

## **Omar Saunders**

Testimony of

Pamela Fish, Chicago Police Department Crime Lab, pp. 2 – 41

Raymond Lenz, Chicago Police Department Crime Lab, pp. 42 – 103

1 put into that system and it tells you if anybody ever was  
2 arrested by the Police Department since 1982, whether the  
3 prints found on the scene are any of those people. They  
4 search the whole system, I believe 600,000, I believe it is  
5 over that now, I believe it is over a million now that it  
6 searches through and can tell if it is any of theirs and  
7 it wasn't any of theirs.

8 Q And as a result of that Computer search of people  
9 arrested since 1980 and their prints being compared to those  
10 from the scene, what was the result?

11 A That is wasn't any of those persons.

12 MR. O'BRIEN: I have no further questions.

13 MR. ALLEN: I have no Recross.

14 (Witness excused.)

15 MR. O'BRIEN: Judge, our next witness that we will  
16 call is Pamela Fish.

17 PAMELA FISH,  
18 called as a witness on behalf of the State of Illinois, having  
19 been first duly sworn, was examined and testified as follows:  
20

21 DIRECT EXAMINATION

22 BY

23 MR. O'BRIEN:

24 Q Will you state your full name and spell your last

1 name?

2 A My name is Pamela Ann Fish, F-I-S-H.

3 Q Where do you work?

4 A I work in the Crime Laboratory Division of the  
5 Chicago Police Department.

6 Q And within the Crime Laboratory itself are you  
7 assigned to any particular department?

8 A Yes, I am.

9 Q What department?

10 A I work in the Serology Unit of the Crime Laboratory.

11 Q How long have you worked in the Serology Unit at  
12 the Crime Laboratory?

13 A I have worked there approximately five and a half  
14 years now.

15 Q Could you tell us please what kind of training you  
16 have received in order to do your work as a Serologist.

17 A As a Serologist at the Crime Laboratory I received  
18 first nine months on the job training with the Supervisor of  
19 the unit and I then attended three seminars in the field plus  
20 I went to the F.B.I. Academy in Quantico, Virginia.

21 Q The F.B.I. Academy at Quantico, what does that  
22 do in regard to the field of Serology?

23 A At the F.B.I. Academy at Quantico I learned about  
24

1 Electrophoresis and Iso-Electric Focusing which is a procedure  
 2 for determining genetic markers that are present in blood and  
 3 semen.

4 Q Now, specifically can you tell us about the field  
 5 of Serology as it relates to Forensic Science?

6 A In the field of Serology what we are looking for  
 7 is we are looking to identify different bodily fluids and  
 8 then to identify the various genetic markers which are present  
 9 in those bodily fluids.

10 Q When you speak of bodily fluids could you enumerate  
 11 what fluids you are talking about?

12 A Specifically we do the majority of our work in  
 13 blood and semen although we do look at other bodily fluids  
 14 such as tears, perspiration, saliva, vomit, things of that  
 15 nature.

16 Q When you speak of genetic markers will you tell  
 17 us a little bit about that?

18 A Genetic markers are enzymes or proteins or  
 19 antigens which are found in blood and semen. Each one of these  
 20 enzymes or proteins has a specific name and within each of the  
 21 specific names are specific types. For example, one of the  
 22 enzymes we look at is PGM. In PGM there are ten different  
 23 types or markers that are present, each individual has one of  
 24

1 these types and you inherit this type from birth, from your  
2 parents, and you can display this type through different  
3 procedures in analyzing your blood.

4 Q Where you actually do an analysis of blood as it  
5 comes to you in what form do you do the analysis?

6 A The majority of our analysis is done in the  
7 dry state.

8 Q And when you say done in the dry state exactly what  
9 kind of material are you dealing with?

10 A We are actually dealing with thread, cotton  
11 thread in which blood has been dried upon.

12 Q In your work as a Serologist how many occasions  
13 have you had to examine blood and other materisl to determine  
14 if there was blood contained on the materials?

15 A Literally thousands of times.

16 Q How many times have you had occasion to test those  
17 materials and determine what their genetic markers were?

18 A Again, thousands of times.

19 Q And have you had to come to Court to give your  
20 opinion as to the genetic markers within a dried stain or  
21 of blood?

22 A Yes, I have.

23 Q How many times in Cook County?

1           A     Approximately 35 times now.

2           MR. O'BRIEN: Judge, at this point I would tender the  
3 witness as an Expert.

4           THE COURT: Any objection?

5           MR. ALLEN: No objection.

6           THE COURT: The Court finds the witness is qualified  
7 to testify as an Expert in her field.

8           MR. O'BRIEN: Q Did you receive certain items in  
9 the homicide case of [REDACTED] [REDACTED]?

10          A     Yes, sir, I did.

11          Q     And on certain of those items were you asked to  
12 perform tests to determine if the stains on the items were  
13 blood and further the genetic markers of those stains?

14          A     Yes, sir, I was.

15          Q     How many genetic marker systems do you test for  
16 when you have whole blood?

17          A     Routinely we test for 11 different genetic markers.

18          Q     And on a dried stain where you are trying to  
19 determine if it is blood and if so how many genetic markers  
20 do you test for in a dried stain?

21          A     We test for 11 genetic markers also.

22          Q     I will show you what has been marked as People's  
23 Exhibit Number 8, for identification, and ask if you recognize  
24

1

that?

2

A Yes, sir, I do.

3

Q How do you recognize that?

4

5

A I recognize this as a black coat and again I recognize it because my initials are present in the lining.

6

7

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

8

9

A Yes, sir, I did.

10

11

12

Q There are certain cuts made on the inside of the garment and writing around those cuts, could you tell us how they got there?

13

14

15

A Well, I actually made these cuts. What I do is take a extract or a portion of material out on which I can then conduct my testing on that portion.

16

17

18

Q I will show you what has been marked as People's Group Exhibit Number 7 which consists of a blue sweat pants and shirt and ask you can you recognize each of these exhibits?

19

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23

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A Yes, sir, I do.

Q And how do you recognize both of those?

A Again in both of these exhibits in the back panel at the upper portion are my initials.

Q Did you receive these exhibits in connection with the [REDACTED] homicide?

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A Yes, I did.

Q Is there any unique or specific case number that is assigned to a particular homicide?

A Yes, sir, there is.

Q Was there one assigned to the [REDACTED] homicide?

A Yes, there was.

Q Is that number contained on those garments?

A Yes, again, it is at the top portion of the garment right next to my initials.

Q Again, there are certain cuts made on the fabric of both the sweat shirt and sweat pants and writing around that.

A Yes, sir.

Q Do you know how those got there?

A Yes, sir, I made those cuts.

Q What was the purpose of your making those cuts?

A That is where I extracted part of the stain area so I can do my testing on that extract that I take.

Q I will show you what has been marked as People's Exhibit Number 38, a pink shirt, do you recognize that?

A Yes, sir, I do.

Q How do you recognize that?



1           A     Again, the R.D. number and my initials are  
2 present on the collar of the shirt.

3           Q     Does that have the case number assigned to the  
4 [REDACTED] homicide?

5           A     Yes, it does.

6           Q     There is again a cut and writing on that garment,  
7 do you know how that was placed there?

8           A     Yes, sir.

9           Q     How?

10          A     Again, I took the extract out or cutting out to  
11 perform my analysis.

12          Q     I hand you what has been marked as Exhibit Number 38,  
13 for identification, a pair of blue socks, do you recognize  
14 those?

15          A     Yes, sir, I do.

16          Q     How do you recognize those?

17          A     Again, the R.D. number and my initials are present  
18 on both socks.

19          Q     There are I believe cuts in those socks?

20          A     Yes, sir.

21          Q     How were those placed there?

22          A     They were placed there again to take the extracts,  
23 I cut the extract out.  
24

1 Q I hand you what has been marked as part of  
2 People's Group Exhibit Number 38 and ask you do you recognize  
3 that woman's bra?

4 A Yes, I do.

5 Q How do you recognize it?

6 A Again, the R.D. number and my initials are present  
7 on the back portion.

8 Q Does that have the unique case number assigned to  
9 the [REDACTED] case?

10 A Yes, it does.

11 Q Did you perform or take any extracts from that  
12 garment?

13 A Yes, I did.

14 Q And how did you do that?

15 A Again I took a cutting portion of it.

16 Q I hand you another part of Group Exhibit Number 38,  
17 a pair of women's underwear.

18 Do you recognize that?

19 A Yes, sir, I do.

20 Q How do you recognize that?

21 A Again the laboratory case R.D. number and my  
22 initials are present on the back panel.

23 Q Did you take any extracts from that garment?  
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A Yes, sir, I did.

Q Is there markings and writings around the extract or cutting you took from that garment?

A Yes, sir, there is.

Q I will hand you what has been marked as People's Exhibit Number 38-A, a pair of white tennis shoes. I ask you do you recognize those?

A Yes, I do.

Q How do you recognize those?

A Again by the R.D. number and my initials are present on both shoes.

Q Did you take any extracts from those shoes?

A Yes, sir, I did.

Q How did you do that with those shoes?

A What I actually did in this case was extracted part of the stained area, the blood stained area, off on to a cotton thread.

Q I hand you what has been marked as part of the People's Group Exhibit Number 38 and 38-B, a pair of brown gloves. Do you recognize those?

A Yes, sir, I do.

Q How do you recognize those?

A Again the R.D. number and my initials are present on both gloves.

1 Q And again does that contain the unique case number  
 2 of the [REDACTED] homicide?

3 A Yes, it does.

4 Q With regard to those garments did you perform  
 5 any tests to try to determine if there was blood on those  
 6 garments?

7 A Yes, sir, I did.

8 Q And did you perform any further tests on those  
 9 garments to try to determine if there was blood what the  
 10 genetic markers of the blood were?

11 A Yes, I did.

12 Q How did you perform the test to determine if  
 13 there was blood on the garments?

14 A The test that I did to determine if there was  
 15 blood is called a Preliminary Chemical test. What it involves  
 16 is actually taking a suspect stained area and a Q-tip swab  
 17 moistened with a little bit of water and actually rub the  
 18 swab onto the reddish stain to extract some of the stain onto  
 19 the swab. I then apply various chemicals to the swab and  
 20 I look for a color reaction or a color to appear on the end  
 21 of the swab. If I get a blue-green color on the end of the  
 22 swab then that is a positive indication that that stain is  
 23 in fact blood.  
 24

1 Q Did you test the brown gloves that are in front  
2 of you?

3 A Yes, sir, I did.

4 Q What were the results after testing the brown  
5 gloves to determine if there was blood on the gloves?

6 A The test results from the Preliminary Chemical Test  
7 indicated that there was blood present on these gloves.

8 Q Did you try to perform further tests after the  
9 Preliminary Chemical Test?

10 A Yes, sir, I did try.

11 Q And what was the result.

12 A I was not able to perform further testing due  
13 to the fact there was such a minute amount of blood present  
14 on the gloves.

15 Q Did you perform tests for blood on other clothing  
16 in front of you, the shoes, sweat shirt, pants, underwear,  
17 coat, et cetera?

18 A Yes, sir, I did.

19 Q On each of those were you able to determine if  
20 there was blood?

21 A Yes, I was.

22 Q Did you determine if there was blood?

23 A Yes, there is blood present on each exhibit.  
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Q And did you perform further tests to try to determine whether it was human blood?

A Yes, I did.

Q What was the result of those tests on each garment?

A The result indicated that on each of those garments there was human blood present.

Q Did you take the next step to try to determine what the genetic markers in the 11 areas were on those garments?

A Yes, sir, I did.

Q And were you able to do that?

A Yes, I was able to.

Q After making the tests as to those 11 genetic markers did you compare the test results on those clothings with anything that you had received in this case?

A Yes, sir, I did.

Q What did you compare it to?

A I compared it to the blood that I was submitted from the victim, [REDACTED].

Q Was that blood submitted to you as coming from the Medical Examiner's Office?

A Yes, that is correct.

1 Q What were your results when you compared the  
2 blood taken from [REDACTED] body against the clothing  
3 that you had examined?

4 A My results indicated that the 11 genetic markers  
5 that I got off this clothing was consistent with the 11 genetic  
6 markers that I found in [REDACTED] blood.

7 Q Let me hand you what has been previously marked  
8 as People's Exhibit Number 24, can you tell us if you recognize  
9 that?

