as
10 People's Exhibit 17 for identification.

11 Can you tell us, do you recognize that?

12 A Yes, sir, I do.

13 Q And what is that?

14 A I recognize this to be a vial that contains a
15 Q-tip swab that contains a reddish stain that was
16 taken from the inside of the driver's door from the
17 car.

18 Q And I show you what has been marked as
19 People's Exhibit 18 for identification.

20 Can you tell us, do you recognize that?

21 A Yes, sir, I do.

22 Q And how do you recognize it?

23 A Again this is the vial swab that was
24 submitted to me that was a blood standard taken from

1 the grounds near the victim.

2 Q And I hand you what has been marked as
3 People's Exhibit 19.

4 Do you recognize what that is?

5 A Yes, sir, I do.

6 Q How do you recognize that?

7 A Again, I recognize it as being a blood that
8 was taken from the passenger's front seat of the
9 vehicle.

10 Q Did you perform an examination for blood on
11 Exhibit 17 marked as coming from the -- I believe the
12 driver's side door of [REDACTED] car?

13 A Yes, sir, I did.

14 Q And what did your tests determine when you
15 examined that swab for blood?

16 A That in fact this was blood and it was human
17 blood.

18 Q Were you able to examine that particular swab
19 further in the eleven genetic markers that you spoke
20 of?

21 A No, sir, I was not able to.

22 Q For what reason were you unable to do any
23 further test?

24 A Because the quantity of sample that was

1 present on this Q-tip swab was not enough to do any
2 further testing.

3 Q I would ask you to look at People's Exhibit
4 18, I believe it's labeled as blood coming from the
5 ground near [REDACTED]

6 A That's correct.

7 Q Did you perform any tests as to determine
8 whether the reddish brown stain on that Q-tip was
9 blood?

10 A Yes, sir, I did.

11 Q What test did you perform?

12 A I did a preliminary chemical test to
13 determine if in fact the reddish brown stain here was
14 in fact blood.

15 Q What did you determine?

16 A I determined that it was blood.

17 Q And did you -- were you able to perform any
18 further test on that?

19 A Yes, then I went to do the human percipient
20 test to determine whether this reddish brown stain of
21 blood was in fact human blood.

22 Q And what did that show?

23 A It was positive for human blood.

24 Q Did you make any other test in the eleven

1 genetic markers that you spoke of?

2 A Yes, sir, I did.

3 Q And in those were you able to test all eleven
4 genetic markers?

5 A Yes, sir, I was able to.

6 Q And what did you determine in comparing the
7 eleven genetic markers that you tested for in that
8 exhibit against the eleven genetic markers that you
9 tested in [REDACTED] whole blood?

10 A That the blood that was in that container is
11 consistent with the blood of [REDACTED].

12 Q And was that in all eleven genetic markers?

13 A That was in all eleven genetic markers.

14 Q I would ask you to look at what has been
15 labeled Exhibit 19 for identification, blood that came
16 from the passenger seat of [REDACTED] car.

17 Did you perform tests on that exhibit to
18 determine whether it was blood or human blood?

19 A Yes, sir, I did.

20 Q What did you determine?

21 A I found that in fact this reddish brown stain
22 was in fact blood and it was human blood.

23 Q Did you determine any further tests in the
24 eleven genetic markers?

1 A Yes, sir, I did.

2 Q And what did those tests reveal?

3 A I found that in eleven genetic markers the
4 blood in this vial was consistent with that of the
5 victim's.

6 Q I show you what has been marked as People's
7 Exhibit 20 for identification, a green ammo case.

8 Can you tell us, do you recognize that?

9 A Yes, sir, I do.

10 Q How do you recognize that?

11 A I recognize this as being the green ammo case
12 that I was submitted. My initials are present on the
13 exhibit on this side.

14 Q Did you upon receiving that ammunition case
15 or exhibit perform any tests to determine whether
16 there was blood on that exhibit?

17 A Yes, sir, I did.

18 Q And did you determine that there was blood
19 and human blood on that exhibit?

20 A Yes, sir, I determined that the reddish brown
21 stains that were present on the exhibit were in fact
22 human blood.

23 Q Were you able to perform any further tests in
24 the eleven genetic markers?

1 A Yes, sir, I did.

2 Q And did you perform tests on all eleven
3 genetic markers?

4 A Yes, I did.

5 Q And what did you determine after performing
6 those tests?

7 A That in the eleven genetic markers I was ab
8 to say that they -- the markers that I got off of th
9 ammo box are consistent with the markers from
10 [REDACTED] blood.

11 Q Thank you.

12 Just for the record there is white powder n
13 on this particular canister. When it came to you wa
14 there white powder on it?

15 A No, sir, there was not.

16 Q Did you receive other exhibits in connectio
17 with the investigation into [REDACTED] homicide

18 A Yes, sir.

19 Q I show you what has been marked as People's
20 Exhibit 38-B for identification.

21 Can you tell us, do you recognize that
22 exhibit?

23 A Yes, sir, I do recognize these.

24 Q And how do you recognize them?

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1 A These were the brown gloves that I was
2 submitted. My initials again are present on the
3 gloves.

