

2187:13 five or six feet.
2187:14 THE COURT: Well, try that, Mr. Creswell.
2187:15 MR. CRESWELL: Fine. I think I can view it
2187:16 from there, your Honor.
2187:17 THE COURT: Now, how about the jurors. Can you
2187:18 see that board? Is there anyone in either jury that
2187:19 cannot see it. Hearing none we'll proceed with
2187:20 the board in its present position.
2187:21 (Witness sworn.)
2188:01 M I C H A E L P O D L E C K I,
2188:02 a witness, called on behalf of the People of the
2188:03 State of Illinois, having been first duly sworn,
2188:04 was examined and testified as follows:
2188:05 DIRECT EXAMINATION
2188:06 By Mr. Johnson:
2188:07 Q Will you kindly state your full name,
2188:08 please, and spell your last name for the benefit of
2188:09 the Court Reporter?
2188:10 A Michael Podlecki; P-o-d-l-e-c-k-i.
2188:11 Q And you are a citizen of our community,
2188:12 is that correct?
2188:13 A Yes, sir.
2188:14 Q What is your business or occupation?
2188:15 A I'm employed as a forensic scientist.
2188:16 Q And by whom?
2188:17 A The Illinois Department of Law Enforcement.
2188:18 Q And how long have you been so employed?
2188:19 A Since July of 1973.
2188:20 Q Now, after your high school education could
2188:21 you describe to the ladies and gentlemen of the jury
2188:22 what other educational background you have?
2188:23 A I received a Bachelor's of Science and Biology
2188:24 and a Minor in Chemistry from Loras College. Extensive
2189:01 graduate work in Microbiology at the University of
2189:02 Southern Illinois and Roosevelt University in Chicago.
2189:03 Q Since your employment at the Crime Lab,
2189:04 when did that start?
2189:05 A July of '73.
2189:06 Q Since that time have you had any specialized
2189:07 training?
2189:08 A Yes, sir.
2189:09 Q And what is that specialized training and
2189:10 how did you receive it?
2189:11 A I received extensive on the job training
2189:12 at the Joliet Lab for a period of a little over a

2189:13 year in the field of Serology and also Chemistry
2189:14 and I also went to training seminars at the FBI Academy
2189:15 in the field of Criminalistics.

2189:16 Q Do you belong to any professional organ-
2189:17 izations?

2189:18 A Yes, sir.

2189:19 Q Could you tell the ladies and gentlemen of
2189:20 these two juries what those organizations are?

2189:21 A Midwestern Association of Forensic Scientists
2189:22 and also the American Academy of Forensic Scientists.

2189:23 Q Do you subscribe and read any periodicals
2189:24 in your area of specialty?

2190:01 A Yes, sir.

2190:02 Q And what are those, please?

2190:03 A Those would be the Midwestern and also
2190:04 the Journal of Forensic Science.

2190:05 Q Have you taught any courses or conducted
2190:06 any seminars in your specialty?

2190:07 A Yes, sir.

2190:08 Q Could you describe that for the ladies and
2190:09 gentlemen of the jury?

2190:10 A I've conducted seminars in the field of
2190:11 Forensic Science at the University of Southern Illinois
2190:12 and I'm currently an instructor at the Cook County
2190:13 Sheriff's Police Academy in the field of Forensic
2190:14 Science.

2190:15 Q Would you kindly describe some of your
2190:16 duties at the Crime Lab as a forensic scientist to
2190:17 the ladies and gentlemen of these two juries?

2190:18 A As a forensic scientist I am currently
2190:19 involved in the field of Forensic Serology. I do
2190:20 analysis of blood, hair, fibers, material, seminal
2190:21 fluids and so forth.

2190:22 Q No, during your time at the lab have you
2190:23 had occasion to perform any forensic scientific
2190:24 examinations on hair or hair examinations?

2191:01 A Yes, sir.

2191:02 Q And approximately how many examinations?

2191:03 A Approximately possibly ten thousand or
2191:04 more.

2191:05 Q Now, while at your employment at the
2191:06 lab, did you ever testify in court as to hair
2191:07 comparisons?

2191:08 A Yes, sir.

2191:09 Q Approximately how many times?