10 A Yes, I do.

11 Q How do you recognize that?

12 A Again I recognize this by the R.D. number and  
13 my initials that are present on the yellow tag.

14 Q And did you receive this particular exhibit in  
15 connection with the [REDACTED] homicide?

16 A Yes, sir, I did.

17 Q I will show you what has been marked as People's  
18 Exhibit Number 25, do you recognize that?

19 A Yes, sir, I do.

20 Q How do you recognize that?

21 A Again, by the R.D. number and my initials are  
22 present on this exhibit.

23 Q I hand you what has been marked as People's Exhibit  
24 Number 26, for identification, do you recognize that?

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A Yes, sir, I do.

Q How do you recognize that?

A Again by the R.D. number and my initials are present on the exhibit.

Q On Exhibit Number 24, does that indicate where it was taken from?

A Yes, sir, it does.

Q Where is that?

A It says taken from driver's door, inside.

Q Did you perform any tests on this swab contained in that container for the presence of blood?

A Yes, sir.

Q What did you tests indicate?

A My test indicated there was blood on the swab and that it was human blood.

Q Did you perform any further tests to try to determine the 11 genetic markers?

A No, sir, I did not.

Q Why was that?

A That was because the quantity of blood present on the Q-tip was not sufficient for me to do any further testing.

Q I would ask you to pick up People's Exhibit Number 25.



1 for identification. Can you tell if you recognize -- sorry.

2 Where did that particular exhibit come from?

3 A It is indicated that it was taken from the front  
4 seat, passenger side.

5 Q Did you perform a test on that to determine if  
6 there was blood?

7 A Yes, sir.

8 Q What were your test results?

9 A My test result indicated that there was blood  
10 present in this vial.

11 Q Did you perform further testing?

12 A Yes, sir.

13 Q What were the results?

14 A The blood present in here was human blood and  
15 it had all genetic markers and was consistent with the blood  
16 taken from [REDACTED].

17 Q And the third exhibit in front of you, the vial,  
18 exhibit number 26?

19 A Yes, sir.

20 Q Tell us where is that indicated as coming from?

21 A It was taken from ground near the victim.

22 Q Did you perform tests for blood on that exhibit?

23 A Yes, I did.

24 Q And will you tell us your results?

1           A     The results indicated there was in fact blood  
2 present in this tube and it was in fact human blood.

3           Q     Thank you. Did you receive a green ammo container  
4 or box in connection with this case?

5           A     Yes, sir, I did.

6           Q     I will hand you what we have marked as Exhibit  
7 Number 23-B, a green box, an ammunition box. Do you recognize  
8 that?

9           A     Yes, sir, I do.

10          Q     How do you recognize that?

11          A     Again I recognize it by the R.D. number and my  
12 initials which are present on this box.

13          Q     Did you attempt to perform any tests on the  
14 material contained on that box for the presence or absence  
15 of blood?

16          A     Yes, sir, I did.

17          Q     How did you do that?

18          A     My initial test was the Preliminary Chemical Test,  
19 what I did was I extracted part of the reddish-brown stains  
20 which are present on this box on to a Q-tip swab and performed  
21 a test on the swab and determined that there was in fact blood  
22 present.

23          Q     Did you perform further testing to determine if  
24

1 it was human blood?

2 A Yes, sir, I did.

3 Q And what was the result?

4 A That the reddish-brown stains that were present  
5 there were human blood.

6 Q Did you perform further tests as regards to the  
7 11 genetic markers?

8 A Yes, sir, I did.

9 Q What were your results of those tests?

10 A That the 11 genetic markers that I got off of  
11 this box are consistent with the blood that was submitted from  
12 [REDACTED]

13 Q I'm going to hand you a paper bag which we have  
14 marked as People's Exhibit Number 22-A, for identification.  
15 Are your markings contained on that bag?

16 A Yes, sir, they are.

17 Q Did you receive that bag in connection with the  
18 [REDACTED] homicide?

19 A Yes, I did.

20 Q And upon receiving that bag did you take what  
21 I will now show you, being People's Exhibit Number 22-B, for  
22 identification, consisting of a piece of concrete and a  
23 plastic bag, were those contained in that paper bag?  
24

1           A     Yes, sir, they were.

2           Q     Do you recognize that plastic bag that is in  
3 front of you?

4           A     Yes, sir, I do.

5           Q     How do you recognize it?

6           A     Again, I recognize it by the R.D. number and  
7 my initials are present on the tag as well as on the bag.

8           Q     I will ask you to look at the rock that is part  
9 of that exhibit. Do you recognize that?

10          A     Yes, sir, I do.

11          Q     How do you recognize that?

12          A     Again, the R.D. number and my initials are  
13 present on the side of this rock.

14          Q     Did you perform tests for blood on the plastic  
15 bag that is in front of you?

16          A     Yes, sir, I did.

17          Q     Tell us what your results were when you performed  
18 those tests.

19          A     The results indicated that these reddish-brown  
20 stains present on this bag are in fact blood, that they are  
21 human blood and that they have the 11 genetic markers present  
22 in them which are consistent with the victim [REDACTED]  
23 blood.  
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Q I would ask you now to take the piece of concrete or rock. Did you perform a test on that piece of concrete or rock to determine whether there was blood there?

A Yes, sir, I did.

Q How did you do that?

A Well, actually what I do in this area I moisten part of the reddish-brown stain and again extract it off onto a cotton thread and from that cotton thread I can then run various tests.

Q Did you perform the tests to determine if there was blood there?

A Yes, sir, I did.

Q Will you tell us what those results were?

A Those results indicated these reddish-brown stains on this rock are in fact blood, they are human blood, and they also contain the 11 genetic markers consistent with [REDACTED] blood.

Q May I have one moment to mark exhibits, Judge?

THE COURT: All right.

MR. O'BRIEN: Judge, I have marked four glass vials as Exhibits 33 through 36. I will show them to Counsel.

MR. ALLEN: Thank you.

THE COURT: All right.

1 MR. O'BRIEN: Q Let me hand you what has been marked  
2 as People's Exhibit Number 33. Do you recognize that?

3 A Yes, sir, I do.

4 Q Does that have your markings on it?

5 A Yes, sir, it does.

6 Q Tell us how that is labeled?

7 A It is labeled as blood from Larry Ollins.

8 Q I will hand you what has been marked as People's  
9 Exhibit Number 34, for identification. Can you tell us does  
10 that have the case markings of the [REDACTED] homicide on  
11 it?

12 A Yes, it does.

13 Q How is that labeled?

14 A It is labeled as Omar Saunders'.

15 Q And I will hand you what has been marked as Exhibit  
16 Number 35, for identification. Does that contain your markings  
17 as to the [REDACTED] homicide?

18 A Yes, it does.

19 Q And how is that labeled?

20 A It is labeled Calvin Ollins.

21 Q And I will hand you what has been marked as Exhibit  
22 Number 36. Does that contain your markings with regard to the  
23 [REDACTED] homicide?

24 A Yes, sir, it does.

1 Q And how is that labeled?

2 A It is labeled Marcellius Bradford.

3 Q Judge, I have marked People's Group Exhibit Number  
4 39, some white cardboard containers.

5 MR. ALLEN: Thank you.

6 MR. O'BRIEN: I hand you what has been makred as  
7 Group Exhibit Number 39, for identification, three white  
8 cardboard containers. Do those containers have the unique  
9 case number placed by you on them as to the [REDACTED]  
10 homicide?

11 A Yes, sir, they do.

12 Q Could you tell us how those containers are lateled?

13 A These containers are labeled [REDACTED] oral;  
14 [REDACTED], anal; and [REDACTED] vaginal.

15 Q And when you received those containers what was  
16 in them?

17 A What was contained within them was a long Q-tip  
18 swab.

19 Q Would you tell us in Serology what tests are  
20 performed when you have certain fluids and you are attempting  
21 to determine whether there is semen and spermatozoa contained  
22 in those exhibits.

23 A There are two tests that are routinely performed  
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1 in the laboratory. The first test is called an Acid  
2 Phosphatase Test. This is a test which looks for the enzyme  
3 and acid phosphatase, if it is present in high levels it is  
4 semen.

5  
6 The second test that is performed is a Microscopic  
7 Test where we actually take an extract from the cotton swab,  
8 make a microscopic slide from it and look at it underneath  
9 the microscope for the presence of spermatozoa or the male  
10 reproductive cells.

11 Q Can you examine the materials further if you  
12 find it is semen in an attempt to look for any other type of  
13 markers?

14 A Yes, we can.

15 Q And what do you do there?

16 A What we can then do is go on and first determine  
17 the ABO blood type of the fluid present on the swab and then  
18 to go on to determine the PGM sub-types or the enzyme types  
19 present on the swab.

20 Q When you speak of PGM, could you explain generally  
21 what that is?

22 A PGM is an enzyme that is called Phosphoglucomutase,  
23 it is present in everybody's blood and has 10 different types  
24 and everybody has a specific type and is given this type through



1 their genetic makeup from birth.

2 Q Will that PGM also be shown in other fluids such  
3 as sperm or semen I should say.

4 A Yes, sir, it is.

5 Q When you received the reddish vials marked as  
6 coming from Larry Ollins, Calvin Ollins, Marcellius Bradford  
7 and Omar Saunders did you perform any tests on them to  
8 determine the blood type on those vials?

9 A Yes, sir, I did.

10 Q Will you first start with Calvin Ollins. What  
11 blood type did you determine him to be in the ABO system.

12 A Calvin Ollins was found to be of blood type O.

13 Q And Larry Ollins, what blood type was he determined  
14 to be engaged with?

15 A Larry Ollins was found to be of blood type O.

16 Q And Marcellius Bradford, what blood type did you  
17 determine him to be?

18 A Marcellius Bradford has blood of type A.

19 Q Omar Saunders, what blood type did you determine  
20 him to have?

21 A Omar Saunders has blood type B.

22 Q Did you perform further tests on the vial containing  
23 the four arrestees blood for the genetic marker PGM?  
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A Yes, sir, I did.

Q And did you determine each of the PGM markers  
for the four arrestees?

A Yes, I did.

Q That would include Omar Saunders?

A That is correct.

Q The swabs that were labeled as having come from  
[REDACTED], did you perform a test to determine if there  
was semen on the swab marked oral swab?

A Yes, sir, I did.

Q What was your determination?

A That there was no semen present on the oral swab.

Q Did you perform a test on the swab marked rectal  
swab for semen?

A Yes, sir, I did.

Q What was your determination.

A That there was no semen present on the rectal swab.

Q And did you perform a test on a swab that was  
marked vaginal that had come from [REDACTED] for semen?

A Yes, sir, I did.

Q What did you determine?

A I determined that there was semen present on the  
vaginal swab.

1 Q After making a determination that there was semen  
2 present on the vaginal swab did you perform a further test  
3 under the microscope for spermatozoa?

4 A Yes, sir, I did.

5 Q And after that test what did you conclude?

6 A I concluded that there was sperm present on the  
7 vaginal swab.

8 Q Did you with the swab marked vaginal as having  
9 come from [REDACTED] perform any tests for genetic markers?

10 A Yes, sir, I did.

11 Q Did you perform a test for the PGM marker?

12 A Yes, sir, I did.

13 Q And were you able to conclude what the PGM  
14 marker was with that particular swab?

15 A Yes, sir, I was.

16 Q And what PGM marker did you have after making  
17 that test?

18 A The test indicated the markers present were  
19 of a type indicated by a two minus, a one plus and a one minus.

20 Q And based upon having those three markers what  
21 was the first thing that you concluded?

22 A That --

23 Q Let me ask another question.  
24

1                   Are you able to determine when you have semen  
2 how many persons or how many semens from different persons  
3 you might have?

4           A     No, sir, generally we are not able to do so.

5           Q     Were you able to do so in this case?

6           A     No, sir, I was not.

7           Q     Did you compare the vaginal swabs and the  
8 PGM marker with the PGM markers that you obtained from  
9 testing of the blood from Calvin Ollins, Larry Ollins, Omar  
10 Saunders and Marcellius Bradford?

11          A     Yes, sir, I did.

12          Q     What did you determine in comparing the PGM  
13 marker on the vaginal swab as to Omar Saunders' PGM markers?

14          A     That the PGM markers of Omar Saunders are not  
15 consistent with the markers that I found on the vaginal  
16 swab.

