

Maryland v.
Bernard Webster

Review Report
Dated February 19, 2003
FSA File No. 03-142

and

Trial Testimony of
Concepcion Bacasnot

Maryland v.
Bernard Webster

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Re: Maryland v. Bernard Webster
Our File No. 03-142

Serology Testimony of Concepcion Bacasnot

Dear Ms. Morrison,

I am writing to inform you of my concerns about the serology testimony of Baltimore County Police Department serologist, Concepcion Bacasnot, in the trial of Bernard Webster. I am in possession of Ms. Bacasnot's trial testimony and her three page laboratory report dated August 25, 1982.

In addition to the reference samples from victim, [REDACTED] and Bernard Webster, Ms. Bacasnot examined vaginal washings from [REDACTED] and an apparent semen stain from the [REDACTED] green bedspread. Bacasnot failed to detect spermatozoa in the bedspread stain; however, she detected abundant spermatozoa from the vaginal washing. Bacasnot proceeded to conduct an ABO blood grouping analyses on these two samples. In both samples she detected the water soluble A and B blood group substances.

Bacasnot also determined from reference samples that Bernard Webster possessed ABO type A and that he was a secretor based on the finding of the ABO A and presumably H antigen in his saliva. [REDACTED] was determined to be ABO type B from her blood. Her secretor status was never determined.

Since the ABO blood group substances from secretors are found in both vaginal secretions and in semen, the finding of the A and B blood group substances in a commingled semen stain where the female is ABO type B results in two possible ABO types for the semen source. The semen source can be either an ABO type A secretor, like Mr. Webster; or the semen source can be an ABO type AB secretor. ABO type A secretors occur in approximately 33% of the Caucasian population and approximately 19% of the Black population. ABO type AB secretors occur in approximately 3% of both the Caucasian and Black populations. Taken together individuals who are either A or AB secretors occur in approximately 36% of the Caucasian population and approximately 22% of the Black population.

At trial Ms. Bacasnot testified that the ABO type of the semen source was ABO type A [TT at 2-116].

On cross-examination Bacasnot was asked the following:

Q: And isn't it true, on the last page of the report you said that Type AB blood was detected from a portion of the stain, right?

A: Yes, sir. That is a mistyping. It should have been typed Type A and Type B blood groups was [sic] detected from a portion of the stain. [TT at 2 - 120]

On redirect examination Bacasnot was asked the following:

Q: Okay. Would it be possible, Mrs. Bacasnot, in your professional opinion, for our --- Strike that. Could you find characteristics of type A and Characteristics of type B in vaginal washings in the female with a Type B, and the person who had intercourse with her with a Type AB. Would you have the same findings as you have here?

A: No, sir. It should be different. [TT at 2-121]

At the end of this testimony Ms. Bacasnot had falsely testified that the only possible ABO type for the semen source from the [REDACTED] vaginal washing was an individual who was an ABO type A secretor, like Bernard Webster. In fact there is no scientific mechanism to distinguish between a mixture of an ABO type AB secretor with an ABO type B secretor and a mixture between an ABO type A secretor and an ABO type B secretor. In both mixture scenarios the A and the B and the H antigens will be present in the mixture. In other words there is no such thing as an AB antigen that is uniquely produced by ABO type AB individuals. That this scientific fact is the case is known by every competent and honest forensic scientist.

Ms. Bacasnot's lack of honesty in responding to the questions put to her concerning the possible ABO types of the semen source perverted the Court's and the jury's understanding of this evidence. This misrepresentation was a violation of her witness oath and falls within the definition of material perjury. If this evidence was material to the fundamental identity issue in the Webster trial, his trial could not have been fair due to this false testimony.

Ms. Bacasnot's false testimony in this case is clearly designed to bootstrap the State's case theory. Such false testimony in this case can not be expected to be isolated. Rather, it reflects a fundamental lack of candor and integrity that can only result from systemic tolerance or systemic encouragement. In my judgment, Ms. Bacasnot's testimony in all serology cases should be thoroughly reviewed. This review should also encompass other State forensic serology employees.