4 Q And was that exhibit submitted in connection
5 with [REDACTED]?

6 A Yes, sir, it was.

7 Q And did you try to determine whether there
8 was any blood on that particular exhibit?

9 A Yes, sir, I did.

10 Q And what did your tests reveal?

11 A My tests revealed that there was blood
12 present on this exhibit.

13 Q Were you able to perform any further tests to
14 determine if it was human blood?

15 A No, sir, I was not.

16 Q And what reason was that?

17 A That's because there was not enough blood
18 present on this exhibit for me to do any further
19 testing.

20 Q I hand you what has been marked as People's
21 Exhibit 38-A for identification, a pair of shoes.

22 Do you recognize that?

23 A Yes, sir, I do.

24 Q Was that again submitted to you in connection

1 with [REDACTED] homicide investigation?

2 A Yes, sir, it was.

3 Q I show you what has been marked as People's
4 Exhibit 5 for identification and ask you do you
5 recognize that coat?

6 A Yes, sir, I do.

7 Q And was that coat submitted to you in
8 connection with investigation of [REDACTED]
9 homicide?

10 A Yes, sir, it was.

11 Q Hand you what has been marked as People's
12 Exhibit 38 for identification, a pair of blue socks.
13 Do you recognize those?

14 A Yes, sir, I do.

15 Q Were those submitted to you in connection
16 with [REDACTED] homicide?

17 A Yes, sir, they were.

18 Q I show you what has been marked as People's
19 Exhibit 38 for identification, a pair of woman's
20 underwear.

21 Do you recognize that?

22 A Yes, sir, I do.

23 Q And again does that contain your markings?

24 A Yes, it does. My initials are present on the

1 back panel of the exhibit.

2 Q Was that underwear submitted to you in
3 connection with [REDACTED] homicide?

4 A Yes, sir, it was.

5 Q Hand you what has been marked as 38, a pink
6 shirt.

7 Do you recognize that exhibit?

8 A Yes, sir, I do.

9 Q Does that contain your markings?

10 A Yes, sir, it does.

11 Q Was that submitted to you in connection with
12 [REDACTED] homicide?

13 A Yes, sir, it was.

14 Q Hand you what has been marked as People's 38,
15 a light colored or beige bra.

16 Do you recognize that?

17 A Yes, sir, I do.

18 Q Was that submitted to you in connection with
19 [REDACTED] homicide?

20 A Yes, sir, it was.

21 Q Hand you what has been marked as People's
22 Group Exhibit 7, a blue sweatshirt and blue sweatpants
23 and ask you to look to see if you can recognize those
24 two exhibits?

1 A Yes, sir, I recognize both of them.

2 Q And do those contain your markings?

3 A Yes, sir. In the top panel of the sweatshirt
4 and the back panel of the pants are my initials.

5 Q On each of those exhibits that you have in
6 front of you did you perform any tests on those
7 exhibits to determine if there was blood?

8 A Yes, sir, I did.

9 Q And what did the test on each of those
10 exhibits reveal?

11 A They revealed that the reddish brown stains
12 which were visible on each of these exhibits were in
13 fact blood.

14 Q On those exhibits did you perform any tests
15 to determine if the blood indeed was human blood?

16 A Yes, sir, I did.

17 Q What were the results of those tests?

18 A Those tests indicated that these reddish
19 brown stains were in fact human blood.

20 Q And were you able on each of those exhibits
21 to perform genetic marker tests on each of the eleven
22 genetic markers?

23 A Yes, sir, I was.

24 Q And based upon your findings of that

1 particular test what conclusion did you come to in
2 comparing it to the blood of Lori Roscetti's?

3 A That on each of these exhibits I got all
4 four -- excuse me, all eleven of the genetic markers
5 and they were consistent with the blood taken from
6 [REDACTED]

7 Q There were certain cuts made in the exhibits
8 and lines or writing drawn around the cuts. Could you
9 tell us were those cuts in the exhibits prior to your
10 getting them?

11 A No, sir, they were not.

12 Q Who placed those there, if you know?

13 A The actual cuts that are outlined in red have
14 my initials next to them.

15 Q And did you place those there?

16 A Yes, sir, I did.

17 Q And for what purpose did you make those cuts
18 in the garments?

19 A The purpose was to actually extract part of
20 the stain out of the garment so that I could do the
21 genetic marker testing.

22 Q Did you also receive a plastic bag and a
23 piece of concrete in connection with the [REDACTED]
24 homicide?

1 A Yes, sir, I did.

2 Q And let me show you what -- let me mark for
3 this trial as People's Exhibit 22-B and 22-C for
4 identification, a piece of concrete and a plastic bag.

5 Do you need that concrete withdrawn so that
6 you can observe?

7 A Can I take it out?

8 Q Certainly.

9 A Okay.

10 Q Can you tell us, do you recognize the piece
11 of concrete and the plastic bag?

12 A Yes, sir, I do.

13 Q How are you able to recognize those items?

14 A My initials are present on them.

15 Q Did you receive both of those in connection
16 with the investigation of [REDACTED] homicide?

17 A Yes, sir, I did.

18 Q The plastic bag which is marked in front of
19 you, at the time that you received it was the black
20 powder that is on it now present on the item?

21 A No, sir, it was not.

22 Q And what did you notice on receipt of that
23 item?

24 A I noticed that there was reddish brown stains

1 present on the portions of the bag.