17          Q     What did you conclude after comparing the vaginal  
18 swab's PGM markers with Calvin Ollins' and Larry Ollins' PGM  
19 markers?

20          A     That the markers that I obtained on the swab were  
21 consistent with the PGM markers from Calvin Ollins and Larry  
22 Ollins.

23          Q     And what can you conclude from that?  
24

1           A     You can conclude that it is possible that Calvin  
2 Ollins' and Larry Ollins' semen may be present on that vaginal  
3 swab.

4           MR. O'BRIEN: One moment, your Honor.

5           MR. VELCICH: Could we have a side bar?

6           THE COURT: Yes.

7                               (The following proceedings were had  
8 out of the hearing of the Jury.)

9           MR. VELCICH: We are making a Motion In Limine that  
10 this witness not be cross examined about the DNA Test. It  
11 was not done, it was not done in this case.

12           THE COURT: Are you going to ask questions of her about  
13 that?

14           MR. ALLEN: Yes, I will ask her.

15           THE COURT: It is not accepted by the Courts, it is  
16 confuisng to the Jury and misleads them thinking that it is  
17 available and can be done.

18           MR. ALLEN: It is available.

19                               (The following proceedings were had  
20 in the presence and hearing of the  
21 Jury.)

22           THE COURT: We will take a short recess.

23           MR. O'BRIEN: We have concluded our Direct Examination.

24                               (Thereupon the following proceedings  
were had out of the presence and  
hearing of the Jury and within the  
Court's Chambers.)

1 MR. ALLEN: Judge, the State made a Motion In Limine  
2 at the end of their Direct Examination of Miss Fish that I  
3 be precluded from going into the DNA test. Judge, I would  
4 say that it is scientifically acceptable, the State through  
5 their own Office recognized it as such in the Dotson case.  
6 I know we don't have it here.  
7

8 Another thing, I have a case here that is on  
9 trial right now, it is probably over by now, in the State of  
10 Illinois also where the Prosecution introduced it.

11 THE COURT: Introduced what?

12 MR. ALLEN: The DNA Fingerprinting, the DNA technique  
13 on people with respect to genetic makeup or genetic markers  
14 on material found at the crime scene, scientists say it is  
15 more than 99% effective, it was introduced by the Prosecution  
16 in East Alton, Illinois, according to a Chicago Tribune  
17 article of April 29, 1988, Assistant State's Attorney Raymond  
18 Massey, M-A-S-S-E-Y, sent samples of the Defendant's blood  
19 along to a laboratory in New York. It is acceptable and  
20 accepted in the community, Judge. I would ask that I be  
21 allowed to cross examine on it. Obviously -- I understand it  
22 is a rather new area but, A, it doesn't mean that it is not  
23 acceptable.

24 THE COURT: You are talking about some testing that was

1 not in fact done.

2 MR. ALLEN: What I'm saying is the Prosecution is using  
3 it.

4 THE COURT: The Prosecution will use it if the testing  
5 was actually done but we have a situation back in 1986 when  
6 it wasn't done.

7 MR. ALLEN: But it is available now.

8 THE COURT: Now you are saying because it wasn't done  
9 therefore it has an influence in this case. That is different  
10 than: Yes, it was done and here are the results; you are  
11 painting a different picture at that point.

12 MR. ALLEN: It goes to the credibility that the Jury  
13 should attach to the evidence and it also goes to the fact that  
14 the Defendant does not have to prove his innocence, they have  
15 resources that they could use to narrow the field here as your  
16 Honor heard the testimony of the first trial, we are talking  
17 about that they cannot exclude certain guys, the two Ollins  
18 guys, but there are techniques available and scientific testing  
19 that come to the point where they could do so.

20 THE COURT: Which is fairly recent. Now, we are talking  
21 about a situation that occurred back in 1986, there was no  
22 testing, in fact, I don't know if it was used at that point in  
23 this country, they may have used it in England and we didn't  
24

1 know about it until the Dotson test but you are talking about  
2 bringing in evidence that this was not done.

3 MR. ALLEN: Right.

4 MR. O'BRIEN: Our position would still be there has  
5 never been -- there is no Appellate or Supreme Court case  
6 on the issue in Illinois. Now, we are left in a position  
7 without having before your Honor any kind of test to determine  
8 whether DNA is accurate and accepted in the scientific  
9 community generally for forensic purposes and to allow this  
10 witness to be questioned on a DNA test that wasn't done, without  
11 having any initial determination by this Court and since there  
12 is no determination by an Appellate Court which would be  
13 persuasive or authority for your Honor -- or by a Supreme Court  
14 that such testing is accepted for us in the Courts, it is not  
15 there, so I believe it really puts in the negative without showing  
16 such a test, if it was done would be admissible.

17 THE COURT: Well, yes. See, I would be facing a different  
18 situation here if these tests were in fact made. They didn't  
19 become available in this country until October of '87, that is  
20 when they became available in this country. Tests were not  
21 made so now I'm going to allow evidence in that these tests  
22 were not made and should have been made when at the time of the  
23 crime --  
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MR. ALLEN: I'm not saying they should have been or they could have been. I'm saying they could today be made.

THE COURT: We don't know, we are talking about semen a couple of years old. In the Dotson case it was much older and they were not able to come to conclusive reports.

In every case that is going to be coming up on rape cases if you are going to allow evidence that this test wasn't made even if it wasn't available at that time therefore the State is keeping something from you or should have done certain things, no, I'm not going to allow that. If it was made, if the test was made and the results were before this Court I'd be inclined to go along and admit them but not the negative when they weren't done and weren't available at that time.

MR. ALLEN: Okay, Judge, if that is your ruling.

I have one Motion in light of your ruling, I would move that based upon what Miss Fish just stated from the stand here that all her testimony concerning any blood analysis of any of these four individuals be stricken because, number 1, the evidence that she testified to concerning my individual excluded him, and number 2, on the other individuals all she can do is include them in a general group of the population and therefore there is nothing, you know, there is nothing

1 positive about those tests other than it could be. And  
2 finally, these other people that it could match aren't even  
3 on trial with me, my guy is on trial and these other people  
4 it could match are not here, they are not on trial, and the  
5 evidence as to them is irrelevant as to my case. The one  
6 case I would cite, and this has been ruled on, Peo. vs Schulz,  
7 S-C-H-U-L-Z, 154 Ill. App. 3rd, 358, where Judge Bailey was  
8 reversed for allowing in evidence of semen where results  
9 merely failed to exclude the accused from among twenty percent  
10 of the population. Here I think Miss Fish will say the results  
11 will fail to exclude these other two guys, the two Ollins guys  
12 from among thirty seven percent of the population, that is what  
13 I expect her to say so I move all her testimony be stricken.

14 MR. O'BRIEN: Judge, the Schulz case was brought up in  
15 the first trial of Calvin Ollins.

16 THE COURT: I recall.

17 MR. O'BRIEN: And it was discussed at that time and I  
18 believe there are other cases where they have allowed this  
19 information in even where the percentages have been thirty seven  
20 percent or higher.

21 THE COURT: It becomes a question of credibility,  
22 what the Jury is going to decide. It is information for the  
23 Jury and they will consider it either way.  
24

1 MR. ALLEN: What issue does it tend to prove or  
2 disprove? It is so wide, it is such a large group that it  
3 does not help the Jury to decide any issue at all.

4 THE COURT: Well, he testified Calvin had sex with  
5 her for a few minutes, it is consistent with Calvin, it in-  
6 dicates presence at least, whether he had sex with her or  
7 whether he aided in the murder is a whole different problem  
8 but it suggests, if he made the statement, suggests he was  
9 present during the whole thing and other testimony that came  
10 in earlier concerning -- what is his name -- what Busch  
11 stated, I think the Jury has a right to know all of that.

12 MR. ALLEN: I have no quarrel with that proposition,  
13 what I'm saying is the scientific evidence being presented  
14 here today, what fact does that help the Jury decide? That  
15 Calvin had sex with this woman? Okay. If it was more narrow  
16 I agree it would help the Jury decide that fact but here you  
17 have a case where Calvin is one of thirty seven percent of  
18 the population of the world. How does that help the Jury  
19 decide that semen deposited in the victim came from Calvin? It  
20 doesn't. The numbers are too broad.

21 THE COURT: At this point we don't know what the  
22 percentage is.

23 MR. ALLEN: On Cross that is what it will be.  
24

1 MR. O'BRIEN: Even if the thirty seven percent testified  
2 to in regard to Calvin in the last trial, it is a question too  
3 of accountability and of other Defendants and accused's actions  
4 that this Defendant can be held accountable for and in fact  
5 there is a connection through Detective Mercurio this De-  
6 fendant admitted Calvin was there and sexually assaulted the  
7 woman, I think it is probative of both the statement of the  
8 Defendant and his accountability for the actions of the  
9 other parties.

10 THE COURT: The Motion is denied, I want the Jury to  
11 hear the whole thing and let them make the determination.

12 Bring the Jury in.

13 (The following proceedings were  
14 had in the presence and hearing  
15 of the Jury.)

16 THE COURT: All right. Proceed.

17 MR. O'BRIEN: Judge, there is no further Direct  
18 Examination.

19 THE COURT: All right. Cross.

20 MR. ALLEN: Thank you, Judge.  
21  
22  
23  
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1 CROSS EXAMINATION

2 BY

3 MR. ALLEN:

4 Q Miss Fish, the blood analysis that you did in  
5 this case led you to certain results with regard to comparison  
6 of the blood types of Omar Saunders, Larry Ollins, Calvin  
7 Ollins and Marcellius Bradford as to whether or not you could  
8 include them, either of those four, as being possible donors  
9 of the semen that was found in the vagina of the victim,  
10 correct?

11 A Correct.

12 Q And your procedure or the science as it has  
13 developed to this point in time is such that the only thing  
14 you can -- the only time you can state with certainty that  
15 someone is -- strike that.

16 The only way you can be certain with regard to  
17 inclusion or exclusion of a person is with regard to the latter,  
18 you can exclude people positively as possible donors, is that  
19 correct?

20 A That is correct.

21 Q That is kind of a convoluted question but I think  
22 you get the message. You can exclude people positively however  
23 you can never with the state of the art of your science that  
24

1 you have reached to date specifically state that a semen came  
2 from a specific person, right?

3 A That is correct.

4 Q All you can do is say that it came from a person  
5 with a certain type of blood type and enzyme type, correct?

6 A The person with the same genetic markers.

7 Q With the same genetic markers. Right.

8 And then in this case you excluded positively  
9 Omar Saunders as being a donor of that semen, correct?

10 A That is correct.

11 Q And with regard to Mr. Bradford, what was your  
12 finding with respect to Bradford?

13 A That Bradford could be included as an individual  
14 who could have contributed his genetic markers onto that  
15 vaginal swab.

16 Q And with regard to Larry Ollins?

17 A That his genetic markers are also included in the  
18 group of people who contributed to the genetic markers on that  
19 vaginal swab.

20 Q And the same with Calvin, is that right?

21 A That is correct.

22 Q With respect to Calvin, you have included him  
23 in a group that could have been the donor of that semen, correct?  
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A Correct.

Q Concerning his blood type and genetic markers in relation to the vaginal swab, what percentage could you assign to the population? In other words, what statistic would you assign to the general populations of persons that have similar blood type and genetic markers as Calvin Ollins?

A (No response.)

Q I think I screwed that up.  
Certainly the same blood type?

A Calvin Ollins is a blood type of type O and 50 percent of the black population has blood of type O.

Q And you included Calvin Ollins in a group that was consistent with the blood that you examined in this case, is that right?

A His genetic markers are consistent with the genetic markers on the vaginal swab.

Q And is there a percentage that you could place upon the group that he is included in?

A Yes, sir, there is.

Q And what would that percentage be?

A Approximately 37 percent of the population could have contributed the genetic markers that I found on the vaginal swab.

1 Q So out of a group of 100 people statistics would  
2 show that 37 of that 100 people could have been the contributor  
3 of that semen, is that correct?

4 A That is correct.

5 Q What about with respect to Larry Ollins, what  
6 would be the statistical breakdown on him?

7 A Larry Ollins, again, he is a type O blood, type  
8 O is 50 percent of the black population. You would have to  
9 get his PGM type. Larry Ollins' PGM type is one plus one minus.  
10 You would have to know the percentage of people who are that  
11 type and multiply it out, I don't exactly have that right here.