Sincerely,



Edward T. Blake, D.Crim.

Maryland v.
Bernard Webster

Trial Testimony of
Concepcion Bacasnot

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Sergea
A
Maryland v. Webster
Testimony of
Concepcion V. Bacasnot
[Conviction Vacated Based on
DNA Testing Conducted at SERI]
Bacasnot

Your Honor.
cused,
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Whereupon,

CONCEPCION V. BACASNOT,

a witness of lawful age, being called as a witness on
behalf of the State, was duly sworn, qualified, and
testified as follows:

Whereupon,

DIRECT EXAMINATION

BY MR. LAZZARO:

THE CLERK: Would you please state your full
name and current duty assignment for the record?

A My name is Concepcion V. Bacasnot, Forensic
Chemist, Baltimore County Police.

Q Miss Bacasnot, how long have you been a member
of the Crime Lab of the Baltimore County Police?

A Seven years, sir.

Q Okay. You're not a detective or police
officer, are you?

A No, sir; I am a civilian.

Q Okay. Would you please give His Honor and

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THE COURT: All right.

Q Okay. Well, could you please just describe the contents, Miss Bacasnot, since defense counsel has no objection. What does that envelope contain?

A This contains two vials of blood from Bernard Webster.

Q Okay. And from whom did you obtain those vials of blood?

A From Detective Einolf.

Q Okay. And when was that?

A August 17th, 1982.

Q Okay. And with respect to State's Exhibit 7 for identification, would you please identify that, please?

A Yes, sir. I have my initials, my signature, here, and the date and the time I received it, and also I sealed this after analysis. I have my initials and the date that I did the analysis, and the contents are two vials of blood from [REDACTED], which I got from Detective Einolf.

Q Okay. Now, with respect to these vials of blood that we're discussing -- you can put that back in -- once you receive them from Detective Einolf, they remain in your custody; is that correct?

A Yes, sir.

1 Q And that is throughout your analysis and even
2 thereafter; is that correct?

3 A Yes, sir.

4 Q I show you what's been marked as State's
5 Exhibit 8 for identification and ask you if you can
6 identify that, please. Let the record reflect I have
7 opened that.

8 A Yes, sir. I have my signature, the date,
9 and the time I received it from Detective Derbyshire
10 and the -- it's a vial of blood from Mr. Bowen.

11 Q Okay. When did you receive that?

12 A February 28th, 1983, at eight o'clock in
13 the morning.

14 Q Okay. And, finally, State's Exhibit 9 for
15 identification, would you please identify that?

16 A Yes, sir. I have my signature, the date,
17 and the time I received it here, and also my initials
18 and the date after I finished the analysis. It is a
19 vial containing vaginal washings from Mrs. [REDACTED]

20 [REDACTED].

21 Q And from whom did you receive those?

22 A Detective Einolf.

23 Q And what was the condition of that vial when
24 you received it?

25 A This was frozen when I got it.

1 Q And what date did you get it?

2 A August 17th, 1982.

3 Q Okay. Why did you receive it on that date?

4 A The request for analysis was admitted for
5 that on August 17th.

6 Q Okay. And what does that prompt you to do?

7 A What I did, I defrosted it and took my samples,
8 and I put it back in the freezer to make it frozen.

9 Q Okay. Now, you analyzed, aside from the
10 vaginal washings, you analyzed all of the blood here
11 that you have just testified about; is that correct?

12 A Yes, sir.

13 MR. LAZZARO: All right. Now, before we get
14 into the procedure of your analysis, Miss Bacasnot,
15 and your findings, with Your Honor's permission and for
16 the benefit of the members of the jury, I would like
17 to ask Miss Bacasnot a few questions with respect to
18 blood, semen, and the analysis of that, and I would
19 ask if Miss Bacasnot could leave the stand and testify
20 from this easel, Your Honor.