2 Q What did you -- Did you test that reddish
3 brown stain to determine whether it was human blood?

4 A Yes, sir, I did.

5 Q And what did you determine?

6 A I found that there was human blood present on
7 this bag.

8 Q Were you able to make your genetic marker
9 test in the eleven marker areas on that particular
10 exhibit?

11 A Yes, sir, I was.

12 Q And what did you determine in comparing the
13 results of that test to the blood of [REDACTED]?

14 A I was able to determine that in all eleven
15 genetic marker systems that the blood on this bag is
16 consistent with the blood taken from [REDACTED]

17 Q The rock or piece of concrete that you have
18 in front of you when that object came to you what did
19 you observe on it?

20 A I observed that there was reddish brown
21 stains present on portions of this piece of concrete.

22 Q And what did you do with that particular
23 exhibit?

24 A I first went to determine if these reddish

1 brown stains were in fact blood.

2 Q And what did you determine?

3 A That they were in fact blood.

4 Q And did you perform any further tests?

5 A Yes, sir.

6 Q What was that?

7 A To determine if these reddish brown blood
8 stains were in fact human blood.

9 Q And what was the result of that test?

10 A That indicated that they were in fact human
11 blood.

12 Q Were you able to test that particular human
13 blood in the eleven genetic marker categories that you
14 spoke of earlier?

15 A Yes, sir, I did.

16 Q And after testing that particular rock and
17 those categories were you -- did you compare it to the
18 human blood or to the blood that you had from

19 [REDACTED]

20 A Yes, sir, I did.

21 Q What was your conclusion?

22 A My conclusion was that the blood that was
23 present on this rock in all eleven genetic markers was
24 similar and consistent with the blood taken from

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[REDACTED]

Q In the investigation into [REDACTED]
homicide did you receive four vials of blood marked
with the names Omar Saunders, Marcellius Bradford,
Larry and Calvin Ollins?

A Yes, sir, I did.

Q I hand you what has been marked as People's
Exhibit 25 for identification.

Can you tell us what that is, please?

A Yes, this was a vial of blood that I was
submitted from Marcellius Bradford.

Q And I hand you what has been marked as
People's Exhibit 26 for identification.

Can you tell us what that is, please?

A Yes, this was a vial of blood that I was
submitted from Larry Ollins.

Q I hand you what has been mark as People's
Exhibit 27.

Can you tell us what that is, please?

MR. ROYCE: Judge, objection, may I be heard,
please?

THE COURT: All right.

MR. ROYCE: It might take a few seconds, whichever
is convenient.

1 THE COURT: All right.

2 (The following proceedings were had
3 out of the hearing of the jury.)

4 MR. ROYCE: Judge, my objection is as follows:
5 That the purpose of this testimony is to attempt to
6 corroborate the confession of the defendant.

7 In the confession of the defendant there is a
8 reference to Larry and Marcellius but there is no
9 reference to Omar Saunders. In fact there is a
10 reference to a Daniel or Daniels.

11 I would object to any evidence concerning
12 Omar, Omar Saunders, from this witness for two
13 reasons: One, it does not -- it cannot be offered to
14 corroborate his confession; and, secondly, it is
15 hearsay as far as the confession and the activities of
16 the defendant is concerned.

17 The other two I would conceive perhaps there
18 is some relevancy but the issue is to Omar Saunders I
19 submit is not relevant to corroborate his confession
20 which is the thrust of this. That is point one.

21 While we are here since they have gone into
22 these other -- Well, I would ask a ruling on that if
23 possible.

24 THE COURT: What is the State's position?

1 MR. O'BRIEN: Our position is simply the four
2 persons arrested in connection with this case that we
3 mentioned Omar Saunders' name in the opening statement
4 and also different witnesses have mentioned
5 Omar Saunders, including the stipulation that we have
6 blood from him.

7 I would just ask to be allowed to have this
8 witness testify that she received blood and tested it
9 from Omar Saunders as opposed to having this
10 Omar Saunders --

11 MR. ROYCE: Excuse me, may I ask that the state's
12 attorney keep his voice down.

13 MR. O'BRIEN: Rather than have just the
14 implication that we've got Omar Saunders' blood and
15 didn't do anything with it.

16 MR. ROYCE: Could we please go in chambers.

17 THE COURT: I don't think that this is an
18 important issue one way or the other. She testified
19 that she checked all four. Simply explain in your
20 closing arguments, if you want. I just can't see.

21 MR. ROYCE: I do think it's important because
22 opening statements are not evidence.

23 THE COURT: I understand.

24 MR. ROYCE: All right.

1 Secondly, since this posture and the ruling
2 of the Court, this witness examined numerous other
3 people, many, several of whom, several of whom I would
4 submit were consistent with the results of the
5 spermatozoa and seminal fluid found. Since the Court
6 is permitting this type of testimony I would ask leave
7 to go into those matters because that would insinuate
8 our theory that many other people have those
9 characteristics.

10 THE COURT: All right. You are not planning to go
11 into ninety-two?

12 MR. MENAKER: Absolutely, there are some
13 consistent.

14 THE COURT: I can't see any problem with that.

15 MR. ROYCE: All right.

16 (The following proceedings were had
17 in the presence of the jury.)