12 Q You don't know the percentage?

13 A I know the percentage of one plus one minus, I  
14 believe it is approximately -- I don't recall exactly.

15 Q Well, is it greater than 50 percent?

16 A Oh, no, sir.

17 Q Is it greater than 37 percent?

18 A No, sir, less.

19 Q And the statistics are statistics of the population  
20 of the whole world, is that right?

21 A Actually they are statistics compiled from the  
22 United States.

23 Q And what about Bradford, what percentage could you  
24



1 assign to his case, his analysis?

2  
3 A Bradford is blood type A, in the black population,  
4 25 percent of the black population is blood type A. He has  
5 a PGM type of two minus one plus and I'm not certain of the  
6 exact percentage of the population with two minus one plus,  
7 I believe it is somewhere around 14 percent.

8 Q Did you do any further testing of the vaginal  
9 swab and the blood workup on the four individuals?

10 A There was no further testing for me to do on  
11 that vaginal swab so therefore I ended my testing.

12 MR. ALLEN: Thank you. I have no further questions.

13 THE COURT: Redirect?

14 MR. O'BRIEN: Nothing on redirect, Judge.

15 THE COURT: Thank you, ma'am.

16 A Thank you.

17 THE COURT: This would be a good time to break for  
18 lunch, it is now 12:15. If you will return here at 1:15.  
19 Have a nice lunch.

20 (Thereupon the above entitled cause  
21 was recessed until 1:15 P.M. of the  
22 same day, Thursday, May 5, 1988.)  
23  
24

1 MR. O'BRIEN: Judge, excuse me, there would be one  
2 additional stipulated piece of evidence; that Lori  
3 Roscetti's head hair standards and public hair  
4 standards were also taken to the Chicago Crime  
5 Laboratory after having been taken from the body of  
6 Lori Roscetti by Dr. Joann Richmond.

7 So stipulated?

8 MR. ALLEN: So stipulated.

9 THE COURT: All right, State ready with the next  
10 witness.

11 MR. VELCICH: We would call Ray Lenz.

12 (Witness sworn.)

13 RAYMOND G. LENZ,  
14 called as a witness on behalf of the People of the  
15 State of Illinois, having been first duly sworn,  
16 was examined and testified as follows:

17 DIRECT EXAMINATION

18 BY MR. VELCICH:

19 Q Sir, would you please tell us your full name  
20 and spell your last name for the record?

21 A Raymond G. Lenz, L e n z.

22 Q What is your occupation?

23 A I am employed as a criminalist at the Chicago  
24 Police Crime Laboratory.

1 Q What are your duties as a criminalist at the  
2 Chicago Police Crime Laboratory?

3 A The receiving, testing, and analyzing of  
4 physical evidence as it is submitted to the  
5 laboratory.

6 Q How long have you worked at the Chicago  
7 Police Crime Lab?

8 A Almost ten years now.

9 Q Did can you tell us something about your  
10 educational background?

11 A I've got a Bachelor of Science degree in  
12 biology from Saint Xavier College in Chicago in 1978,  
13 and right after that I was hired by the Police  
14 Department Crime Lab and started work there, underwent  
15 a six months' training period under the then senior  
16 members of the laboratory. And since then I have  
17 taken numerous courses and workshops to supplement my  
18 education and training.

19 Q Have you contributed to any literature in the  
20 field of criminology or microscopy?

21 A Some of my -- a couple of my photomicrographs  
22 that I took were used on someone else's article in the  
23 Identification News Letter.

24 Q As part of your duties do you do any

1 teaching?

2 A I do some training for the other technicians,  
3 the new technicians, that come into the lab now as far  
4 as the use -- the proper use of the microscope and  
5 things like that.

6 Q And as part of your duties are you putting  
7 together any training manuals for the crime lab?

8 A Yes, we are putting together information in  
9 the form of a manual for our technicians to use in  
10 their training.

11 Q And specifically in what areas are you  
12 contributing to that manuel?

13 A Microscopy, trace evidence, things like that.

14 Q Would you tell the ladies and gentlemen of  
15 the jury what microscopy is?

16 A Microscopy is the use of different types of  
17 microscopes to examine different pieces of evidence or  
18 specimens in general.

19 Q And as part of your examinations, have you  
20 performed hair comparisons?

21 A Yes, I have.

22 Q About how many times have you performed hair  
23 comparisons?

24 A Oh, I would estimate approximately a thousand

1 times or so.

2 Q Would you briefly tell the ladies and  
3 gentlemen of the jury what you do physically when you  
4 do a hair comparison?

5 A Well, we have what is called a comparative  
6 microscope. It is two microscopes connected by a  
7 bridge. So you have got two microscopes and a bridge  
8 connecting the two, and then one center eye-piece,  
9 eye-pieces or oculars, or tubes to view through the  
10 tubes of the -- to view through the microscope. And  
11 you can examine the specimens on the microscope either  
12 individually or comparison next to one another, and  
13 compare them in that way.

14 Q And for how long have you been using that  
15 kind of microscope and doing hair comparisons?

16 A The whole time I've been in the lab.

17 Q Have you taken in specialized courses in  
18 microscopy?

19 A Yes.

20 Q What kind of courses?

21 A I took a forensic microscopy course at  
22 McCrone Research Institute, also a photomicroscopy  
23 course at McCrone, as well as other courses.

24 Q Have you taken any other courses anywhere

1 else?

2 A Yes, I had a fiber identification and  
3 comparison course given by the FBI in Springfield at  
4 the Illinois Department of Police Training Academy. I  
5 took a course in wood identification -- a workshop in  
6 wood identification, a course in fibers from textiles  
7 or products given at the Michigan State Laboratory in  
8 Lansing, Michigan, and a class in gas chromatography.

9 Q And have you ever qualified before in courts  
10 of law as an expert in the field of microscopy?

11 A Yes.

12 Q About how many times?

13 A About 25 to 30.

14 MR. VELCICH: Your Honor, I would tender the  
15 witness on the issue of qualification.

16 THE COURT: Any objection?

17 MR. ALLEN: No objection.

18 THE COURT: The witness is granted -- the motion  
19 is granted. The witness is qualified to testify as an  
20 expert in this field.

21 BY MR. VELCICH:

22 Q Now, Mr. Lenz, I would direct your attention  
23 to October the 20th, 1986 which is a Monday, were you  
24 working at the crime lab that day?

1 A Yes, I was.

2 Q And on that day were you assigned to assist  
3 in the investigation of the murder of a woman by the  
4 name of [REDACTED]

5 A Yes.

6 Q And in relation to that, to your work in that  
7 investigation, did you receive certain items from the  
8 Chicago -- from the Cook County Medical Examiner's  
9 Office?

10 A Yes, I did.

11 Q And as part of those items did you receive  
12 some fingernail clippings that had been removed by  
13 Dr. Richmond, the medical examiner who performed her  
14 autopsy?

15 A Yes, I did.

16 Q Did you examine the fingerprints -- I'm  
17 sorry -- the fingernail clippings that you received  
18 from the morgue?

19 A Yes.

20 Q Could you tell us what you found when you  
21 examined those?

22 A There were five nail clippings in each  
23 envelope, one from the left and one from the right  
24 hand. Trace materials from the fingernail clippings

1 revealed the presence of numerous natural and  
2 synthetic fibers, and just some miscellaneous debris.

3 Q Did you find any evidence of human tissue or  
4 blood?

5 A No, not that I recall.

6 Q Now, in addition to the fingernail clippings,  
7 did you also receive some -- certain hair standards  
8 from [REDACTED]?

9 A Yes, I did.

10 Q What kind of hair standards did you receive?

11 A Head and public hair standards.

12 THE COURT: Keep your voice up.

13 THE WITNESS: Yes, sir.

14 BY MR. VELCICH:

15 Q And these were standards that were taken from  
16 her body at the morgue, is that correct?

17 A That's correct.

18 Q Did you receive any eyebrow or eyelash  
19 standards from her?

20 A No, I did not.

21 Q Now, after you received that -- those  
22 materials from her, what did you do with them?

23 A I examined them with a stereo microscope.

24 Q How do you go about doing that?



4

1           A       Well, we take the hairs from the envelope or  
2 whatever they are submitted in, in this case it was an  
3 envelope, with the markings on it. And we examine  
4 them with a stereo microscope which is basically a  
5 microscope used in the more complicated magnifying  
6 glass or magnifying system where you can look at  
7 opaque items like your hand, or hair, or weapons, and  
8 things like that, and look at them for any physical  
9 characteristics. And then we mount them on slides,  
10 glass slides, and we permanently mount the hairs to  
11 the slides with permount (SIC) and a coverslip.

12           Q       How would you characterize -- did you look at  
13 [REDACTED] head hair under the microscope?

14           A       Yes.

15           Q       How would characterize her head hair in  
16 color?

17           A       It's light brown to blond-reddish,  
18 reddish-brown.

19           Q       Did you access the length of those hairs for  
20 the most part?

21           A       Yes.

22           Q       And would you consider them short or long,  
23 the hairs that you received, the standards?

24           A       They were relatively long, not real long, but

1 they weren't short.

2 Q Now, when you do a hair comparison, what  
3 aspects or what parts of the hair do you look at?

4 A We look at all different parts of the hair.

5 Q And is there anything that could help you  
6 explain to the jury how you go about looking at an  
7 individual hair for its characteristics?

8 A Yes, there is a diagram that I have.

9 Q I will show you what's been marked People's  
10 Exhibit No. 62 for identification. If you could hold  
11 that up to the jury and explain what the  
12 characteristics are of a hair that you looked for when  
13 you look under the microscope.

14 THE COURT: You have got to stand in front of the  
15 jury. I don't know if all the jurors can see.

16 THE WITNESS: When we look at hair, aside from  
17 the --

18 MR. ALLEN: Excuse me, Judge, can I step up there?  
19 I'll get out of the way.

20 THE COURT: Yes. Just stand a little -- that's  
21 it; so they can all see. Can the jury see it?

22 THE WITNESS: Aside from what everybody can see  
23 from hair, the hair that you might have in your comb  
24 or car or on your clothing or whatever, this is what's

1 under the microscope, the hair would like look. It is  
2 a diagram representation of it. And these are some of  
3 the major characteristics that we would look at. And  
4 this is how the hair would look under the microscope.  
5 This entire thing is made up of the outer area where  
6 there are scales just like -- much like a fish has  
7 scales. The outside of your hair has scales, and  
8 that's the cuticle which is indicated right here. The  
9 inside part of the hair, from the cuticle to the  
10 middle on either side is called the cortex. This  
11 middle area sometimes it is present, it's not always,  
12 depending on the person's hair, is called the medulla.  
13 That is indicated by these marks. These little dots  
14 here are called pigment granules, and that's what  
15 gives your hair its color, the pigmentation. Down  
16 here are what are called cortical pusei (SIC). They  
17 are called that because they are in the cortex of the  
18 hair, and they are actually like air spaces (SIC).  
19 They are not always present in everybody's hair.  
20 These are just possibly some of the different  
21 characteristics that you might find when you are  
22 looking at hair.

23 Q Would you give us an analogy to explain to  
24 the jury explain how your hair is made up?

1           A       Okay, it's -- your hair is much like a pencil  
2 actually, three dimensional speaking. You have  
3 where -- the root end would be like the eraser. The  
4 tip would be where the lead is. The wood part would  
5 be similar to the cortex area, and the lead area  
6 itself would be more like the center, the medulla, so  
7 that would be like a round hair. But you also have  
8 these kinds of structures in flat or old hair also.

9           MR. VELCICH: Thank you, you can be seated.

10          BY MR. VELCICH:

11          Q       Now, you said that some hairs are round and  
12 other hairs are different shapes, is that correct?

13          A       Yes.

14          Q       Would that be across the diameter?

15          A       Yes, that would be a cross-sectional view  
16 like if you were to take this pencil and look at it  
17 from the point on, this would be basically round, a  
18 cross-sectional shape. If it was more flattened out,  
19 it would be oval or even flat.

20          Q       And do these characteristics help you --  
21 enable you to determine whether a hair came from a  
22 person's head as opposed to his pubic hair?

23          A       In some instances, yes.

24          Q       What are characteristics of pubic hair that

1 are different from head area hair?