21 THE COURT: All right.

22 MR. LAZZARO: She has some charts here. You
23 may step over here, Miss Bacasnot.

24 A Can everybody see?

25 MR. LAZZARO: Can the members of the jury see

1 this? Okay.

2 Q Miss Bacasnot, I guess we'll start with the
3 basic question, what is blood.

4 A Well, here is a definition of blood. It's a
5 red fluid circulating throughout the body via the heart
6 and lungs to transport oxygen, to carry nutrients and
7 waste. Now, it is eight percent of the total body
8 weight, so if I weigh a hundred pounds, eight percent
9 of that, or eight pounds, is blood.

10 Now, the blood is composed of the following.
11 We have two main things in blood: the particulate
12 matter and also the liquid portion of the blood. When
13 you get a vial of blood, most of the time you have a
14 liquid substance and a solid substance. The solid
15 substances are the particulate matter, which consists
16 of the red blood cells, the white blood cells, and the
17 platelets. The red blood cells carries your hemoglobin;
18 the white blood cells are your protectors, in case
19 there is a disease in the body, and they act as your
20 defense.

21 Now, the blood plasma is fifty-five percent
22 of the total volume of the blood, whereas the particulate
23 matter is forty-four percent. I'm explaining this,
24 because we'll be concerned with red blood cells and
25 also the liquid portion of the blood.

1 Q Okay. Now, Miss Bacasnot, what are blood
2 types and what are their significance?

3 A Okay. We have four blood types. Okay. I
4 have in here the blood type, the designation, the Type O,
5 Type A, Type B and Type AB, and the frequency that is
6 based on the blood we receive in the laboratory, which
7 corresponds to the book, of course. Now, you know that
8 Type O is the most common. Type O is called the
9 universal donor. It's 45.4 percent. We have Type A,
10 which is 33.2. We have Type B, which is 17.4, and
11 we have Type AB, which is the rarest, which is four
12 percent.

13 Now, aside from that, you notice that if you
14 go to a clinical laboratory and have your blood typed,
15 they say you're Type O positive. That means there is
16 the factor which is either positive or negative, and
17 ninety percent of the population have RH positive,
18 and ten percent have RH negative. That's why, if you
19 get your blood sample typed, you'll say mine is O
20 positive or O negative. That's what they say, you know.

21 Q Can you further break down the classification,
22 aside from the blood type itself?

23 A In forensic chemistry, aside from being
24 typed, we break it down into enzyme systems of which we
25 have a PGM and an EAP. If I'm A Type on twenty percent

1 of the people in this courtroom may have Type O. Now,
2 which one is it, this man's or mine, and breaking it
3 down into enzymes further identifies the blood.

4 Now, for PGM enzyme, PGMI is the most common,
5 which is 57 percent. PGM2-1 is 37 percent, and PGM2
6 is six percent. Another enzyme system is called the
7 EAP, erythrocyte acid phosphatase. A is 12.9, B is
8 35.4, C is 0.2, BA is 42.7, CA is 3.3, and CB is 5.5.
9 The most common is BA. So if I give you a type, it
10 can be O positive, PGMI, EAPA.

11 Q How do you go about determining the blood
12 type from the characteristics?

13 A First is called the direct method, and the
14 other is called the indirect method. We use the blood
15 cells in the direct method, and in the indirect method
16 we use the plasma.

17 Q Before you get to the secreters, what do you
18 do chemically, scientifically, to determine the blood
19 type if you have a vial of blood?