18 MR. O'BRIEN: May I continue, Judge?

19 THE COURT: You may proceed, go ahead.

20 MR. O'BRIEN: Q I hand you what has been marked
21 as People's Exhibit 27 which is Omar Saunders' blood.

22 Did you receive that exhibit in connection
23 with the [REDACTED] case?

24 A Yes, sir, I did.

1 Q I hand you next which has been marked as
2 People's Exhibit 28.

3 Can you tell us, did you receive that in
4 connection with the [REDACTED] case?

5 A Yes, sir, I did.

6 Q Could you tell us what that is?

7 A This is a vial of blood that was submitted to
8 me from Calvin Ollins.

9 Q Did you test all four of those vials in the
10 ABO genetic marker system?

11 A Yes, sir, I did.

12 Q Could you tell us what your result was as to
13 Omar Saunders?

14 A As a result to Omar Saunders I found blood of
15 Type B.

16 Q And could you tell us what your result was as
17 to Marcellius Bradford?

18 A Marcellius Bradford I found blood of Type A.

19 Q Could you tell us what your result was as to
20 Larry Ollins?

21 A Larry Ollins was blood of Type O.

22 Q Could you tell us what your result was as to
23 Calvin Ollins?

24 A Calvin Ollins was blood of Type O.

1 Q Your lab work when you receive a secretion
2 which you suspect to be semen what tests do you
3 perform on that secretion to determine whether in fact
4 it is or isn't semen?

5 A There are two tests that we perform. One is
6 a preliminary chemical test for the presence of semen
7 which is called an acidphospho test. What this looks
8 for it looks for the presence of acidphospho test
9 which is found in high quantity of semen.

10 The second test that we actually do is a
11 microscopic test where we make an extract from the
12 suspected semen stain, put it on a microscope slide
13 and we look for the presence of spermatozoa which
14 would be visible in a semen stain.

15 Q When you have a secretion which you in fact
16 determine is both semen and it contains spermatozoa
17 could you differentiate in that semen stain whether
18 you are dealing with one or more depositors or donors
19 of the stain?

20 A No, sir, you cannot.

21 Q Did you receive three swabs from the Medical
22 Examiner's Office concerning Lori Roscetti?

23 A Yes, sir, I did.

24 Q I hand you what has been marked as People's

1 Group Exhibit 41 for identification.

2 Could you tell us, do you recognize that?

3 A Yes, sir, I do.

4 Q How do you recognize that?

5 A These were the vaginal, oral and rectal swabs
6 I was submitted. Again my initials are present on
7 each of these three cardboard containers.

8 Q And were those vaginal, oral and rectal swabs
9 submitted by Medical Examiner's Office labeled as
10 Lori Roscetti?

11 A Yes, sir, they were.

12 Q Did you perform any test on the oral and
13 rectal swab for the presence of semen and spermatozoa?

14 A Yes, sir, I did.

15 Q And what were the result of those tests
16 performed on the rectal and oral swab?

17 A They were negative for the presence of
18 spermatozoa and negative for the presence of semen.

19 Q Did you perform any tests on the vaginal swab
20 for the presence of semen and spermatozoa?

21 A Yes, sir, I did.

22 Q What were the result of those tests?

23 A Those results indicated that the vaginal swab
24 was positive for the presence of spermatozoa and

1 positive for semen.

2 Q In a secretion such as semen can you also
3 determine some genetic markers?

4 A Yes, sir, you can.

5 Q And what do the initials PGM stand for?

6 A PGM stands for phospho-glucose-mutase.

7 Q Can you tell us what that is, please?

8 A PGM is an enzyme which is present in
9 everybody's blood. It is a genetic marker which you
10 again have different types and you again inherit your
11 type from your parents from birth.

12 Q Are there sub or different number of types of
13 PGM within humans?

14 A Yes, sir, there is.

15 Q How many different types are there within the
16 PGM system?

17 A There are ten different types within the PGM
18 system.

19 Q Did you perform on the vaginal swab from
20 Lori Roscetti a test to determine whether the PGM
21 marker was on that vaginal swab?

22 A Yes, sir, I did.

23 Q And was there a PGM marker on that vaginal
24 swab?

1 A Yes, sir, there was.

2 Q Did you perform a test for the PGM marker on
3 the blood which was marked and given to you as coming
4 from Calvin Ollins?

5 A Yes, sir, I did.

6 Q And did you determine Calvin Ollins' PGM
7 type?

8 A Yes, sir, I did.

9 Q Did you compare the vaginal swab with the PGM
10 marker or type to the PGM type or marker in
11 Calvin Ollins' blood?

12 A Yes, I did.

13 Q And what conclusion did you come to as to
14 that vaginal swab?

15 A I came to the conclusion that the PGM type of
16 Calvin Ollins was consistent with the PGM type that I
17 received on that vaginal swab.

18 Q And what conclusion did you come to with
19 regard to the semen that you found on the vaginal swab
20 and Calvin Ollins?

21 A I came to the conclusion that the semen
22 present on that vaginal swab could have come from
23 Calvin Ollins.

24 MR. O'BRIEN: Judge, no further questions on

1 Direct Examination.

2 THE COURT: Cross-examination.

3 CROSS-EXAMINATION

4 BY MR. ROYCE:

5 MR. ROYCE: Thank you.

6 Q Ms. Fish, these tests that you have
7 discussed here this morning have they been in
8 existence for a considerable period of time in your
9 scientific community?

10 A Yes, sir, they have.

11 Q If I might ask, for example, the PGM type
12 test has that been in existence for some time?

13 A Yes, sir.

14 Q About how long?

15 A PGM routinely done in the laboratory
16 probably, approximately, about fifteen to twenty
17 years.

18 Q And the ABO testing system, approximately how
19 long has that system been in existence?

20 A Well, it was discovered back in the early
21 1900s so probably since then.

22 Q Are any of the tests that you conducted or
23 performed on the evidence or documents or equipment or
24 vials, are any of those tests newer than say the last

1 five years?