2 A Generally speaking, pubic hair are more  
3 curly; that is they are flatter than head hair  
4 usually. And they exhibit what's commonly referred to  
5 as buckling which is a sudden change in direction of  
6 the hair. As it curls it will change directions  
7 slightly, and it would be like a buckling involved,  
8 and that's the general characteristic common  
9 consistent with pubic hair.

10 Q How does the head hair differ from, for  
11 example, an eyelash or eyebrow hair?

12 A Eyelash or eyebrow hair would be more -- it  
13 would be a lot shorter, very short. It's saber-like  
14 (SIC) in appearance, and it is very short from the  
15 root to the tip end, okay. And that entire length is  
16 very short, and like I say it is saber shaped, okay,  
17 which means it is slightly curled like a saber.

18 Q Are there characteristics that distinguish  
19 hair from Caucasian people, for example, from Black  
20 people?

21 A Yes, there are.

22 Q What are those kinds of characteristics?

23 A Well, the most predominant characteristic  
24 that would distinguish the two would be what's

1 referred to as pigment clumping. On this diagram I  
2 pointed out where these little dots are pigments, and  
3 in some cases they are orientated in a clump, or they  
4 are all clumped together. This clumping only occurs  
5 in Negroid hair as opposed to Caucasian hair.

6 Q And are there certain characteristics that  
7 distinguish, for example, Oriental hair from either  
8 Black or Caucasian hair?

9 A Normally Oriental hair would be considered  
10 under the classification of Mongoloid hair, and  
11 generally it is more round in shape. There is not  
12 very much diameter fluctuation along the shaft of the  
13 hair; whereas Caucasian hair would be more oval, and  
14 Negroid hair would be more flat.

15 Q Do you use these characteristics when you  
16 have a hair whose origin you don't know and you try to  
17 determine where it came from?

18 A Yes, we look at general characteristics and  
19 try to determine in generality what the  
20 characteristics are consistent with. Are they  
21 consistent with pubic hair, head hair; are they  
22 consistent with a Mongoloid, or Negroid, or Caucasian  
23 person.

24 Q Now, during the course of your investigation

1 on October 20th, 1986, did you receive from the  
2 Chicago Police Crime Lab a piece of concrete in a  
3 plastic bag?

4 A Yes, I did.

5 Q And did you receive it directly from the  
6 evidence technicians who recovered it without it going  
7 to any other department first?

8 A Oh, yes.

9 Q I will show you what has been marked People's  
10 Group Exhibit No. 22, and I would ask you to look at  
11 that outer bag, first of all, and then look at the  
12 contents of the bag.

13 A Yes.

14 Q Do you recognize what is inside? First of  
15 all, do you recognize this outer paper bag?

16 A Yes, this is the bag that these two  
17 particular items were submitted in. This meaning  
18 this -- this plastic bag here, and this rock right  
19 here (indicating). They were inside this paper bag,  
20 and I recognize it by the fact that the RD number  
21 which is our records division number that we use to  
22 assign to all of our cases and my initials are printed  
23 right here, written right here (indicating).

24 Q When you first got the items that were inside

1 the bag, the piece of concrete in this plastic bag --

2 A Yes.

3 Q -- were they gray in color as they are now?

4 A No, the plastic bag appears to have been  
5 powdered for fingerprints. I believe it was dusted  
6 with certain powders they would use in the latent  
7 fingerprint development section for fingerprints.

8 Q And is that after you examined these things?

9 A Yes, our section would get these things  
10 before the fingerprints or serology because the trace  
11 materials would need to be gathered.

12 Q Now, when you received these items, the rock  
13 and the bag, what did you do with them first?

14 A Well, I -- after marking the tag with what  
15 these -- I prepared this tag with the RD number, the  
16 victim's name, [REDACTED] the inventory number,  
17 and what was involved with this particular inventory,  
18 a piece of concrete and one white plastic bag. I  
19 attached that to the bag because it is very difficult  
20 to mark the bag and the rock since they would have to  
21 go other places. All right, I examined both of these  
22 items under the stereo microscope on a clean piece of  
23 brown paper.

24 Q Could you describe how you go about doing



1       that?

2           A       I take the item out of the container it comes  
3       in, and lay down a clean piece of brown paper, and I  
4       examine it for any damage, any physical  
5       characteristics, what it looks like, and then I will  
6       take off any trace materials that I can find; visually  
7       I will take off whatever I can find with the tweezers  
8       or forceps. And I will put them in a marked pill box  
9       with what this particular exhibit is and where the  
10      trace materials came from.

11          Q       When you looked at that rock, did you find  
12      any pieces of material that you picked off the rock?

13          A       Yes.

14          Q       And what did you find as you looked under the  
15      microscope or the stereo microscope?

16          A       There was some mineral debris and there were  
17      numerous short light brown hairs that were found  
18      adhering to the rock, actually embedded in the rock,  
19      and clumped together with what appeared to be possibly  
20      dry blood.

21          Q       What did you do with those hairs after you  
22      found them on the rock?

23          A       After I plucked them off the rock along with  
24      the other trace materials that I collected from the

1 item, I put them in the pill box, and then some of the  
2 hairs I mounted on the slide.

3 Q Now, I put also on the stand in front of you  
4 People's Exhibit Nos. 60A and 60B which appear to be  
5 slide boxes; do you recognize those?

6 A Yes, I do.

7 Q What are those?

8 A This is the slide mailers with the slides  
9 inside that -- of the hairs that I recovered from  
10 these items, the plastic bag and the piece of  
11 concrete. I recognize it by the fact -- excuse me --  
12 that I have the RD number, the victim's name, Lori  
13 Roscetti, the inventory number of the exhibit, and  
14 what's inside here, trace from plastic bag and section  
15 of concrete written on the outside along with my  
16 initials, and I have both mailers similarly marked,  
17 and the slides inside are marked the same way.

18 Q And after you looked at those hairs  
19 underneath the microscope, did you formulate an  
20 opinion as to what kind of hairs those were?

21 A Well, I did a comparison of these hairs with  
22 hairs submitted to me as standards on this particular  
23 case, and I found them to be dissimilar to the  
24 standards from the different suspects on the case;

1 that is Omar Saunders, Calvin Ollins, Larry Ollins and  
2 Marcellius Bradford.

3 Q You didn't have their standards until  
4 sometime later in 1987, is that correct?

5 A That's correct.

6 Q When you first looked at those standards --  
7 strike that.

8 When you looked at the hairs that you picked  
9 off the rock in the bag, did you compare those, first  
10 of all, with [REDACTED] head and pubic hair  
11 standards?

12 A Yes.

13 Q Did they match those?

14 A No.

15 Q Do you have an opinion as to what kind of  
16 hairs you picked off the rock and bag?

17 A They are consistent with what would be like  
18 eyebrow and eyelash hair. They are very short. They  
19 are sabre like in appearance, and they are all clumped  
20 together.

21 Q Do some of those appear to be clumped  
22 together with blood?

23 A Yes.

24 Q Now, in addition to looking at the rock and

1 the bag, did you also receive some -- did you also  
2 receive some tools --

3 A Yes, I did.

4 Q -- from the crime scene?

5 A Yes, I did.

6 Q How were they packaged?

7 A There was a amber box and various tools, and  
8 they were placed in a paper bag.

9 Q I will show you what's been marked as  
10 People's Group Exhibit 23 consisting of a box, a brown  
11 paper bag, and tire iron; do you recognize these  
12 items?

13 A Yes, this is the brown paper bag marked with  
14 the RD number and my initials right along here  
15 (indicating). This, the tire iron, also has the  
16 markings of the RD number, my initials, inventory  
17 number, and what this is, a black tire iron. All  
18 these other exhibits are similarly marked with the RD  
19 number, the tag with my initials on it.

20 Q Did you receive these tools?

21 A I'm sorry?

22 Q Did you receive these tools before they went  
23 to any other department of the crime lab?

24 A Yes.

1 Q And were they sealed inside that brown paper  
2 bag?

3 A Yes.

4 Q Now, did you perform the same kind of  
5 inspection of those looking for trace materials?

6 A Yes, I laid out another clean piece of brown  
7 paper, and I went about examining all the different  
8 tools for any trace materials that I might find.

9 Q What kind of trace materials did you find on  
10 that, on those?

11 A Well, there was some paint debris, and there  
12 was a light brown to reddish-blond human hair, and  
13 other miscellaneous type debris.

14 Q What did you do with that human hair when you  
15 found it?

16 A After I mounted it on a slide and cover  
17 slipped it as I similarly had done with the other  
18 hairs in the case, I compared it to all the standards  
19 that I had.

20 Q When you compared it to the standards that  
21 you had, were those the head hair standards of [REDACTED]  
22 [REDACTED]?

23 A They were -- the hair I found was similar to  
24 the head hair standards, yes.

1 Q Of [REDACTED]?

2 A Yes, of [REDACTED].

3 Q And that was the long, blond hair that you  
4 found on those tools, would that be correct?

5 A Yes.

6 Q Did you find any of those short sable-like  
7 hairs that look like eyebrow or eyelash hairs on these  
8 tools or in that box?

9 A No.

10 Q Now, later during the course of your  
11 investigation -- let me get this out of the way first.

12 Later during the course of your  
13 investigation, did you receive some car seats from an  
14 automobile?

15 A Yes, I did.

16 Q How were they packaged when you got them?

17 A The driver's seat, the passenger seat, and  
18 the rear seat were all individually wrapped in  
19 plastic.

20 Q Now, I will show you what has been marked  
21 People's Exhibit No. 12 for identification; do you  
22 recognize that?

23 A Yes.

24 Q And what are those; what is shown in People's

1 Exhibit No. 12?

2 A This is a picture of the driver's seat and  
3 the passenger seat that was submitted to the  
4 laboratory.

5 Q I will show you what's been marked as  
6 People's Exhibit No. 20 for identification, do you  
7 recognize what's shown there?

8 A Yes, this is the rear seat of the automobile  
9 that was submitted to the laboratory.

10 Q When you got those car seats at the lab, what  
11 did you do with them?

12 A Well, I took each one individually, placed  
13 them on clean brown paper, and examined them for any  
14 trace materials that I might find, and collected the  
15 trace materials in the pill box.

16 Q Now, beginning with the rear seat, the long  
17 bench seat, what did you find when you -- strike that.

18 Did you find any hairs on that bench seat?

19 A Yes.

20 THE COURT: The rear seat or the bench seat?

21 MR. VELCICH: The rear seat.

22 THE COURT: Okay.

23 BY MR. VELCICH:

24 Q What kind of hairs did you find?

1           A     I found light brown to reddish-brown human  
2     hairs.

3           Q     Did you compare those to the standards of  
4     [REDACTED] hair?

5           A     Yes.

6           Q     And how did that -- what was the result of  
7     that comparison?

8           A     They were similar to the head hair standards  
9     recovered from [REDACTED].

10          Q     Did you find any other kind of hairs on the  
11     back seat?

12          A     I don't believe so, no.

13          Q     Now, going to the front passenger seat or the  
14     right side seat, when you saw that seat, did it appear  
15     to have blood on it?

16          A     Yes.

17          Q     And did you find any hairs when you examined  
18     that seat?

19          A     Yes.

20          Q     What kind of hairs did you find?

21          A     I found several hairs light brown to blond,  
22     reddish-brown type human hair.

23          Q     And when you -- did you compare those to Lori  
24     Roschetti's head hair standards?



1 A Yes.

2 Q Could you tell us what the result of that  
3 comparison was?

4 A They were similar to her head hair, [REDACTED]

5 [REDACTED].

6 Q Going to the driver's seat, front seat  
7 driver's side, did you find any hairs on that seat?

8 A Yes, I did.

9 Q Could you tell us what kind of hairs you  
10 found on the front driver's seat?

11 A I found some of the light brown to  
12 reddish-brown blond colored hairs on the seat. I also  
13 found a dark brown shaft and fragments of hair.

14 Q Beginning with the light brown hairs, did you  
15 compare those with [REDACTED] head hair  
16 standards?

17 A Yes, I did.

18 Q And what was the result of that comparison?

19 A They were similar to her head hair.

20 Q Now, you said you found two dark brown hairs  
21 on the front seat, is that correct?

22 A Yes.

23 Q What did you do with those hairs?

24 A Well, I mounted those hairs on slides much as

1 in the way I mounted other hairs in this particular  
2 case with permount and coverslip, and I marked the  
3 slides in the slide mailers.