20 A Okay.

21 Q What do you do to determine what it is?

22 A If I have a vial of blood, let's take first
23 the direct method. I said in the direct method we're
24 using the red blood cells. I will put in here RBC,
25 so this is your vial of blood. We have a special -- we

1 have special equipment to determine your blood type
2 from this vial. We have depressions on glass plates.
3 And what we do is, from this vial of blood we make
4 a two percent solution of blood in salient. So now
5 we have here another vial that contains the two percent
6 solution. Then from this we get a few drops, let us
7 say two drops, of these and put it in here, put it in
8 here and put it in there.

9 And then to this first depression, we add
10 anti-A to this depression. We add anti-B to this
11 depression. We add anti-O, also called as anti-H,
12 and then we allow that to rotate, you know, for eight
13 minutes. After eight minutes, we have -- we then
14 examine this by microscope and we observe the results
15 microscopically. If the results look like this, there
16 is precipitation or coagulation in this, there is none
17 in there, then we call this Type A. If there is
18 coagulation here and there's none in there, we call this
19 a Type B. If there is none in here and there is
20 positive results in O, or where you had your anti-O,
21 you get a Type O. Now, if you have a Type AB blood,
22 you will have positive results in both the A and the B
23 but not in the O.

24 Q Now, what do you mean, Connie, when you say
25 coagulation and --

1 A By coagulation, the cells stick to one another,
2 so even though you shake it some more, they will not
3 be separated, so you have to look for coagulation or
4 precipitation, which indicates a positive result for
5 the indicated blood type.

6 Q Now, did you in this case perform that test
7 with respect to Mr. Webster's blood, Mrs. [REDACTED]
8 blood, and Mr. Bowen's blood?

9 A Yes, sir.

10 Q Okay. Would you please tell the members of
11 the jury and His Honor what the results of that test
12 were? You may return to the stand for now.

13 A The victim's blood, or Mrs. [REDACTED] blood,
14 was typed as B positive, PGM2-1, EAPB.

15 MR. VANLE: Excuse me. Could I have that
16 again, slowly?

17 A The victim's blood was Type B positive,
18 PGM2-1, EAPB as in boy.

19 THE COURT: Okay.

20 A Mr. Webster's blood is A positive, PGM2-1,
21 EAPB, secreter. Mr. Bowen's blood is O positive, PGM2-1,
22 EAPBA.

23 Q Okay. Now, Mrs. Bacasnot, you testified that
24 you analyzed vaginal washings that were obtained from
25 Dr. Breitnecker that came from Mrs. [REDACTED] in this case;

1 is that correct?

2 A Yes, sir.

3 Q Okay. First of all, Mrs. Bacasnot, if you
4 know, where -- from where are these vaginal washings
5 taken, specifically?

6 A Inside the vaginal canal.

7 Q Okay. And do you know the procedure by which
8 they are taken?

9 A I have attended seminars by Dr. Breitnecker,
10 and the way he explained it, that's how I will explain
11 it here. You know, in what they do, usually, is swab
12 the outside of the vagina and then put a small amount
13 of water into the vaginal canal and collect that in a
14 test tube. That's what we call vaginal washings.

15 Q Okay.

16 A And then they freeze it.

17 Q Okay. Now, before we go on any further with
18 that, you used the term secreter. What does that mean?

19 A Secreter is a person, or an individual,
20 whose blood types can be found in other body fluids,
21 such as saliva, seminal fluid, perspiration.

22 Q Okay.

23 A Now, about 80 percent of the population are
24 considered secreters, and, of course, the 20 percent
25 are non-secreters. So if I am a screter, and my blood

1 is that correct?

2 A Yes, sir.

3 Q Okay. First of all, Mrs. Bacasnot, if you
4 know, where -- from where are these vaginal washings
5 taken, specifically?

6 A Inside the vaginal canal.

7 Q Okay. And do you know the procedure by which
8 they are taken?

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21 such as saliva, seminal fluid, perspiration.

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23 A Now, about 80 percent of the population are
24 considered secreters, and, of course, the 20 percent
25 are non-secreters. So if I am a screter, and my blood

1 type is Type O, if I give you my saliva, you can type
2 it, and it will be consistent with the Type O blood
3 group.