2191:10 A Oh, approximately close to fifty.
2191:11 Q And one of those occasions was the recently
2191:12 completed Columbo matter, is that correct?
2191:13 A Yes, sir.
2191:14 Q Now, while at the lab did you have occasion
2191:15 to perform any examinations or tests of blood or
2191:16 bodily secretions?
2191:17 A Yes, sir.
2191:18 Q And how many times have you conducted
2191:19 examinations of this type?
2191:20 A Oh, probably somewhere between maybe twenty
2191:21 thousand or more.
2191:22 Q Did you ever testify in court relative to
2191:23 these examinations?
2191:24 A Yes, sir.
2192:01 Q How many times?
2192:02 A Oh, somewhere close to fifty. Fifty or
2192:03 more.
2192:04 MR. JOHNSON: Your Honor, at this time the People
2192:05 would move to have Mr. Podlecki declared as an expert
2192:06 witness in this area and would ask Counsel at this
2192:07 time if they have any cross examination in this
2192:08 regard.
2192:09 MR. CRESWELL: Your Honor, this is I believe
2192:10 somewhat unusual for me to stipulate that this man
2192:11 is an expert.
2192:12 THE COURT: He's saying you may cross examine
2192:13 on the subject matter if you wish on his qualifications.
2192:14 MR. CRESWELL: Yes, sir, I will have some
2192:15 questions on that.
2192:16 THE COURT: Ask them now. He says he's rested
2192:17 on the question of qualifications.
2192:18 MR. JOHNSON: At this time I'm proferring him
2192:19 as an expert, Judge.
2192:20 MR. CRESWELL: Okay.
2193:01 CROSS EXAMINATION
2193:02 By Mr. Creswell:
2193:03 Q Mr. Podlecki, if I tend to repeat myself
2193:04 you'll excuse me because Mr. Johnson went through
2193:05 them rather quickly. I must state you do have an
2193:06 impressive background.
2193:07 A Thank you.
2193:08 Q In your particular field. I'm a graduate
2193:09 of Loras College in Dubuque also. I got an A in
2193:10 Biology.

2193:11 In connection with your background, Mr.
2193:12 Podecki, I believe you mentioned you have extensive
2193:13 experience in Serology, is that correct?
2193:14 A Yes, sir.
2193:15 Q Would you explain to the ladies and gentlemen
2193:16 of the jury what Serology is?
2193:17 A Serology is derived from the word Sera which
2193:18 means blood, study of blood.
2193:19 Q And in connection with that do I understand
2193:20 then you stated that you are an expert in the field
2193:21 of human blood?
2193:22 A I'm an expert in the field of forensic
2193:23 serology.
2193:24 Q And that includes human blood, is that correct?
2194:01 A Yes, sir.
2194:02 Q And in connection with your statement here
2194:03 as to being an expert on it, how many different
2194:04 types of human blood are there, sir?
2194:05 A Could you clarify the question what you
2194:06 mean by how many types?
2194:07 Q Is human blood typed by a letter designation?
2194:08 A Yes, sir.
2194:09 Q And how many different types are there?
2194:10 A There are several.
2194:11 Q Well --
2194:12 MR. JOHNSON: Judge, I'll object.
2194:13 MR. CRESWELL: Judge, he's proffered him to me
2194:14 as an expert of Serology. Now I have a right to go
2194:15 into it.
2194:16 THE COURT: State whatever it is you wish to.
2194:17 MR. JOHNSON: I wonder whether this goes to his
2194:18 qualifications or maybe might be saved for his
2194:19 testimony. Doesn't make any difference to me, whatever
2194:20 you want.
2194:21 THE COURT: He may answer.
2194:22 THE WITNESS: There are several basic antigenic
2194:23 systems found in human blood.
2194:24 MR. CRESWELL: Q Which system do you normally
2195:01 use, the ABO?
2195:02 A Yes, sir.
2195:03 Q How many categories or classifications
2195:04 are there in the ABO system as you term it?
2195:05 A Basically there's Group A, Group AB,
2195:06 Group B and Group O blood.
2195:07 Q And those are the four basic systems or