4 Q Now, when you first put those into slide  
5 mailers and mounted them, did you look at them for  
6 their characteristics?

7 A Yes.

8 Q And when you looked at those, what  
9 characteristics did you see from those hairs?

10 A Well, I noted any of the characteristics of  
11 the hair that I saw. They were dark brown. One was a  
12 fragment and one was a shaft, a partial shaft.

13 Q Did you compare them, first of all, to [REDACTED]  
14 [REDACTED] head hair?

15 A Yes.

16 Q And how did they compare to her head hair?

17 A They were dissimilar.

18 Q And did you compare them with her own pubic  
19 hair?

20 A Yes.

21 Q How did they compare?

22 A They were dissimilar.

23 Q Did you find any hairs on the front passenger  
24 seat -- front seat driver's side that compared

1 consistently with [REDACTED] pubic hair?

2 A No.

3 Q When you looked at these two dark brown hairs  
4 that you found on the driver's seat, were you able to  
5 determine whether the race of the individual that  
6 these came from?

7 A Generally speaking, they appeared to be  
8 Negroid in origin.

9 Q Were you able to tell whether they were head  
10 hair or pubic hair?

11 A The fragment of hair appeared to have -- to  
12 be consistent with pubic hair. The small shaft of  
13 hair was not determined as to what it could possibly  
14 be at that time.

15 Q The hair that you said was consistent with  
16 being from a Black person and with being a pubic hair,  
17 is it possible in anyway to tell whether an individual  
18 hair came from a man or a woman?

19 A There are tests that can be done, but only if  
20 the root is present to tell if it's male or female  
21 that I'm aware of.

22 Q Did you have a root on that hair?

23 A On the fragment?

24 Q On the fragment pubic hair?

1 A No, I did not.

2 Q Now, sir, later --

3 A The determination for sex on hair is not  
4 always going to be able to be made. It is just in  
5 certain circumstances depending on how intact the hair  
6 is, and what parts of the root are present or not.

7 Q Now, later did you receive during the course  
8 of your investigation head hair and pubic hair  
9 standards from individuals arrested in this case?

10 A Yes.

11 Q And did those people -- were the names of  
12 those people that you received head hair and public  
13 hair standards, Omar Saunders, Calvin Ollins, Larry  
14 Ollins, and Marcellius Bradford?

15 A Yes.

16 Q When you received those standards, did you  
17 compare the head hair and pubic hair standards of  
18 those four people with the pubic hair that you found  
19 in the front seat?

20 A Yes, with the two -- the fragment and the  
21 shaft of hair that I found the trace materials in the  
22 front seat, I compared to all four of those  
23 individuals' hair standards, both head and pubic.

24 Q As you did that comparison of all four of

1 those, did you find -- did you reach any conclusions,  
2 first of all?

3 A Well, the very small shaft of hair was not --  
4 I was not able to do a good enough comparison because  
5 a lot of the structure was not visible because of the  
6 condition of the hair, okay. The fragment, however, I  
7 was able to do a comparison on.

8 Q And just so it's clear, the fragment is the  
9 hair that you describe as having come from apparently  
10 a Black person, and that it was a pubic hair, is that  
11 right?

12 A Yes.

13 Q And that Black person's pubic hair that you  
14 found on the front -- on the driver's seat --

15 MR. ALLEN: Objection, Judge, your Honor, to the  
16 characterization --

17 MR. VELCICH: Well, Judge, I am just trying to  
18 make it clear for the jury.

19 THE COURT: Well, you are talking about the --  
20 just one second. Appeared to be Negro and pubic.

21 MR. ALLEN: Yes, Judge, appeared to be and are in  
22 fact are two different things, Judge.

23 THE COURT: All right, I will sustain it.

24 MR. ALLEN: Thank you, Judge.

1 THE COURT: What appeared to be then.

2 BY MR. VELCICH:

3 Q Sir, when you compared that hair that  
4 appeared to be Black -- from a Black person, and  
5 appeared to be a pubic hair with the hairs of the four  
6 people that were submitted to you, Ollins, Ollins,  
7 Saunders, and Bradford, did you reach any conclusions?

8 A Yes.

9 Q And what was the conclusions that you  
10 reached?

11 A That that particular fragment was similar to  
12 Omar Saunders' pubic hair standard that was submitted.

13 Q And when you say that something is similar,  
14 that two hairs are similar, does that mean they share  
15 common characteristics?

16 A Yes.

17 Q When you do a hair comparison, Mr. Lenz, how  
18 do you go about noting the characteristics?

19 A Well, we have a little checklist of the  
20 different points of comparison that we do when we  
21 examine each hair and mark down what its particular  
22 characteristics are.

23 Q Now, I will show you what's been marked  
24 People's Exhibit No. 61; do you recognize what this

1 two-page document is?

2 A Yes.

3 Q What is that?

4 A This is the -- these are the notes that I  
5 prepared on the hair from the driver's seat.

6 Q And does each one categorize a certain aspect  
7 or characteristic of an individual hair?

8 A Yes.

9 Q Did you make these notes as you're making the  
10 comparison?

11 A Yes.

12 Q And now, when you compared -- first of all, I  
13 am going to show you what's been marked as People's  
14 Exhibit Nos. 56 and 57. First of all, 56, what is  
15 that?

16 A This is a slide mailer containing two slides  
17 with one each of the fragment and the shaft, the short  
18 shaft, and the long fragment of the hairs that I  
19 recovered from the trace materials of the driver's  
20 seat. They are marked with the RD number, and the  
21 inventory number of that exhibit, trace from driver's  
22 seat, and my initials.

23 Q These are the hairs that appeared to be  
24 the -- strike that.

1           Which of the hairs is the one that you  
2 describe as appearing to have come from a Black person  
3 and from a -- and a pubic hair?

4           A     The one identified as having similar  
5 characteristics as those being consistent with pubic  
6 and Negroid is the one right here (indicating).

7           Q     That would be the one on the right?

8           A     On the right-hand side as you are looking  
9 into the mailers.

10          Q     Are there any markings which distinguish that  
11 hair?

12          A     There are two little dots here that I put on  
13 with magic marker.

14          Q     I will show you what's been marked as  
15 People's Exhibit No. 57; do you recognize what that  
16 is?

17          A     Yes.

18          Q     What do you recognize that to be?

19          A     These are two of the pubic hair standards  
20 that were mounted on slides submitted from Omar  
21 Saunders, and this is the slide mailer and the slides  
22 inside with hairs on each one of these marked with the  
23 RD number, my initials, and what this exhibit is, Omar  
24 Saunders' pubic hair. The slide mailer and the slides



1 are both marked similarly.

2 Q And you compared Omar Saunders' pubic hairs  
3 with the hairs that you found in the front seat, is  
4 that correct?

5 A Yes.

6 Q How many of Omar Saunders' pubic hairs did  
7 you compare -- did you have to make the comparison  
8 with?

9 A They were approximately eight to ten, I  
10 believe, I mounted six on slides.

11 Q When you made your comparison, did you  
12 compare the hair that you found on the front seat  
13 driver's side with all six of the hairs that -- Omar  
14 Saunders' pubic hair?

15 A Yes.

16 Q Now, in terms of their color, how did the  
17 hair on the front seat with Omar Saunders pubic hair  
18 compare?

19 A They were the same.

20 Q And in the amount or type of scales that they  
21 have on the outside as you describe, how did that  
22 comparison go?

23 A I'm sorry, the amount of scales?

24 Q Yes, sir, how did -- how did the scales

1 compare on Omar Saunders' hair along with the hair on  
2 the front seat?

3 A Well, they were within the range of the  
4 scales as far as the protrusion and the size of the  
5 scales is, I believe, what you are referring to.

6 Q And in terms of -- what is the cuticle?

7 A The cuticle is --

8 Q I will give you back People's Exhibit 62.

9 A The cuticle is this area here where the  
10 scales are on the hair, and that would be indicated  
11 right here, the cuticle (indicating).

12 Q How did the cuticle compare in color?

13 A Oh, they were -- they were the same.

14 Q How about in fluctuation?

15 A I believe they were in the range.

16 Q And did you look at the amount of pigment or  
17 the distribution of pigment inside the hair?

18 A Yes.

19 Q How did that compare?

20 A Well, it was clumping and streaking of the  
21 pigment in both hairs, both his known and the hair  
22 from the trace evidence.

23 Q And what about the area where the pigment was  
24 concentrated; how did that compare?

1 A That was also the same.

2 Q Did you find evidence of pigment clumping  
3 that you said was consistent with people's -- with  
4 Black people's hair?

5 A Yes.

6 Q Did you find that in both in Omar Saunders'  
7 hair and with the hair that was in -- on the front  
8 seat?

9 A Yes.

10 Q What was the amount of pigment clumping that  
11 you found?

12 A The amount of the pigment clumping?

13 Q Yes, sir?

14 A It was heavy, I believe, and they were the  
15 same for both of them.

16 Q What about the shape of the pigment?

10

17 A The pigment was the same.

18 Q And the size of the pigment granules inside,  
19 how did that compare?

20 A They compared the same also.

21 Q Did you try to look at the amount of the  
22 gap -- the gap between the pigment, first of all?

23 A Well, pigment gapping which is what you are  
24 referring to, I believe, is -- was the same.

1 Q And again, what is the medulla, Mr. Lenz?

2 A That's this dark area right in the middle of  
3 the hair.

4 Q How did the medulla of Omar Saunders' pubic  
5 hairs compare with the driver's seat hair medulla?

6 A Well, they both exhibited discontinuous  
7 medullas, and they were both the same in that  
8 characteristic.

9 Q Were they both the same size and shape,  
10 meaning thick?

11 A Yes.

12 Q In general did the hair appear to be the same  
13 in terms of waviness and buckling under the  
14 microscope?

15 A Yes.

16 Q Now, after you compared Mr. Saunders' hair  
17 and reached that conclusion, did you also make  
18 comparisons with the other defendants' hair on other  
19 items that were found on the crime scene?

20 A I'm sorry; could you repeat that?

21 Q Did you do additional comparisons with other  
22 items found at the crime scene?

23 A Yes.

24 Q Now, during the course of your investigation,

1 did you receive from the Chicago -- from the Cook  
2 County Medical Examiner's Office certain clothing that  
3 belonged to [REDACTED]?

4 A Yes.

5 Q I will show you what has been marked as  
6 People's Exhibit No. 8 for identification; do you  
7 recognize that?

8 A Yes, this is the coat that was submitted from  
9 the Medical Examiner's Office. My initials and the RD  
10 number were in here with yellow wax pencil. It is  
11 sort of faded from handling.

12 Q I will show you what has been marked as  
13 People's Exhibit No. 7 which is a blue sweatsuit; do  
14 you recognize that?

15 A Yes, this is a blue sweatshirt submitted from  
16 the Medical Examiner. It's got the RD number and then  
17 my initials right up here in the collar area. This is  
18 the sweat pants. The RD number and my initials are  
19 along the waistband area there.

20 Q I will show you what's been marked as part of  
21 People's Exhibit No. 38 for identification; do you  
22 recognize that?

23 A Yes, this is a pair of socks submitted from  
24 the Medical Examiner. It's got the RD number, my

1       initials on both of them, and a pink shirt with the RD  
2       number and my initials on the collar area.

3           Q       I will show you what's additional parts of  
4       People's Exhibit No. 38 for identification, a pair of  
5       panties and bra, and a pair of white tennis shoes; do  
6       you recognize these objects?

7           A       Yes, these are the shoes submitted from the  
8       Medical Examiner's Office. They have the RD number  
9       and my initials right along the bottom of the sole  
10      right here, or the side of the sole. This is the bra  
11      submitted on this case from the Medical Examiner's  
12      Office using the RD number and my initials right here  
13      along the strap area (indicating). And these are the  
14      panties identified from the Medical Examiner's Office,  
15      identified by the RD number and my initials up here  
16      (indicating).

17          Q       When you received these items, was that in a  
18      sealed condition?

19          A       Yes.

20          Q       What did you do with the clothing once you  
21      received it?

22          A       I examined the clothing by placing clean  
23      brown paper down and examining the clothing for any  
24      possible physical damage or anything visual that you

1 could see, and then I collected any trace materials by  
2 scraping the clothing down, actually plucking the  
3 trace materials off with a forceps or a tweezer.