4 Q Can you determine, Mrs. Bacasnot, from the
5 analysis of whole blood, as you described here before,
6 whether a person is or is not a secreter?

7 A No, sir. You have to give me another body
8 fluid.

9 Q Okay. How do you go about analyzing secretions,
10 and specifically in this case vaginal washings, to
11 determine the presence of any blood type?

12 A Okay. The first thing I do is to defrost
13 the frozen vaginal washings and, second, I make a
14 slide out of it. You know, I get a small piece of
15 cotton tip, you know, like a cu-tip, wet that with the
16 vaginal washing, and put that on a slide, smear a
17 slide, and allow it to air dry and observe it
18 microscopically. And then I also make a swatch, which
19 is a piece of cotton cloth that I wet with the vaginal
20 washings for typing. I don't use liquid vaginal
21 washings for typing, I use the swatch, which is a piece
22 of cotton cloth wet with the vaginal washings and
23 allowed to dry at room temperature.

24 Q And what do you do with that?

25 A I cut that into small pieces, just like

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19 is a piece of cotton cloth that I wet with the vaginal
20 washings for typing. I don't use liquid vaginal
21 washings for typing, I use the swatch, which is a piece
22 of cotton cloth wet with the vaginal washings and
23 allowed to dry at room temperature.

24 Q And what do you do with that?

25 A I cut that into small pieces, just like

1 removing a thread, and that's what I use for typing,
2 and also I save that for future reference.

3 Q And, specifically, what do you do to ascertain
4 the blood type?

5 A I do several tests. First, I have to use
6 acid phosphatase, which is a color test which is an
7 indication only but not a confirmatory test. I use
8 the Florence test, which is the formation of crystals,
9 and I also use the microscopic test, which confirms
10 the presence of sperm.

11 Q Okay. And did you perform each of those
12 tests in this case?

13 A Yes, sir.

14 Q And would you please explain the procedures
15 involved in each of those tests?

16 A Do you want me to use the easel, sir?

17 Q Yes, if it will help, certainly.

18 THE COURT: Sit there for a minute. Did you
19 make an examination of the spermatozoa and seminal
20 fluid obtained in the vaginal washing?

21 A Yes, Your Honor.

22 THE COURT: Can you identify by blood type
23 the original of the depositor of that seminal fluid?

24 A No, sir.

25 THE COURT: All right.

1 Q You may step down and use this easel if it
2 will help you. I believe I asked you, Mrs. Bacasnot,
3 what the procedures were which you utilize in each of
4 the three tests that you mentioned.

5 A Okay. I will be discussing seminal fluid.
6 Now, seminal fluid is a clear white-yellowish color
7 viscous fluid which originates in the prostate gland
8 in the male. The average ejaculation is from 2.5 ml.
9 or cc. to 5 cc. It contains between twenty-eight
10 million to 225 million sperms per millileter or per cc.

11 Now, the sperm cell is the male reproductive
12 cell, and I have here a drawing of what a sperm cell
13 looks like, and that is what we look for under the
14 microscope. It has a head, a neck, and a long tail.

15 Now, to test, okay, here is the identification
16 and grouping of semen. The first test that I discussed
17 when I was sitting there was acid phosphatase, which
18 is a color test. It is not -- it is only indicating
19 the presence of, but it's not confirming the presence
20 of, sperm. Then we have the Florence test here. And
21 here we add iodine, and iodine stains the sperm, aside
22 from its formation of crystals, which is from the
23 chlorine in the fluid. And third is the microscopic
24 examination. Usually, if the vaginal washing is fresh,
25 plenty of sperm cells can be found using microscopic

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17 when I was sitting there was acid phosphatase, which
18 is a color test. It is not -- it is only indicating
19 the presence of, but it's not confirming the presence
20 of, sperm. Then we have the Florence test here. And
21 here we add iodine, and iodine stains the sperm, aside
22 from its formation of crystals, which is from the
23 chlorine in the fluid. And third is the microscopic
24 examination. Usually, if the vaginal washing is fresh,
25 plenty of sperm cells can be found using microscopic

1 examination, even without staining. In this case, I
2 did stain, and I did do microscopic examination for
3 both.