2 A Routinely in a forensic laboratory PGM sub
3 typing has probably been recently put into a forensic
4 laboratory but in terms of research purposes it has
5 been around for many years.

6 Q Many years?

7 A Yes.

8 Q These are the tests that you rely on in
9 conducting your examinations, is that correct?

10 A That's correct.

11 Q Now, the deceased in this case had an O type
12 blood, is that correct?

13 A That's correct.

14 Q How many people in the -- strike that.
15 What are the other types of blood?

16 A In the ABO blood group system?

17 Q Yes, ma'am.

18 A There are four types of blood. You can be a
19 Type A, a Type B, a Type AB or a Type O.

20 Q And is it fair to say that the O type blood
21 is present in approximately forty-three to fifty
22 percent of the world's population?

23 A Approximately, yes, sir.

24 Q Is that the most common type of blood?

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1 A It's the most common type of blood in the ABO
2 blood group system, yes.

3 Q Is there another type of blood group system?

4 A There are many blood group systems.

5 Q Is the ABO the one that you rely on?

6 A It's one of the ones that I rely on.

7 Q Is that one of the ones that you relied on in
8 this case?

9 A Yes, sir.

10 Q So, would it be fair to say that in the
11 reliance that you have placed as far as this case is
12 concerned the O grouping of blood is the most common
13 of the ABO system?

14 A That's correct.

15 Q All right. And in that forty-three to fifty
16 percent of the population that has this O type blood
17 is there any other typing that is possible to be done
18 to further break down the categories of that blood?

19 A Yes, sir, there are.

20 Q And were those tests done in this case?

21 A Yes, sir, they were.

22 Q As a result of those tests that you conducted
23 in this case did you determine that -- strike that.

24 As a result of those tests that you conducted

1 did you break down further the deceased blood to any
2 more specific type?

3 A Yes, I did.

4 Q And what type was that?

5 A We can go through the nine different enzymes
6 system and hemoglobins. Is that what you're asking?

7 Q I don't wish to go through each one but is
8 that the type that you performed?

9 A I did the electrophoresis testing for nine
10 enzymes, blood the hemoglobin.

11 Q Did you break her blood down any further as
12 far as population is concerned?

13 A Yes, sir, I have.

14 Q All right.

15 And what is a secretor?

16 A A secretor is an individual who will secrete
17 blood group substances or a substance similar to an
18 ABO blood type in bodily fluids.

19 Q For example, is that -- strike that.

20 You could find a blood type in the seminal
21 fluid of an individual, could you not?

22 A That's correct.

23 Q Now, you examined -- strike that.

24 In the rectal swab in this case you found no

1 evidence of seminal fluid, is that right?

2 A That's right.

3 Q In the rectal swab you found no evidence of
4 seminal fluid?

5 A That's correct.

6 Q And in the oral swab?

7 A That's correct.

8 Q Therefore your finding of seminal fluid in
9 the vaginal swab was the swab that you focused your
10 scientific testing upon for further evaluation, is
11 that correct?

12 A That's correct.

13 Q Did you determine in the laboratory when you
14 received those swabs that the person who deposited the
15 the swab -- the vaginal -- strike that.

16 Did you determine the presence of seminal
17 fluid on that vaginal swab?

18 A Yes, sir, I did.

19 Q Did you determine that the person who donated
20 that vaginal or semen or seminal fluid that resulted
21 on the vaginal swab was a secretor or non-secretor?

22 A The person who determined --

23 What genetic marker are we talking about?

24 Q On the vaginal swab did you reach any

1 conclusions as to whether or not the person who
2 donated that semen was a secretor or non-secretor?

3 A I could not reach that conclusion.

4 Q Did you -- strike that.

5 Are there non-secretors?

6 A Yes, sir.

7 Q What percentage of the male population are
8 secretors?

9 A It depends upon if you're looking at the
10 black or the white population.

11 Q What percentage of the black population are
12 secretors?

13 A Approximately fifty percent.

14 Q And what percent of the white population are
15 secretors?

16 A Approximately eighty percent.

17 Q Can you tell from the blood, any blood
18 testing whether or not the blood is from a black
19 person or a white person?

20 A In some cases you can; the majority you
21 cannot.

22 Q In this case could you tell whether the blood
23 tests that you conducted were from the black
24 population or the white population?

1 A No, sir, I could not.

2 Q And that included all the vials and the swabs
3 and all of the other evidence that you had you did not
4 determine whether or not it was from a black person or
5 a white person?

6 A That's correct.

7 Q So, the evidence that you received could have
8 been from either?

9 A That's correct.

10 Q Now, you knew, did you not -- strike that --
11 or did you know that the blood that you received from
12 Calvin Ollins was a black person?

13 A Yes, sir, I did.

14 Q All right. Did you know that the blood that
15 you received from Lori Roscetti was from a white
16 person?

17 A Yes, sir, I did.

18 Q By the way, can you distinguish between male
19 and female?

20 A No, sir, I cannot.

21 Q So, with those known factors, that is to say,
22 that the blood you received from Calvin Ollins and the
23 blood and the evidence that you received from
24 Lori Roscetti you knew scientifically as an individual

1 that it was white and black, is that correct?