4 Q Did you find any trace materials with hair on  
5 the clothing of [REDACTED] that you received from  
6 the morgue?

7 A Yes, I did.

8 Q What did you find?

9 A I found some light brown, reddish-brown human  
10 hairs, as well as two dark brown hairs.

11 Q First of all, the long hairs, the light brown  
12 ones, did you compared those with [REDACTED] head  
13 hair standards?

14 A Yes.

15 Q What was that -- what was the result of that  
16 comparison?

17 A They were similar to her head hair.

18 Q Now, you said you found other dark brown  
19 hairs, is that correct?

20 A Yes.

21 Q Did you compare those to [REDACTED]  
22 hair?

23 A Yes.

24 Q Did it match either her pubic hair or her

1 head hair?

2 A No.

3 Q I will show you what's been marked People's  
4 Exhibit No. 58; do you recognize what that is?

5 A These are some of the trace materials, hairs  
6 recovered from these exhibits.

7 Q And did you compare those with the standards  
8 that you received at the later time from the four  
9 people a arrested, Larry Ollins, Calvin Ollins, Omar  
10 Saunders, and Marcellius Bradford?

11 A Yes.

12 Q And, sir, during the course of your  
13 examination, did you compare them with the hairs found  
14 in People's Exhibit No. 59 marked as having come from  
15 Larry Ollins?

16 A Yes, I did.

17 Q And those are Larry Ollins' head hairs, is  
18 that correct?

19 A These are a couple of his head hairs, that's  
20 correct, mounted on slides.

21 Q What was the result of the comparison between  
22 Larry Ollins' head hair and the hair that you found on  
23 [REDACTED] clothes?

24 A Well, one of the hairs found in the trace



1 materials was found to be similar to his head hair.

2 Q And did you use the same procedure by looking  
3 through a microscope and making a checklist of each of  
4 the characteristics?

5 A Yes.

6 Q And did you compare it with the hairs of the  
7 other individuals in the case?

8 A Yes.

9 Q Did it match any of the other individuals?

10 A No.

11 MR. VELCICH: Your Honor, could I have one second?

12 (Brief pause.)

13 BY MR. VELCICH:

14 Q When you describe a hair as being dark brown,  
15 how does that distinguish, for example, from a hair  
16 that is black?

17 A Well, hair that is dark brown is -- may look  
18 black visually from the person's viewpoint from using  
19 your own eyesight, but under the microscope actually  
20 it's really shades of dark brown because the pigment  
21 granules are brown and not black. Okay, but sometimes  
22 it doesn't look like that outwardly.

23 Q Generally what racial characteristics have  
24 hair that is black?

1           A       Usually the only true black, black hair is  
2       found in Mongoloid individuals like American Indians,  
3       Orientals, and Eskimos.

4           Q       People who are Black or Negroid, or the  
5       Negroid race, what -- is their hair generally found to  
6       be true black or is it shades of brown?

7           A       Generally it is very dark shades of brown.

8           MR. VELCICH: Your Honor, I have no further  
9       questions on direct.

10          THE COURT: Before we begin with the cross  
11       examination -- Deputy, where did they go?

12          THE SHERIFF: Right here, Judge.

13          THE COURT: All right, step up. Short recess.

14                               (The following proceedings  
15                               were heard in chambers  
16                               outside the presence and  
17                               hearing of the jury:)

18          THE COURT: Now, Chief, do you want to start  
19       explaining that to me again?

20          THE SHERIFF: In past experience in handling  
21       situations like this, so far as the defendant is  
22       concerned in front of the jury, we in past experience,  
23       my past experience in handling these situations, we  
24       didn't handcuff the defendant in front of the jury.

1 But if we are walking more than 30 to 40 feet, we  
2 would handcuff him out of the presence of the jury.  
3 We move the jury first or move the defendant first,  
4 and move him to the next area and uncuff him before  
5 the jury comes. Security will not be very obvious,  
6 but we will have security. We'll block off the street  
7 so there is no traffic coming down the street. We  
8 have been -- we have been to the area. We have  
9 checked out the area, and we can secure the area.

10 THE COURT: You can?

11 THE SHERIFF: We can. To my knowledge it can be  
12 secured for the time that we are going to be there.

13 THE COURT: We are not going to be there long.

14 Now, what vehicle would the defendant be  
15 riding in?

16 THE SHERIFF: He'll be riding in the sheriff's  
17 vehicle. It will be secured. It has transportation  
18 vehicles for defendants when they are transported  
19 anywhere throughout the county.

20 THE COURT: Are we going to be taking the jury out  
21 of the bus just for a matter of a minute.

22 MR. O'BRIEN: Judge, it would be the State's  
23 request that the jury be allowed to disembark the bus  
24 once they get out to the fire road and remain out for

1 approximately two to five minutes while a person makes  
2 certain statements and points to certain locations.  
3 The statement and the -- and their locations have been  
4 typed on a sheet of paper, two paragraphs in length.  
5 Given a copy to your Honor and to defense counsel, Tom  
6 Allen. And after those statements are made, we would  
7 request that James Capesuis, detective of the Chicago  
8 Police Department, be the reader of this script. And  
9 Mr. Capesuis was one of the scene detectives and  
10 actually observed the location of the body and the  
11 car, and it would have been found by David Sachs.

12 THE COURT: All right, so then -- all right, that  
13 portion would be basically, "You are at the fire road  
14 for the Chicago and Northwestern Railroad tracks.  
15 This road is located at approximately 1500 South  
16 between Ashland on the west and Loomis on the east.  
17 The body of [REDACTED] was found by Agent David  
18 Sachs on October 18th, 1986 at 4:40 a.m. at  
19 approximately this location." And you point to the  
20 area, the place where she was found. "[REDACTED]  
21 car was found just to the south of her body at  
22 approximately this location." That would be the total  
23 amount that will be said up there?

24 MR. VELCICH: No.

1 THE COURT: I mean that part. That is paragraph  
2 one. Paragraph two, "The Chicago Housing Authority  
3 Abla Housing Project buildings are directly to the  
4 north." And you point to that direction, "and extend  
5 north to Roosevelt Road." And you point in that  
6 direction. "They extend from Ashland Avenue on the  
7 west and to Loomis Avenue on the east. The nearest  
8 tall CHA highrise apartment building is 1510 West 14th  
9 Place" which he would point at. The CHA highrise  
10 apartment building visible behind it and to the right  
11 is 1510 West 13th," and you point at that. Is that  
12 the Abla Project?

13 MR. O'BRIEN: Abla Housing Project. And that  
14 particular statement can be made from approximately  
15 the same position where the first paragraph is made.  
16 It is visible from that location.

17 THE COURT: So they won't have to move at all?

18 MR. O'BRIEN: One location.

19 THE COURT: They could then get back on the bus  
20 and leave?

21 MR. O'BRIEN: That would be our request, yes,  
22 Judge.

23 THE COURT: Your objections, sir?

24 MR. ALLEN: As I stated my objection earlier, I am

1     opposed to us going out there period. I would just  
2     state that. What I fear, your Honor, is, well, first  
3     of all, I restate the reasons I already stated, but I  
4     have some additional reasons, and it deals with the  
5     news media. And I haven't said anything to anybody,  
6     but everybody in the hallway is talking about it,  
7     okay; and there is no way that you are going to keep  
8     the wolves from descending upon this location and  
9     making a circus out of the whole scene.

10           The Court -- you know, the Court -- the  
11     Supreme Court of Illinois does not allow cameras in  
12     the courtroom for a reason, because it is distracting,  
13     because it -- because of the fact that it creates a  
14     circus atmosphere, and by moving this courtroom, and  
15     that's what we are doing, we are moving our courtroom  
16     outside, you are -- all bets are off. The news media,  
17     if they are there, I don't know what's going to  
18     happen. If they are there with cameras, people,  
19     reporters, it creates the atmosphere that the Supreme  
20     Court of Illinois has not condoned over -- and has  
21     disagreed with, and I think that's our problem.

22           THE COURT: It is a lot of difference between a  
23     camera at the courtroom and a camera the scene. There  
24     is not going to be any testimony of any sort. I just

1 feel the jury has heard about a road, not a street, or  
2 a dirt road or gravel road that leads up to an area on  
3 a rise which is not visible from street level. At a  
4 certain location this body was found on this elevated  
5 area, and that the location of the addresses that have  
6 been mentioned, the Abila Project, housing project, I  
7 think it is important that they get -- I have no idea  
8 what this area looks like. I looked at the pictures.  
9 They are aerial pictures which really show you nothing  
10 in distance. I think it is a quick trip. This is not  
11 going to be prejudicial to the defendant. The  
12 question still is is he guilty of a crime or not, not  
13 what does the area look like. But there are certain  
14 factors brought out in this trial. I think they  
15 should have that information.

16 MR. ALLEN: I respectfully disagree that our  
17 trip -- I am all in favor of a trip that could  
18 accomplish or clear up some issue. As I stated  
19 before, there is no issue that Ms. Roscetti was found  
20 where she was. I haven't raised an issue at all with  
21 respect to the scene, any of the physical evidence  
22 they have got. And can the jury figure out where this  
23 place is, yes, there is maps, there is photographs,  
24 there is charts. There are photos of the scene. I

1 agree with you; I am not real clear on the scene. I  
2 haven't studied. When they go back in the jury room  
3 they have everything marked to a T. This guy lives  
4 there. Here's where the body was. They will take  
5 their time and study. The prejudice, people are going  
6 to come there. These jurors are going to be -- this  
7 case has one of the outrageous facts I have seen in my  
8 career. I am sure most people here would agree.  
9 There is a sense of horror just by being in the spot,  
10 and my guy is going to be standing there, the accused.  
11 And it is totally -- in other words, the prejudice is  
12 just way outweighing any gain to be --

13 THE COURT: The jurors are not -- the defendant is  
14 not going to be standing there that close to the jury.  
15 Is it necessary to take him out of the vehicle?

16 MR. ALLEN: That is probably up to me, and as far  
17 as I am concerned I've never been in this picture  
18 before, and I don't want to be --

19 THE COURT: Do you want the defendant out of the  
20 vehicle?

21 MR. ALLEN: I don't know, Judge. I would have to  
22 think of that. Obviously, you are going to go ahead.

23 THE COURT: Yes, I am.

24 MR. ALLEN: I am making my record, and that's all



1 I can do. I understand your position, Judge, so you  
2 are denying everything. Now, could I ask one  
3 procedural thing, what are we going to do about the  
4 media? I'd like to keep them out of there. I don't  
5 want them in there. I want to --

6 THE COURT: You are talking about television  
7 cameras, even reporters. I don't want them out -- I  
8 can't keep reporters, but I don't want a lot of t.v.  
9 cameras there.

10 MR. ALLEN: Or even still camera, I'd ask that you  
11 make sure -- I don't know if they can control that.

12 THE COURT: We sure will try that, but I don't  
13 know if we will keep reporters out of there. They  
14 probably do know about it.

15 THE SHERIFF: We will do our best to keep anybody  
16 out of there, especially the way we want to secure the  
17 area. We don't want anybody over there.

18 THE COURT: Yes.

19 THE SHERIFF: We'll do our best, but see we cannot  
20 tell them that they can't be there.

21 MR. ALLEN: Is it private property? Is it  
22 railroad property?

23 THE SHERIFF: No, it is a street.

24 MR. ALLEN: You can shut off everything and not

1 allow any cars in or anything, right? Maybe we can do  
2 that.

3 THE SHERIFF: We can keep them on a perimeter if  
4 that would make -- if that would be a happy medium,  
5 and judging yourself and the State's Attorney. We can  
6 say, "This is secured area, and you can't come in."

7 MR. ALLEN: What's the perimeter? I mean, I don't  
8 even want them within sight of the jury.

9 THE SHERIFF: That is totally impossible.

10 THE COURT: I mean, they can --

11 THE SHERIFF: It is an open area.

12 THE COURT: They are not going --

13 MR. ALLEN: I've never been there, Judge. You  
14 know why, because it wasn't an issue in my case so I  
15 never went there. This will be my first trip to --

16 THE COURT: I've been there through two trials,  
17 and I still don't know what the area looks like.  
18 When -- when do you want to get started?