4 Q What did that microscopic examination reveal?

5 MR. VAHLE: Objection.

6 THE COURT: Overruled.

7 MR. VAHLE: May we approach the bench?

8 THE COURT: All right.

9 (Whereupon, counsel approached the bench for
10 discussion off the record.)

11 I N O P E N C O U R T

12 THE COURT: The objection to the last question
13 is overruled. I will let the witness testify.

14 Q As a result of the microscopic examination
15 in this case, what did you find?

16 A Numerous whole sperm, spermatozoa, was found
17 from the slide I made of the vaginal washings.

18 Q Now, let me ask you how long is the male-
19 sperm, the spermatozoa, active after it's deposited?

20 A From twenty-four to forty-eight hours.

21 Q What happens after that time?

22 A You would only have heads. Bacteria attack
23 the tail first, as opposed to the heads. You would
24 only have heads.

25 Q I think you testified if one is a secreteer,

1 you would be able to tell what the blood type is from
2 his or her bodily secretions; is that correct?

3 A Yes, sir.

4 Q And likewise, if a secreter had intercourse,
5 a male secreter had intercourse with a female, and you
6 had the vaginal washings with the male ejaculant in
7 those vaginal washings, you could, could you not, tell
8 the blood type of the person who had intercourse with
9 the female, could you not?

10 A Yes, sir.

11 Q Okay. Now, with respect to that, what test
12 did you perform to try to ascertain whether or not
13 the person who had intercourse with Mrs. [REDACTED] was,
14 in fact, a secreter?

15 A We did an absorption inhibition grouping
16 method. This is the indirect method. Okay, we have
17 a slide or special equipment that has depressions.
18 It's made of glass and has depressions. As listed for
19 the first one, I use a known O blood sample, which is
20 my blood. I am a Type O. For the second one, I use
21 a known A blood sample. For the third one, I had a
22 known B blood sample. For the fourth, I have a known
23 AB blood sample. So these are the four blood types.

24 Now, here I have an unstained control. It's
25 a piece of cotton cloth, no stain, and it's been washed,

1 it's been dried, there's just nothing in there except
2 the cotton cloth. Now, I have here a stain control,
3 which I took, let us say, from the panty, if I'm
4 testing a panty, so you will note that, based on my
5 cotton cloth that I used in here and here, I ran my
6 unknown, which is seminal fluid or vaginal washings,
7 in six depressions, so each one checks one another.

8 Now, to these I add seals, and then you just
9 rotate, watch it, you know, and put it in the oven and
10 then put another seal, and wherever there is a positive
11 result, if I have, for example, in my unknown, in the
12 anti-A and B, I have a positive result, then I find
13 that this person has a blood type which is equivalent
14 to O. Now, if I have positive results here, only in
15 the B, and remember, this is indirect method, the
16 blood type I can conclude is a Type A. If I have
17 positive results in the A, my conclusion would be based
18 that this is a Type B. Now, if I have an AB, there
19 will be no results on A and B, but there will be
20 results in O.

21 THE COURT: Would you step up here for a
22 minute? I think maybe the jury can hear you better.
23 This lecture might be interesting, but I think it's
24 going far afield.

25 Q Now, Mrs. Bacasnot, you performed such a test

1 on the vaginal washings in this case; did you not?

2 A Yes, sir.

3 Q And I think you just testified that the test
4 you do for the secretion is, in detecting a blood type,
5 is totally different from that which you do to the
6 whole blood that you would test for blood type; is
7 that correct?