2 A That's correct.

3 Q Had you not known that you could not have
4 told the differences in this case whether it was white
5 or black, is that right?

6 A That's correct.

7 Q All right. Now, the vaginal swab which
8 reveals the presence of seminal fluid did it indicate
9 to you that it was from a person who was a secretor or
10 a non-secretor?

11 A It could not indicate that to me.

12 Q It did not?

13 A It cannot indicate that to me.

14 Q The seminal fluid?

15 A No, sir, I cannot tell.

16 Q The sperm that was found in the vaginal swab
17 did that indicate to you whether or not the person was
18 a secretor or a non-secretor?

19 A We don't actually -- we are not testing the
20 sperm that is present. We are testing the enzymes
21 which are present and the antigens which are present.

22 Q Did you reach any conclusion as a result of
23 any of the tests performed on the vaginal swab which
24 was indicative that the sperm is from a person who is

1 a Type O secretor?

2 A No, sir, I did not.

3 Q Did you have occasion to speak to
4 Officer Mercurio on approximately November 27, 1987,
5 concerning this case?

6 A I spoke with him many times, I am not too
7 sure of the dates.

8 Q Did you say to him in a conversation that a
9 test of the victim's blood revealed that she was a
10 Type O non-secretor?

11 A Yes, sir.

12 Q And did you indicate that the sperm found in
13 the victim was tested and the vaginal swab showed
14 H-activity which is indicative that the sperm is from
15 a person who is a Type O secretor?

16 A I indicated that H-activity was present on
17 the swab.

18 Q Did you indicate that it was from a person
19 who is a Type O secretor?

20 A That's one possibility. There are other
21 possibilities.

22 Q Did you indicate to Officer Mercurio that the
23 sperm was from a person who is a Type O secretor?

24 A I do not exactly recall if that was my exact

1 words.

2 Q Your science is exact, is it not, Ms. Fish?

3 A Yes, sir.

4 Q Now, getting back to the secretor's status
5 did you determine from your examination of the blood
6 that you received from Calvin Ollins whether or not he
7 was indicative of a non-secretor?

8 A From the blood sample I received from
9 Calvin Ollins I was not able to determine if he was a
10 secretor or not.

11 Q Are the terms 'indicative' and 'secretor
12 status' terms of art or terms that are used in the
13 ordinary means in the community?

14 A I am not too sure I understand your question,
15 sorry.

16 Q What does in your opinion or in your parlance
17 what does the word 'indicative' mean?

18 A It means it's showing reactions similar to.

19 Q All right. Did you prepare a report as a
20 result of your examination of Calvin Ollins' vial of
21 blood?

22 A Yes, sir, I did.

23 Q Did you submit that to the Chicago Police
24 Department at sometime in this case?

1 A Yes, sir, I did.

2 Q And is that a permanent report that is kept
3 in the ordinary course of business in your profession?

4 A Yes, sir, it is.

5 Q Did you indicate in that report prepared on
6 20 October 1987 that you had conducted serological and
7 biochemical examinations on the extracts of
8 Calvin Ollins' blood which revealed the presence of
9 human blood Type O?

10 A Yes, sir, I did.

11 Q And did it further indicate a genetic makeup
12 of LE, parenthesis, A minus B minus?

13 A Yes, sir, it does.

14 Q And did you further indicate that that is not
15 indicative of a secretor status?

16 A That is correct.

17 Q Now, did you further determine or reach any
18 conclusions that the seminal fluids found in the
19 vaginal swab was indicative of a secretor status?

20 A There were ABO blood type substances present
21 in that vaginal swab. That means, of all the body
22 fluids which are present in that vaginal swab someone
23 who was a secretor had to deposit that ABO blood type
24 substance.

1 Q So, your conclusion was that the person who
2 donated or who left the seminal fluid in the vagina of
3 Lori Roscetti was a secretor?

4 A That secreted their ABO blood group substance
5 in their semen, that is correct.

6 Q Secretor is a break -- strike that -- is a
7 process of elimination -- strike that.

8 The use of secretor and non-secretor is a
9 scientific means of excluding or including persons
10 within the potential of donating that seminal fluid,
11 isn't that right?

12 A It's not a very reliable one but it is
13 sometimes used in paternity cases.

14 Q It is a factor that you considered
15 sufficiently important at the time to include in your
16 report, is it not?

17 A In terms of what in my report? I am not too
18 sure I understand your question there either.

19 Q All right. You made an examination to
20 determine whether or not the seminal fluid on the
21 vaginal swab was from a person who was a secretor or a
22 non-secretor, did you not?

23 A No, sir, I did not.

24 Q Did you make a note -- strike that.

1 Did you submit a report to the effect that
2 the person who left the seminal fluid was a secretor?

3 A No, sir, I did not.

4 Q Did you -- do you consider the examination as
5 far as determining whether a person is a secretor or
6 non-secretor at all?

7 A I did in cases, yes.

8 Q Would it be --

9 In this case?

10 A In the blood samples that were submitted,
11 yes.

12 Q Did you use the term 'secretor' at least
13 seven times in your reports, your laboratory reports
14 in this case?

15 A Yes, sir, I did.

16 Q And the reason is because if a -- if the
17 evidence that you have is left on the swab has the
18 characteristics of a person who is the secretor that
19 is a general group that you can rely on in further
20 testing, isn't that right?