19 MR. VELCICH: We have one additional witness after  
20 this.

21 THE SHERIFF: The bus is here, your Honor.

22 MR. O'BRIEN: Are we continuing on the record?  
23 Are we done with the record?

24 THE COURT: I don't mean to rush you; were you

1 finished?

2 (The following proceedings  
3 were heard in open court in  
4 the presence and hearing of  
5 the jury:)

6 THE COURT: Would you bring out the witness,  
7 please?

8 You are still under oath, yes.

9 Cross examine.

10 MR. ALLEN: Thank you, Judge.

11 CROSS EXAMINATION

12 BY MR. ALLEN:

13 Q Good afternoon, Mr. Lenz?

14 A Hello.

15 Q Just for my clarification, you are not a  
16 Chicago Police Officer, but you are employed by the  
17 City of Chicago; would that be fair to say?

18 A That's correct.

19 Q And your work is at the Police Headquarters  
20 at 11th and State, is that correct?

21 A That's correct.

22 Q And that's where you work each day?

23 A Yes.

24 Q And all your work is done at that particular

1 location, correct?

2 A That's correct.

3 Q And that is the central headquarters for the  
4 Police Department for the entire City of Chicago, is  
5 that correct?

6 A That's correct.

7 Q Now, here evidence in your field, in the  
8 field of hair evidence, I guess it is fair to say that  
9 opinions can differ between two persons examining the  
10 same physical evidence, would that be fair to say?

11 A Sure.

12 Q As a matter of fact, that's just a given by  
13 virtue of the fact that hair analysis is subjective,  
14 isn't that correct?

15 A Yes.

16 Q And it's what in the -- what the observer  
17 sees in his own mind through his own eyes through the  
18 microscope, from that the observer developes an  
19 opinion as to the similarity or dissimilarity between  
20 the two objects that he's looking at, correct?

21 A That's correct.

22 Q Now, Mr. Lenz, you have testified in a  
23 court-of-law, how many times; I didn't hear you?

24 A Totally about 25 to 30.

1 Q And how many of those times out of the 25 or  
2 30 times have you testified for the prosecution?

3 A For the prosecution?

4 Q Yes?

5 A Most of those times.

6 Q Now, with respect to your educational  
7 background which you have outlined to the jury today,  
8 if you don't mind, I'd like to ask you a few questions  
9 about the present situation.

10 Do you teach any classes, or do you teach at  
11 any universities or crime labs or things like that?

12 A Not formally, no.

13 Q And have you ever taught in the field of  
14 microscopy--it's hard to pronounce--in any capacity?

15 A Not at a university or college; I do train  
16 the new people that we have in the laboratory.

17 Q Okay, so if a new employee, someone that the  
18 City of Chicago may have hired to begin working in the  
19 lab, you would with your experience in the lab would  
20 help train that person, correct?

21 A That's correct.

22 Q You have as part of your continuing  
23 education, I think they call it, attended seminars,  
24 correct?

1           A     Yes.

2           Q     And some of the seminars that you have  
3 attended dealt with hair analysis, correct?

4           A     Parts, yes.

5           Q     What's the last seminar that you went to with  
6 respect to hair analysis; do you know?

7           A     When we -- the fibers course that I took in  
8 Springfield touched on hair comparisons.

9           Q     And when was that; do you remember?

10          A     I believe that was in 1980.

11          Q     And how long was that course; do you recall?

12          A     It was a one week course.

13          Q     And it covered all aspects of microscopy, is  
14 that what it was, or what did it cover?

15          A     It covered mostly fibers, but they did  
16 discuss hairs also.

17          Q     And out of that one week, what portion of the  
18 time was devoted to the hair?

19          A     I really couldn't tell you.

20          Q     Are you familiar with the McCrone Institute?

21          A     Yes.

22          Q     And that is an independent microscopy lab,  
23 isn't that correct?

24          A     Yes.

1 Q They offer classes, and often -- and they  
2 teach in the area or seminars, I should say, in this  
3 area, the area of microscopy, right?

4 A Yes.

5 Q You have attended some of those classes,  
6 haven't you?

7 A Yes.

8 Q And you have met and you know a person by the  
9 name of Skip Palenik who works for McCrone lab?

10 A Yes.

11 Q And as a matter of fact, he was an instructor  
12 at one of your classes, correct?

13 A He helped teach one of the courses; he took  
14 over a couple of days.

15 Q Have you published any articles or treatises  
16 on the subject of microscopy or hair analysis?

17 A No.

18 Q Now, Mr. Lenz, the -- during the course of  
19 your testimony, specifically when you were asked about  
20 comparisons that you made with Omar's hair to the  
21 suspect hair, the hair that was found on the front  
22 driver's seat, when you were asked questions about how  
23 they compared in color and scale, cuticle, et cetera,  
24 my recollection is that you responded that they were

1 the same; to some of those questions, you said they  
2 were the same, right?

3 A Yes.

4 Q Now, you don't mean that they were identical;  
5 you mean by saying the same that they had similar  
6 characteristics, right?

7 A That's correct.

8 Q Just so to clear that up. And it is  
9 possible, is it not, in the field of hair analysis for  
10 two hairs to be plucked in the presence of the  
11 examiner as sort of maybe an experiment if you will, a  
12 hair plucked from Mr. A and a hair plucked from Mr. B,  
13 and mount those hairs, place them under a microscope,  
14 and they, in fact, could exhibit similar  
15 characteristics in some respects, correct?

16 A In the respect that the different  
17 characteristics that you have in the hair, such as the  
18 pigmentation, the medulla, and the cortex and things  
19 like that can only fall within a certain range,  
20 depending on whatever that characteristic is, like  
21 certain size of the pigment granule is only going to  
22 be classified in so many ways. And in that respect  
23 two people could have similar or dissimilar size  
24 pigment granules, okay; but then other parts of their



1 hair would be different.

2 Q Right, what I'm saying is parts could be  
3 dissimilar between or -- excuse me, parts or areas of  
4 comparison between two hairs that the observer knows  
5 are from different sources could show similar  
6 characteristics in some areas, correct?

7 A Yes.

8 Q Now, Mr. Lenz, in the field of hair analysis,  
9 no one can say with certainty, no observer, no one can  
10 render an opinion with certainty that two hairs are  
11 identical, correct?

12 A Well, that's correct to the extent that you  
13 can't take an unknown hair and exclusively put it to  
14 one person unless you have seen that hair plucked from  
15 the individual.

16 Q In your report and in your testimony today  
17 here, you have said that the hair recovered from the  
18 driver's seat on the front -- front driver's seat of  
19 the car could have originated from Omar, is that  
20 correct?

21 A Yes.

22 Q And as a matter of fact, that's the word you  
23 use in your report, that it could have originated,  
24 correct?

1 A Yes, that's correct.

2 Q Again, emphasizing the fact that no one can  
3 be certain, correct?

4 A That's correct.

5 Q And you wanted to say that it could have  
6 originated from Omar Saunders or someone whose hairs  
7 exhibit the same individual characteristics, is that  
8 correct?

9 A Yes.

10 Q And, likewise, with the hair that you have  
11 testified to concerning Mr. Larry Ollins, you also in  
12 your report say that it could have originated from  
13 Larry Ollins, correct?

14 A That's correct.

15 Q Again, no one can say with certainty,  
16 correct?

17 A That's correct.

18 Q And then you wanted to say it could have  
19 originated from someone whose hairs exhibit the same  
20 individual characteristics, correct?

21 A That's correct.

22 Q As a matter of fact, with respect to the  
23 state of the art of this microscopy and hair analysis,  
24 it is true that no one can even with regard to race

1 say that an unknown hair is -- with certainty say that  
2 this unknown hair is from the Black race or the White  
3 race; again, it would be an opinion, correct?

4 A It would be an opinion based on consistencies  
5 within the characterization of the hair.

6 Q Correct. How did you receive the physical  
7 evidence; was that from Detective Mercurio?

8 A Which physical evidence?

9 Q Yes, let me clarify that. The evidence  
10 that -- Omar Saunders' hair, you got that from  
11 Detective Mercurio, correct?

12 A I believe so, yes.

13 Q Is there anything that would refresh your  
14 memory as to whether or not you did get that from him?

15 A A copy of my lab report would.

16 MR. ALLEN: Judge, may I approach the witness?

17 THE COURT: All right.

18 MR. ALLEN: I'd ask that this be marked Defense  
19 Exhibit No. 2 for identification.

20 I have showed the Assistant State's Attorney.

21 BY MR. ALLEN:

22 Q Do you recognize that, Mr. Lenz?

23 A Yes, it is the last page of my lab report.

24 Q Would that -- after you reviewed that, would

1 that refresh your memory as to where you got the pubic  
2 hairs from Omar Saunders, who delivered them to you?

3 A Yes, from Detective Mercurio.

4 Q On what date?

5 A The date in question is 13 February, 1987 is  
6 when we received them.

7 Q From Detective Mercurio?

8 A Yes, sir.

9 Q Thank you. In the art or science of hair  
10 analysis, Mr. Lenz, one criterion that is used by  
11 analysts would be to determine or to compare how two  
12 known hairs -- let me see if I can get this right --  
13 two known hairs -- looking at two known hairs, okay,  
14 let's --let me --

15 May I withdraw that question, Judge?

16 THE COURT: All right.

17 BY MR. ALLEN:

18 Q In Omar Saunders' case you had more than one  
19 pubic hair, is that correct?

20 A That's correct.

21 Q As a criterion for reaching an opinion as to  
22 whether his hair would be the same as the suspect's  
23 hair, one criterion would be to look at two of Omar's  
24 hairs under the microscope and compare them under your

1 comparative microscope, and look at those  
2 characteristics and how they line up; in other words,  
3 how do those two compare?

4 A Yes.

5 Q And then compare that comparison that you  
6 just made to your comparison of one of Omar's hairs  
7 and that suspect hair, and they should -- in other  
8 words, the comparison of the two knowns should be  
9 similar or they should line up in the same fashion as  
10 the comparison of the known and the unknown; is that a  
11 fair criterion that is used in your field?

12 A Yes, that would be a fair criteria to go by.  
13 You'd have to look at the known hairs to see what  
14 range the known hairs are in, and where the hairs fall  
15 within that range to find out what a representation of  
16 that particular person's hair from that sample would  
17 be.

18 Q In other words, the comparison of the  
19 question hair with the known hair should be as good as  
20 the comparison between the two knowns, correct?

21 A Yes.

22 Q Mr. Lenz, in your work in a lab, basically,  
23 an analyst devotes time looking under the microscope  
24 making these comparisons and these observations of a

1 known and a suspect hair, okay, is that correct?

2 A Yes.

3 Q And the analyst does his or her best job of  
4 making those observations and transmitting them into  
5 an opinion, correct?

6 A Yes.

7 Q And as you stated before, it is not uncommon  
8 that two different analysts can have two different  
9 opinions, correct?

10 A That's correct.

11 Q Thank you, Mr. Lenz.

12 THE COURT: Redirect.

13 REDIRECT EXAMINATION

14 BY MR. VELCICH:

15 Q Mr. Lenz, when you were working on the  
16 investigation, you said you had six hairs from Omar  
17 Saunders' pubic hair area?

18 A Yes; six that I mounted, yes.

19 Q And did you look at each of those six hairs  
20 individually?

21 A Yes.

22 Q Did you compare them with each other?

23 A Yes.

24 Q And when you made that comparison, they fell

1 into a certain range that you had established, is that  
2 correct?

3 A Yes.

4 Q And when you looked at those six hairs of  
5 his, did they compare together to the same degree to  
6 the same degree as the unknown hair found on the  
7 driver's seat compared with his hair?

8 A Are you saying did the hairs compare within a  
9 similar range as the unknown hair compared with the --

10 Q Yes, sir?

11 A Yes, in my opinion.

12 Q And is your -- is that opinion consistent  
13 with what you have expressed in your report?

14 A Yes.

15 MR. VELCICH: Nothing further.

16 CROSS EXAMINATION

17 BY MR. ALLEN:

18 Q And it is an opinion, right, Mr. Lenz?

19 A That's correct.

20 MR. ALLEN: Nothing further, Judge.

21 THE COURT: Thank you, sir.

22 THE WITNESS: Thank you, your Honor.

23 (Witness excused.)

24 MR. O'BRIEN: Judge, we would call Susan Sussman