8 A Yes, sir.

9 Q Okay. And what result did you obtain upon
10 your analysis of the vaginal washings of Mrs. [REDACTED]
11 in this case?

12 A Type A and Type B blood group was detected
13 from a portion of the stain that I made from the vaginal
14 washings.

15 Q Okay. Now, you testified that Mrs. [REDACTED]
16 was Type B; is that correct?

17 A Yes, sir.

18 Q Now, do you have an opinion with respect to
19 what the blood type is of the person who had intercourse
20 with Mrs. [REDACTED]?

21 A In this case it should have been a Type A.

22 Q Okay. And --

23 THE COURT: Okay.

24 Q Now, one more thing, Mrs. Bacasnot. I'm going
25 to show you what's been marked as State's Exhibit 3 for

1 identification and ask you if you can identify this.

2 A I have my initials and the date I analyzed
3 this particular item.

4 Q Okay.

5 A And also the tag on the back. I have my
6 signature and the date and the time I received it.

7 Q Now, this is State's Exhibit J for identifi-
8 cation. You performed a test on that; is that correct?

9 A Yes, sir.

10 Q And was that the same type of test that you
11 performed on the vaginal washings?

12 A Yes, sir. There are some stains found in
13 this item.

14 Q And in order to perform this test, what did
15 you do to this?

16 A I had to make a cut, you know, cut a piece
17 of the material and use that.

18 Q So you removed some of the material from
19 this bedspread?

20 A Yes.

21 Q And you analyzed it in accordance with the
22 way you described your procedure to the members of the
23 jury?

24 A Yes, sir.

25 Q And what were your results, Mrs. Bacasnot.

1 after that analysis?

green bedspread

2 A Type A and Type B blood group substances
3 was found, or was determined from the stains that I
4 cut from that green bedsheet.

5 THE COURT: Type A and B blood types were
6 found on that bedsheet?

7 A Yes, sir.

8 THE COURT: Next question.

9 MR. LAZZARO: Your Honor, at this time I
10 would move to introduce State's Exhibit 6, 7, 8 and 9
11 for identification into evidence.

12 THE COURT: They have already been identified.
13 Do you want to put them into evidence?

14 MR. LAZZARO: Yes, Your Honor.

15 THE COURT: Then you don't say anything about
16 identification, you offer them in evidence.

17 MR. LAZZARO: Well, they are referred to,
18 Your Honor, as State's Exhibit 6 for identification,
19 which they previously were marked as.

20 THE COURT: All right. They will be admitted
21 in evidence.

22 (Whereupon, the vials were received and marked
23 into evidence as State's Exhibits 6, 7, 8, and 9
24 respectively.)

25 MR. LAZZARO: And I move to introduce the

1 blanket, also, Your Honor, into evidence.

2 THE COURT: It's admissible.

3 (Whereupon, the bedspread was received and
4 marked into evidence as State's Exhibit 3.)

5 MR. LAZZARO: Thank you, Mrs. Bacasnot.

6 Witness is with you.

7 Whereupon,

8 CROSS-EXAMINATION

9 BY MR. VAHLE:

10 Q The test of the washings, Mrs. Bacasnot,
11 with blood Type A, and then we're talking from your
12 previous chart of at least 33 percent of the population,
13 right?

14 A Yes, sir.

15 Q Now, apparently, from the washings you can't
16 get -- you can't give any of these other factors, right?

17 A Yes, sir. The only -- it's only the blood
18 type.

19 Q So some of these apparently more definitive
20 things are just not available through that sort of
21 testing, right?

22 A Yes, sir.

23 Q Now, you did a report concerning all of this,
24 didn't you?

25 A Yes, sir, on this case.

1 Q And isn't it true, on the last page of the
2 report you said that Type AB blood was detected from a
3 portion of the stain, right?

4 A Yes, sir. That is a mistyping. It should
5 have been typed Type A and Type B blood groups was
6 detected from a portion of the stain.