21 A In terms of body group fluids of seminal
22 group fluids, yes.

23 Q And you can rely upon that?

24 A In the majority of cases, yes.

1 Q In this case?

2 A I am not too sure what you're trying to get
3 me to say.

4 Q I am not trying to get you to say anything?

5 A I am not sure of the question, could you
6 repeat it.

7 MR. ROYCE: Could I ask that it be read back,
8 please?

9 THE COURT: Sure. Read it back.

10 (The record read back by reporter.)

11 MR. ROYCE: Do you understand that?

12 A Yes, sir.

13 Q Could you answer that?

14 A Yes, sir.

15 Q Okay?

16 A The answer was yes, sir.

17 Q You determined that -- strike that.

18 You told Mercurio that the evidence was from
19 a person who was a Type O secretor, did you not?

20 A It's one of the possible explanations I gave
21 to Mercurio, I know I gave others.

22 Q Do you -- did you understand that question?

23 A Yes, sir, I did.

24 Q All right. Did you tell Mercurio that the

1 person who donated the sperm that was found on the
2 vaginal swab was a Type O secretor?

3 A One of the things I said to Mercurio.

4 Q Does that mean yes?

5 THE COURT: I think the question answers itself.
6 I don't know where you're going.

7 MR. ROYCE: I'm going right now --

8 THE COURT: All right, go ahead.

9 MR. ROYCE: Q Does that mean you did tell him
10 that?

11 A Not in those words.

12 Q Did you determine that Calvin Ollins' Type O
13 blood was that of a non-secretor?

14 A No, sir, I did not.

15 Q Did you prepare a report which showed that
16 the activity of his Type O blood was indicative of
17 that of a non-secretor?

18 A No, sir, I did not.

19 Q Did you prepare a report which indicated that
20 the Calvin Ollins blood that you tested is not
21 indicative of a secretor status?

22 A Yes, sir, I did.

23 Q And you relied upon that factor in your
24 further examination of this case, did you not?

1 A There was nothing to rely on in that factor.

2 Q Did you conduct any further examinations
3 after you made that conclusion on the Calvin Ollins
4 blood?

5 A I conducted some further examinations on the
6 electrophoresis, yes.

7 Q And did those conclusions confirm or disclude
8 the secretor's status of Calvin Ollins' blood?

9 A The further enzyme testing that I did on his
10 blood has nothing to do with the secretor status.

11 Q So, as far as your final report concerning
12 the secretor's status of Calvin Ollins' blood is it
13 correct that his blood is not indicative of a secretor
14 status?

15 A That is correct.

16 Q In the first --

17 If I may turn just briefly to the rock that
18 was found at the scene and submitted to you -- By the
19 way, you don't know where any of these things were
20 found, do you? I mean you weren't there?

21 A No, sir, I was not there.

22 Q Your work is done in the laboratory at 11th
23 and State?

24 A Yes, sir, it is.

1 Q And your examination of this rock did it
2 reveal diffuse areas of blood?

3 A The area was actually concentrated in
4 specific area but it was what I would call a diffused
5 blood stain, it did not have a pattern to it.

6 Q Does that mean that for us that it was not
7 covered with blood?

8 A Yes, sir.

9 Q And it was in an area on the --
10 May I approach?

11 THE COURT: Yes, sure.

12 MR. ROYCE: Q It was on the top portion in this
13 section (indication).

14 Well, it can't be marked but, for the record,
15 Judge, it appears to be on the space of approximately
16 three inches and then down approximately three inches
17 on this exhibit.

18 Is that a fair evaluation of my observations?

19 A Yes, the visible blood stains are present
20 there; correct, yes.

21 Q Other than those visible blood stains in that
22 area did you examine the entire rock?

23 A Yes, sir, I did.

24 Q Did you find any blood in any other portions?

1 A Yes, sir, I did.

2 Q And were those small amounts of blood?

3 A That's correct, not visible to the eye.

4 Q Not even visible to the human eye but as a
5 result of microscopic examination?

6 A Yes, the actually preliminary chemical
7 testing that we do is very sensitive and will pick up
8 small amounts of blood.

9 Q And those were in these little pores and
10 areas of the rock itself?

11 A Over scattered areas of the rock itself, yes.

12 Q The ammo box, the tools -- strike that.

13 The results of this test did it reach -- did
14 you reach any conclusions as to whether or not this
15 blood that was on here was from anyone other than the
16 deceased in this case?

17 A No, sir, I did not.

18 Q And would it be your conclusion then that the
19 blood that was found on this was in fact the deceased?

20 A No, sir, I cannot say that.

21 Q I notice throughout your testimony and from
22 time to time you have used words that are not
23 conclusiary in nature. Is that a fair statement?

24 A That is correct.

1A27

1 Q And is that because there is certain
2 inconclusive nature of your examination that cannot
3 let you reach absolute conclusions?

4 A Not exactly, no, sir.

5 Q Are you able to reach an absolute conclusion
6 as to whose blood is on there?

7 A No, sir, I cannot do that.

8 Q On the rock?

9 A That's correct.

10 Q In your Direct Examination you said that the
11 tests that you conducted of the blood grouping was
12 consistent, I believe your words were, consistent with
13 coming from Calvin Ollins, is that right?

14 A That's correct.

15 Q Do you mean that you cannot exclude
16 Calvin Ollins from the blood group classification,
17 isn't that what you mean?