2195:08 four basic designations in that system, is that
2195:09 correct?
2195:10 A Yes, sir.
2195:11 Q Are they equal in their nature or is there
2195:12 more A's or more B's or more O's?
2195:13 A There is a different frequency among
2195:14 each different type.
2195:15 Q All right. Let's talk about Type A.
2195:16 What frequency would you have in Type A?
2195:17 A Would this be with the Caucasian or Negroid
2195:18 population?
2195:19 Q The American population, sir.
2195:20 MR. JOHNSON: Objection.
2195:21 THE COURT: What's your objection?
2195:22 MR. JOHNSON: Judge, there's a breakdown by
2195:23 race and the question, American population, I think
2195:24 is --
2196:01 THE COURT: You said he was an expert.
2196:02 MR. CRESWELL: That's right, your Honor.
2196:03 THE COURT: You ask me to rule he's an expert.
2196:04 MR. JOHNSON: Withdraw the objection.
2196:05 THE COURT: And you say you tendered the witness
2196:06 for cross examination on his expertise.
2196:07 MR. JOHNSON: Okay.
2196:08 THE COURT: That's what we're hearing.
2196:09 THE WITNESS: Would you want these figures rounded
2196:10 off?
2196:11 MR. CRESWELL: Q Approximately, yes.
2196:12 A Considering an average I could quote in
2196:13 each different race, but --
2196:14 Q No, not by race, sir. This is not a racial
2196:15 situation. We're talking about American citizens.
2196:16 A Basically thirty percent Group A, fifty
2196:17 percent Group O, between ten and fifteen percent in
2196:18 Group B and sometimes less than ten percent of Group
2196:19 AB.
2196:20 Q Do I understand you to state as far as
2196:21 American citizens are concerned in connection with
2196:22 your knowledge of this field approximately thirty
2196:23 percent of the entire population of the United States
2196:24 has a Group A blood type, is that correct?
2197:01 A Yes, sir; on an average.
2197:02 Q Could it be more than thirty percent?
2197:03 Could it be closer to thirty-five maybe?
2197:04 A It's possible, sir, depending on whoever

2197:05 did the study.

2197:06 Q Could it be maybe close to forty percent?

2197:07 A I wouldn't think so, sir.

2197:08 Q Somewhere around thirty-five then would

2197:09 be a fair estimate or fair assessment of this, is

2197:10 that correct?

2197:11 A Yes, sir.

2197:12 Q You mentioned your field of examining

2197:13 seminal fluids, is that correct?

2197:14 A Yes, sir.

2197:15 Q This particular field of examining seminal

2197:16 fluids -- strike that. Would it be a fair statement

2197:17 to say that the seminal fluid examination, types of

2197:18 examination that you've performed in the past, could

2197:19 be termed possibly inconsistent? Is that a fair

2197:20 statement, Mr. Podlecki?

2197:21 A I wouldn't know what you mean by the word

2197:22 inconsistent. You mean inconclusive results?

2197:23 Q Yes, sir.

2197:24 A There's a possibility.

2198:01 Q And would this type of test concerning

2198:02 seminal fluids be termed more of a kind of

2198:03 exclusionary test than an identifying test?

2198:04 A Basically identifying. Seminal fluid

2198:05 would be identifying test, to identify it.

2198:06 Q But as far as to identify it to an individual,

2198:07 it has to be almost overwhelming in its results,

2198:08 doesn't it?

2198:09 A Oh, this is correct, sir.

2198:10 Q So, to that extent it would be more of an

2198:11 exclusionary type than an identifying thing unless

2198:12 you have the overwhelming identifying characteristic

2198:13 in your testing procedures and results, is that correct?

2198:14 A This is correct.

2198:15 Q Just one more question, Mr. Podlecki,

2198:16 regarding your qualifications. This seminal fluid

2198:17 test is more -- would I be correct if I were to

2198:18 state that it would be more to exclude a person than

2198:19 to positively identify him?

2198:20 A It would be just for the means of identifying

2198:21 semen. Not from where it came.

2198:22 MR. CRESWELL: Okay, that's all I have.

2199:01 CROSS EXAMINATION

2199:02 By Mr. Weston

2199:03 Q When were you at Roosevelt University?