7 Q Well, you signed it. I mean, didn't you
8 read it? I mean, this is pretty vital, an AB blood
9 group, according to your testimony, is a lot rarer,
10 and that would certainly indicate somebody else,
11 wouldn't it?

12 A Yes, sir.

13 MR. VAHLE: No further questions, Your Honor.

14 MR. LAZZARO: Just a couple, Your Honor.

15 Whereupon,

16 REDIRECT EXAMINATION

17 BY MR. LAZZARO:

18 Q Mrs. Bacasnot, do you know how this error
19 came to be present in this report?

20 A Yes, sir. If I'm typing the report, and
21 because of my background, I just put Type AB, you know,
22 whenever I see the results, the type of blood group
23 substance is, but, unfortunately, I should have just
24 typed this Type A and Type B blood group substances
25 should have been -- may I explain?

1 Q Where did you learn to write the report as
2 you did?

3 A Before we started our serology, our serology
4 section, we read the report by the FBI, and the Maryland
5 State Police, where we send our evidence before, and
6 I just followed their procedures, and that's how they
7 report their, you know, what their findings are.

8 Q Okay. Would it be possible, Mrs. Bacasnot,
9 in your professional opinion, for our -- strike that.
10 Could you find characteristics of Type A and Character-
11 istics of Type B in vaginal washings in the female
12 with a Type B, and the person who had intercourse with
13 her with a Type AB, would you have the same findings
14 as you have here?

15 A No, sir. It should have been different.

16 MR. LAZZARO: Okay. Thank you, Mrs. Bacasnot.

17 THE COURT: Thank you. You may step down.

18 MR. VAHLE: Your Honor, if I may have one --

19 THE COURT: I'm sorry.

20 MR. VAHLE: I have maybe one question on
21 recross.

22 THE COURT: Certainly.

23 Whereupon,

24 RE-CROSS-EXAMINATION

25 BY MR. VAHLE:

1 Q You seem to suggest that, you know, the FBI
2 school told you to write it this way and lend all this
3 confusion. By your testimony, it seems to me that
4 we wouldn't know, according to the FBI, whether it was
5 A, B, or AB, right?

6 A May I answer?

7 MR. LAZZARO: Certainly.

8 A I did not say that the FBI taught me how to
9 write this report, I said I read their reports that
10 were submitted for several evidence that we had before,
11 and that was sent to them, and I followed their
12 procedure, but, see, the typing here is the error.
13 In this case -- let me explain further.

14 THE COURT: You made a mistake. You should
15 have said Type A and Type B.

16 A Yes, sir.

17 THE COURT: Instead of that, you originally
18 put Type AB.

19 A Yes, Your Honor.

20 THE COURT: Okay. You've already answered
21 that question.

22 MR. VAHLE: No further questions, Your Honor.

23 THE COURT: Thank you. You're excused.

24 John Williams, would you step up again,
25 please, young man.

1 Whereupon,

2 JOHN LEWIS WILLIAMS,

3 a witness of lawful age, being recalled as a Court's
4 witness, previously sworn, testified as follows:

5 THE COURT: John, be seated. You're still
6 under oath to tell the truth.

7 As you were creosoting the fence outside of
8 the Lambeth Apartments on July the 6th, you said that
9 a fellow walked up to you from your right and said
10 hey, how are you doing, words to that effect?

11 A Yes.

12 THE COURT: And that man then, you testified,
13 went in the building?

14 A Yes.

15 THE COURT: When he went in the building,
16 do you recall, and when you saw him outside for the
17 first time, how was he dressed?

18 A He had white T-shirt, short sleeve, and --
19 beige-color khaki pants and white tennis shoes, low cut.

20 THE COURT: When he came out of the building
21 a half an hour later, how was he dressed?

22 A The same way.

23 THE COURT: The same way?

24 A Yes, sir.

25 THE COURT: He had the same khaki pants on?