18 A Yes, sir.

19 Q What is the percentage of people who would be
20 included in that group?

21 A We need to get a little more specific. A
22 group of what?

23 Q Well, you have included Calvin Ollins in a
24 group that is consistent with the blood that you've

1 examined in this case, is that right?

2 A Correct.

3 Q Is there a percentage that you can place upon
4 the group that he is included in?

5 A Are you talking in terms of the percentage of
6 the population which could be included as contributing
7 the secretions to the vaginal swab?

8 Q Yes.

9 A Yes, I can do that.

10 Q And what is that percentage?

11 A I think it is approximately thirty-seven
12 percent.

13 Q Of the population in the world?

14 A That's correct.

15 Q And of the population in Cook County?

16 A The statistics we use are statistics from the
17 United States.

18 Q And thirty-seven percent of the population of
19 Chicago?

20 A That's -- Chicago would be included in these
21 statistics.

22 Q And that is what you had meant when you had
23 said that Calvin Ollins' blood is consistent with the
24 blood found at the scene?

1 MR. O'BRIEN: Judge, objection, it is not the
2 blood found at the scene --

3 MR. ROYCE: I withdraw the question.

4 MR. O'BRIEN: It is the semen.

5 THE COURT: Okay.

6 MR. ROYCE: Q And that is what you meant when you
7 said that his blood is consistent with the test
8 results that you received, that you obtained in this
9 examination, isn't that right?

10 A That his genetic markers are consistent with
11 this body fluid that I found on the vaginal swab.

12 Q As well as thirty-seven percent of the
13 population?

14 A That's correct.

15 Q Of the United States?

16 A That's correct.

17 Q Would it be fair to say then approximately
18 four out of ten people fit this same group?

19 A Approximately, sure.

20 MR. ROYCE: Nothing further.

21 MR. O'BRIEN: May I, Judge?

22 THE COURT: All right. Redirect.
23
24

1 REDIRECT EXAMINATION

2 BY MR. O'BRIEN:

3 Q When counsel is talking about what
4 Calvin Ollins is consistent with that is the seminal
5 fluid that you found from the vaginal swab marked came
6 from [REDACTED], is that correct?

7 A That's correct.

8 Q And counsel says that you can't -- when you
9 test this blood you can't say it is exactly from

10 [REDACTED].

11 You tested it in eleven genetic markers, is
12 that correct?

13 A That's correct.

14 Q And each of those eleven genetic markers were
15 they the same as the eleven genetic markers that you
16 tested in [REDACTED] blood?

17 A Yes, sir, they were.

18 Q Can you determine whether Calvin Ollins is a
19 secretor or non-secretor from his blood?

20 A No, sir, I cannot.

21 Q And how many percent of the black population
22 is that true?

23 A That's approximately true in thirty percent
24 of the black population.

1 Q Based upon your examination of Calvin Ollins'
2 blood in the genetic marker system and your
3 examination of [REDACTED] vaginal swab which
4 contained semen what did you conclude?

5 A I concluded that his type is consistent with
6 the types that I found on that vaginal swab.

7 MR. O'BRIEN: No further questions, Judge.

8 RECROSS-EXAMINATION

9 BY MR. ROYCE:

10 Q Did you submit or put that in any police
11 report or, I'm sorry, any laboratory report that you
12 prepared in this case?

13 A Put what?

14 Q That Calvin Ollins is consistent with that?

15 A We reach no conclusions in our laboratory
16 reports.

17 Q Did you put anything in any report to that
18 effect?

19 A No, sir, I did not.

20 Q But you did indicate that the blood from
21 Calvin Ollins was Type O which is not indicative of a
22 secretor status?

23 A Which means that his blood Type O that I
24 cannot determine the secretor status from the blood.

1 Q You did not put that in your report that you
2 could not determine that he was a secretor or
3 non-secretor, did you?

4 A It is not indicative of a secretor status
5 meaning I cannot determine it's secretor status.

6 Q And that's to you is what indicative means?

7 A That's correct.

8 Q You didn't put in your report that you
9 couldn't tell anything about that, did you?

10 A That is the routine procedure in the
11 laboratory for indicating an A Negative, B Negative
12 person.

13 Q Now, you did a saliva test on this, didn't
14 you?

15 A Yes, sir.

16 Q And you prepared a report in connection with
17 the saliva of Calvin Ollins, didn't you?

18 A Yes, sir.

19 Q And that is a bodily fluid that you can
20 determine or you can reach certain conclusions
21 relative to a person's secretor or non-secretor
22 status, isn't that right?

23 A In some individuals, yes, sir.

24 Q And did you reach a conclusion in that case

1 in the presence of the jury.)

2 THE COURT: You may be seated.

3 Is the State ready to proceed with their next
4 witness?

5 MR. VELCICH: Yes, Judge. We would call
6 Raymond Lenz.

7 (Witness sworn.)

8 RAYMOND LENZ,
9 a witness called on behalf of the People, being
10 first duly sworn, was examined and testified as
11 follows:

12 DIRECT EXAMINATION

13 BY MR. VELCICH:

14 MR. VELCICH: Your Honor, may I proceed?

15 THE COURT: You may.

16 MR. VELCICH: Q Sir, would you please tell us
17 your full name and spell your last name?

18 A Raymond Lenz, L-e-n-z.

19 Q What is your occupation?

20 A I am employed as a criminalist at the Chicago
21 Police Department crime lab.

22 Q How long have you been working at the Chicago
23 Police Department crime laboratory?

24 A Oh, about ten years now.