2199:04 A Back in '73 I believe. January of '74.
2199:05 Q I'm a graduate of Roosevelt, so we're all
2199:06 together. Now, in terms of these examinations you
2199:07 had quite a bit of background so far as hair is
2199:08 concerned, is that right?
2199:09 A Yes, sir.
2199:10 Q Now, because -- I don't know and I guess
2199:11 the jury doesn't know too, but if right now you took
2199:12 two strands of hair from my head, what type of
2199:13 test would you then go through to say that they
2199:14 came from my head?
2199:15 A Basically the main test would be a micro-
2199:16 scopic examination of the hair.
2199:17 Q What would that microscopic examination
2199:18 show?
2199:19 A Individual characteristics in the hair and
2199:20 also the color. Basic general pattern of the hair.
2199:21 Q Could you then say they came from my head?
2199:22 A No, I couldn't, sir.
2199:23 Q What could you say then?
2199:24 A All that I could say is that they're hair
2200:01 and they have individual characteristics.
2200:02 Q Now, these individual characteristics
2200:03 variate among people, is that correct?
2200:04 A Yes, sir.
2200:05 Q Now, they vary not only among Negroids,
2200:06 they also vary among Caucasians, is that right?
2200:07 A Yes, sir.
2200:08 Q So, at most your test would simply say
2200:09 that they're similar?
2200:10 A Yes, sir.
2200:11 Q What else? What else could it say?
2200:12 A That's all.
2200:13 Q They never could say definitely this came
2200:14 from that head?
2200:15 A No, sir; you can't individualize with
2200:16 hair.
2200:17 Q Now, we talk about human beings. What
2200:18 about animals, dogs for instance? Is there some
2200:19 similarity in terms of hair from a dog to that of
2200:20 a human?
2200:21 A There is dissimilarities, sir.
2200:22 Q So, if a dog was blonde and the lady was
2200:23 blonde and you tested the hair, you could say they
2200:24 were similar, couldn't you?

- 2201:01 A. No, sir.
2201:02 Q Would you say they were dissimilar?
2201:03 A Yes, sir.
2201:04 Q Could you determine if they came from a dog
2201:05 or a human being?
2201:06 A Yes, sir.
2201:07 Q And what would be that determination?
2201:08 A The characteristics in the hair, the
2201:09 scale pattern.
2201:10 Q Now, so the color is one similarity, right?
2201:11 A Yes, sir.
2201:12 Q And the characteristics is another similarity?
2201:13 A Yes, sir.
2201:14 Q Now, when you get to fluid from the body
2201:15 like seminal fluid, fluids from the body, does your
2201:16 body then give off the same category of fluids as
2201:17 your body say if you had O blood you'd get a swab,
2201:18 like a vaginal swab of O, is that right?
2201:19 A It's possible that a certain percentage
2201:20 of the population secretes their blood type in the
2201:21 body fluids which would be perspiration or vaginal
2201:22 solutions.
2201:23 Q Could they very well secrete different
2201:24 classifications like O or A even though their blood
2202:01 is O?
2202:02 A No, sir.
2202:03 Q So, in order to get a secretion of A and O
2202:04 you would have to be one or the other?
2202:05 A It's possible, sir, yes, sir.
2202:06 Q Sir?
2202:07 A It's possible. It could be a secretion
2202:08 from a person of Group A and also from a secretion
2202:09 of a person with Group O.
2202:10 Q How long did it take you to learn all
2202:11 that, sir?
2202:12 A I'm still studying that now.
2202:13 Q Where are you studying now?
2202:14 A At work, on the job.
2202:15 MR. WESTON: I have no further questions at
2202:16 this time.
2202:17 DIRECT EXAMINATION (Resumed)
2202:18 By Mr. Johnson:
2202:19 Q Once again would you tell the ladies and
2202:20 gentlemen of the jury how many hair comparisons you've
2202:21 made?

2202:22 MR. WESTON: Objection.
2203:01 THE WITNESS: Approximately over ten thousand.
2203:02 MR. WESTON: Asked and answered.
2203:03 THE COURT: Yes, you asked that earlier on.
2203:04 MR. JOHNSON: Could you describe generally
2203:05 the procedure for a comparison?
2203:06 A Basically --
2203:07 MR. CRESWELL: I'll object to that, Judge.
2203:08 THE COURT: Of what, Mr. Johnson? Of hair?
2203:09 MR. JOHNSON: Yes. That was why I asked the
2203:10 first question.
2203:11 THE COURT: Didn't he say it's a microscopic
2203:12 examination of two hairs or something like that?
2203:13 MR. JOHNSON: Yes.
2203:14 THE COURT: What more do you need?
2203:15 MR. JOHNSON: Maybe there's other things that
2203:16 he does.
2203:17 THE COURT: What more do you need?
2203:18 MR. JOHNSON: Q If I were to take a hair,
2203:19 what would you do with it when you had another hair?
2203:20 How would you compare these two things generally?
2203:21 A Basically a hair that was submitted as
2203:22 an unknown hair would be mounted on a microscope
2203:23 slide based in a medium, set to dry and another
2203:24 hair we take as a standard of a person's head would
2204:01 be mounted on a separate slide. Both of these
2204:02 slides would then be put on a comparison microscope
2204:03 so you could look at both of them.
2204:04 MR. CRESWELL: If the Court please, are we still --
2204:05 is Counsel qualifying him or is he going into other --
2204:06 MR. JOHNSON: I'm going into his testimony, Judge.
2204:07 THE COURT: Well, go ahead. I think after you
2204:08 two gentlemen finished your cross examination his
2204:09 expertise was obvious. He answered all of your
2204:10 questions satisfactorily.
2204:11 MR. WESTON: But I don't know too much.
2204:12 THE COURT: So, I take it Mr. Johnson is now
2204:13 going to get the testimony concerning the case?
2204:14 MR. JOHNSON: That's correct.
2204:15 MR. CRESWELL: All right, I wasn't sure.
2204:16 THE COURT: We're past the point of intellect
2204:17 for the sake of intellect.
2204:18 MR. JOHNSON: Q Would you describe for the
2204:19 ladies and gentlemen of the jury what a comparison
2204:20 microscope is?

2204:21 A Basically a comparison microscope you could
2204:22 say would be one visual piece as you look through it
2204:23 and you have two microscopes together, two objectives.
2204:24 Slides would then be viewed each one individually and
2205:01 they could be viewed in one viewing screen whereby
2205:02 what we can do is change the visual pattern by
2205:03 having a whole screen like this with a line down the
2205:04 center. We could view this slide in this viewing
2205:05 screen and the hair on this slide could be viewed in
2205:06 this screen. By turning the knob we can change to
2205:07 look at one hair completely or change it and look
2205:08 at the other hair completely or to look at both of
2205:09 them at the same time and line up two hairs, each
2205:10 individual hair together.

2205:11 Q Would you explain to the ladies and gentlemen
2205:12 of the jury what hair is made up of?

2205:13 A Hair is made up of minerals and protein
2205:14 found in the human body.

2205:15 Q When you examine hair what general deter-
2205:16 minations can you make?

2205:17 A We can mainly look for basic general
2205:18 characteristics and also tell if the hair possibly
2205:19 could have come from a common source.

2205:20 Q Now, can you tell whether a hair is human
2205:21 or animal?

2205:22 A Yes, sir.

2205:23 Q Or whether it's head hair or body hair?

2205:24 A Yes, sir.

2206:01 Q What's the difference between head hair or
2206:02 body hair?

2206:03 A Basically in the Caucasian race -- could I
2206:04 draw it, sir?

2206:05 Q Please.

2206:06 A Basically hair, just drawing like an outline
2206:07 of it, would be pubic hair in the pubic area would have
2206:08 a wave to it looking more like turkish taffy whereby
2206:09 head hair would be straight. Curly hair would have
2206:10 sort of a bend to it but not as much as you would
2206:11 find in the pubic hair. Inside each of these hairs
2206:12 there are individual characteristics as I mentioned
2206:13 before. You could see an outside layer called a
2206:14 cuticle. And the medulla which is mainly black,
2206:15 heavily pigmented. That's the second characteristic
2206:16 we look for. I'm just putting the coloring here.
2206:17 In this case we'll say brown. This would be called

2206:18 the cortex.

2206:19 Now, there are other individual characteristics

2206:20 that we could find. There are vacuoles with little

2206:21 air spaces we could find. We could find different

2206:22 striations in the color. So, when we're looking at

2206:23 hair under the microscope and we do have two separate

2206:24 hairs, one from a person's head and another one an

2207:01 unknown source, we could line them up together, try

2207:02 to match this area to this area, correspondingly

2207:03 down the length of the hair and look for similarities.

2207:04 Q Do these general characteristics vary in

2207:05 hairs, the cuticle, the medulla and cortex? I mean

2207:06 do they vary within the individual hairs, one hair

2207:07 and then the other hair?

2207:08 A Oh, yes, sir.

2207:09 Q Is it possible to determine positively that

2207:10 a particular hair came from a certain individual?

2207:11 MR. WESTON: Objection, your Honor. Leading

2207:12 and suggestive.

2207:13 THE COURT: Oh, overruled.

2207:14 THE WITNESS: No, sir; you cannot.

2207:15 MR. JOHNSON: Q What kind of a determination

2207:16 can you make from a comparison or examination of

2207:17 hair samples or standards?

2207:18 A You can show that it's similar in color

2207:19 and characteristics and that there's a possibility of

2207:20 coming from a common source and we can exclude,

2207:21 not identify, the hair as being from a common source.

2207:22 Q So, is there a particular terminology you

2207:23 use when you make a comparison?

2207:24 A Yes, sir.

2208:01 Q And what is that?

2208:02 A Basically similar in color and characteristics.

2208:03 Q Now, in comparing two hairs do you look

2208:04 for similarities or dissimilarities?

2208:05 A I look for dissimilarities.

2208:06 Q And if you find a dissimilarity, do you

2208:07 exclude that hair as being similar?

2208:08 A Yes, sir.

2208:09 Q How many dissimilarities would you have to

2208:10 find to make that exclusion?

2208:11 A If we were going to rate this on a percentage

2208:12 basis, let's say like zero to one hundred percent,

2208:13 if I found less than one tenth of one percent I

2208:14 would consider that being similar.

2208:15 Q So, if you found a matchup to 99.99 percent
2208:16 and that one percentage was dissimilar, you would have
2208:17 to make in your findings that it was not similar in
2208:18 color and characteristic?

2208:19 A Yes, sir; I'd have to call that dissimilar.

2208:20 Q Now, in the course of your duties as a
2208:21 forensic scientist at the Crime Lab did you have
2208:22 occasion to examine certain evidence related to this
2208:23 case?

2208:24 A Yes, sir.

2209:01 Q Now, I specifically call your attention
2209:02 to 5-15-78. Did you have occasion to receive any-
2209:03 thing from evidence technician Genty?

2209:04 A Yes, sir.

2209:05 Q I show you what's been previously marked
2209:06 as People's Exhibit Number 15 for Identification.
2209:07 Do you recognize that?

2209:08 A Yes, sir.

2209:09 Q What do you recognize it to be?

2209:10 A One paper bag.

2209:11 Q Does it contain any markings on it or
2209:12 anything of that nature?

2209:13 A Yes, sir.

2209:14 Q What are those markings?

2209:15 A My markings here would be my initials,
2209:16 the item number, it was logged in, the day I logged
2209:17 it in and in this case May 15th, '78 and also my
2209:18 corresponding case number.

2209:19 Q What is that case number incidentally?

2209:20 A When evidence is brought into the Crime
2209:21 Lab in a case we get, each individual case gets a
2209:22 separate number whereby our reports and evidence are
2209:23 filed under.

2209:24 Q Does that Exhibit, People's Exhibit Number 15,
2210:01 appear to be in the same condition you last saw it?

2210:02 A It's been opened here.

2210:03 Q Do you recall seeing that exhibit on 5-15-78?

2210:04 A Yes, sir.

2210:05 Q And did you have an occasion to open that
2210:06 exhibit?

2210:07 A Yes, sir.

2210:08 Q And found therein did you have occasion to
2210:09 observe People's Exhibit Number 15 for Identification --
2210:10 15 A for Identification?

2210:11 A Yes, sir.

2210:12 Q Do you recognize 15 A for Identification?
2210:13 A Yes, sir.
2210:14 Q What do you recognize it to be?
2210:15 A One sealed manila envelope identified as
2210:16 containing a head hair standard.
2210:17 Q Do you recognize any of your markings or
2210:18 anything?
2210:19 A Yes, sir; my initials here.
2210:20 Q Anything else?
2210:21 A Yes, sir; the date. A number.
2210:22 Q Now, when you got that exhibit, People's
2210:23 Exhibit 15 A, what if anything did you have an
2210:24 occasion to do with it?
2211:01 A The hairs were removed from this item,
2211:02 opened here, removed and then as I previously
2211:03 discussed before, they were mounted on a slide. The
2211:04 item was sealed with tape. It's been in the same
2211:05 condition ever since.
2211:06 MR. JOHNSON: Would you mark that People's Exhibit
2211:07 Number 63.
2211:08 (Whereupon said document
2211:09 was thereupon marked as
2211:10 People's Exhibit Number
2211:11 63 for Identification by
2211:12 the Court Reporter.)
2211:13 MR. JOHNSON: Q I now show you People's
2211:14 Exhibit Number 63 for Identification. Please examine
2211:15 it. Do you recognize it?
2211:16 A Yes, sir.
2211:17 Q What do you recognize it to be?
2211:18 A A hair. Several hairs.
2211:19 Q And these are the standards --
2211:20 A No, this isn't it.
2211:21 Q Yes, you're right. I'm wrong.
2211:22 Counsel, I mismarked them. I'll show you
2211:23 what I now marked People's Exhibit Number 63. Do
2211:24 you recognize it?
2212:01 A Yes, sir.
2212:02 Q Okay. Where did you ever see that before?
2212:03 A These were the hairs that I removed from
2212:04 the envelope here which was identified containing
2212:05 head hairs.
2212:06 Q And what did you do with those head hairs?
2212:07 A I then mounted them.
2212:08 Q Did you mount them in a medium?

2212:09 A Yes, sir.
2212:10 Q What kind of medium is that?
2212:11 A Basically it's affixing the hairs to the
2212:12 slide so they don't fall or move around, so we won't
2212:13 lose them.
2212:14 Q This was the standard you had occasion to
2212:15 use?
2212:16 A Yes, sir; the head hair standard.
2212:17 Q Those are the head hairs from -- when you
2212:18 say standard, you compared something to a standard,
2212:19 is that correct?
2212:20 A Yes, sir. These would be our knowns.
2212:21 Q And in that case the known is the head
2212:22 hair from Larry Lionberg, is that correct?
2212:23 A Yes, sir.
2212:24 Q I now show you what's been previously marked
2213:01 as People's Exhibit Number 16 for Identification.
2213:02 Do you recognize it?
2213:03 A Yes, sir.
2213:04 Q What do you recognize it to be?
2213:05 A One opened brown paper bag.
2213:06 Q Had you ever seen it before?
2213:07 A Yes.
2213:08 Q When was the last time you saw it?
2213:09 A The first time or the last time?
2213:10 Q The first time.
2213:11 A The first time I saw it is the date I have
2213:12 written here, May 15th, 1978.
2213:13 Q And did you have occasion to open that
2213:14 exhibit and examine the contents?
2213:15 A Yes, sir.
2213:16 Q I now show you what's been previously marked
2213:17 as People's Exhibit Number 16 G for Identification.
2213:18 MR. CRESWELL: 16 G as in George?
2213:19 MR. JOHNSON: Yes.
2213:20 Q Do you recognize People's Exhibit Number
2213:21 16-G for Identification?
2213:22 A Yes, sir.
2213:23 Q What do you recognize it to be?
2213:24 A I recognize it to be one manila envelope
2214:01 identified as containing head hair standards of
2214:02 Carol Schmal.
2214:03 Q And what if anything did you have occasion
2214:04 to do with People's Exhibit Number 16-G?
2214:05 A The item was logged in evidence, was opened,

2214:06 hairs removed and then mounted on a slide. Random
2214:07 sample of hairs removed.

2214:08 MR. JOHNSON: Mark that Number 64.
2214:09 (Whereupon said document
2214:10 was thereupon marked as
2214:11 People's Exhibit Number
2214:12 64 for Identification by
2214:13 the Court Reporter.)

2214:14 MR. JOHNSON: I now tender People's Exhibit
2214:15 64 for Identification to Counsel.

2214:16 Q And I now tender it to you for your
2214:17 examination.

2214:18 A It contains my initials, date and time and
2214:19 number.

2214:20 Q And once again what you did with People's
2214:21 Exhibit Number 16-G is take certain items out and
2214:22 mount them on a slide, is that correct?

2214:23 A Right. There were hairs found in here which
2214:24 were removed and mounted on a slide and my markings
2215:01 here were labelled on there.

2215:02 Q This is the head hair standard from the
2215:03 body of Carol Schmal, is that correct?

2215:04 A It was identified as being the head hair
2215:05 standard of [REDACTED], yes.

2215:06 Q I now show you what's been previously marked
2215:07 as People's Exhibit Number 21 for Identification.

2215:08 Do you recognize People's Exhibit Number 21 for
2215:09 Identification?

2215:10 A Yes, sir; it's one sealed manila envelope.

2215:11 Q And where were you when you first had
2215:12 occasion to see that?

2215:13 A I received this from Officer Genty on
2215:14 5-15-78. I have my initials, case number, date, item
2215:15 number.

2215:16 Q And what did you do with that exhibit when
2215:17 you first got it?

2215:18 A Logged it in evidence and it was opened.

2215:19 Q Okay. What was contained in this exhibit,
2215:20 People's Exhibit Number 21? What was in there when
2215:21 you opened it up?

2215:22 A Debris and hair.

2215:23 Q Filter paper?

2215:24 A I don't remember, sir.

2216:01 Q Could you hold that up to the light at
2216:02 this time?

2216:03 A Yes, sir. The filter paper is still inside
2216:04 there.
2216:05 Q And did you have occasion to take the
2216:06 contents of People's Exhibit Number 21, whatever you
2216:07 had in there, and did you have occasion to do any-
2216:08 thing with it?
2216:09 A Yes, sir. If I can remember hair was
2216:10 removed from here and mounted on a slide.
2216:11 MR. JOHNSON: Would you mark that Number 65.
2216:12 (Whereupon said document
2216:13 thereupon marked as
2216:14 People's Exhibit Number
2216:15 65 for Identification by
2216:16 Court Reporter.)
2216:17 MR. JOHNSON: I tender this to Counsel.
2216:18 Q I now show you what's been marked as
2216:19 People's Exhibit Number 65 for Identification. Do
2216:20 you recognize that?
2216:21 A Yes, sir; it's the hair that I removed
2216:22 from inside the filter paper inside this manila
2216:23 envelope.
2216:24 Q Do you know where that hair came from?
2217:01 Is it indicated on the envelope?
2217:02 A Yes, sir. It's identified as being removed
2217:03 from a 1970 red Toyota.
2217:04 Q At that time did you have an occasion to
2217:05 receive anything else from Officer Genty?
2217:06 A Oh, yes, sir. There were many items I
2217:07 received.
2217:08 Q Among them did you have occasion to receive
2217:09 People's Exhibit Number 20 for Identification?
2217:10 A Yes, sir.
2217:11 Q Do you recognize People's Exhibit Number 20
2217:12 for Identification?
2217:13 A Yes, sir.
2217:14 Q What do you recognize it to be?
2217:15 A A sealed manila envelope with my markings.
2217:16 Q Now, what if anything did you have an
2217:17 occasion to do with that People's Exhibit?
2217:18 A It was opened and hairs were removed from
2217:19 this item.
2217:20 Q What if anything did you do with that hair?
2217:21 A It was then mounted on a slide and marked.
2217:22 MR. JOHNSON: Okay, mark this 66.
2217:23 (Whereupon said document

2217:24 thereupon marked as
2218:01 People's Exhibit Number
2218:02 66 for Identification
2218:03 by the Court Reporter.)

2218:04 MR. JOHNSON: I now tender People's Exhibit
2218:05 66 for Identification to Counsel.

2218:06 Q I now show you what's been marked as
2218:07 People's Exhibit Number 66 for Identification. Do
2218:08 you recognize it?

2218:09 A Yes, sir.

2218:10 Q What do you recognize it to be?

2218:11 A The hair that I removed from this envelope
2218:12 here. It was mounted on the slide, marked with the
2218:13 date, my initials, item number and also case number.

2218:14 Q I now show you People's Exhibit Number 24
2218:15 for Identification. Do you recognize People's Exhibit
2218:16 Number 24 for Identification?

2218:17 A Yes, sir; it's one sealed manila envelope
2218:18 identified as containing some hair. Written down
2218:19 as blue carpet, trunk of red Toyota.

2218:20 Q And what if anything did you have an occasion
2218:21 to do with that people's exhibit number 24 for
2218:22 identification?

2218:23 A It was logged into evidence and then it
2218:24 was opened, contents were removed and mounted on a
2219:01 slide, microscope slide.

2219:02 MR. JOHNSON: Would you mark that 67.

2219:03 (Whereupon said document
2219:04 thereupon marked as
2219:05 People's Exhibit Number
2219:06 67 for Identification
2219:07 by the Court Reporter.)

2219:08 MR. JOHNSON: I now show Counsel what has been
2219:09 marked People's Exhibit 67 for Identification.

2219:10 Q I show you People's Exhibit Number 67
2219:11 for Identification. Do you recognize it?

2219:12 A Yes, sir.

2219:13 Q What do you recognize it to be?

2219:14 A A hair.

2219:15 Q The hair that you had occasion to take from
2219:16 People's Exhibit Number 24 and mount in the medium
2219:17 and set to dry, is that correct?

2219:18 A Yes, sir.

2219:19 Q Now, what if anything did you have an
2219:20 occasion to do with those People's Exhibits?

2219:21 A The hair here, item number People's Exhibit
2219:22 63, was then placed on the microscope, comparison
2219:23 microscope, with People's Exhibit 65 and were viewed.

2219:24 Q Now, that's that two fields of vision
2220:01 through the same, you know, eye piece, is that correct?

2220:02 A But before everything all the slides were
2220:03 just basically looked over. Visual examination and
2220:04 also microscopic examination.

2220:05 Q And then you had occasion to place People's
2220:06 Exhibit Number 15-A, the head hair of the deceased,
2220:07 Larry Lionberg, on a field and then did you have
2220:08 occasion to compare it with anything else?

2220:09 A Yes, sir; this item, People's Exhibit
2220:10 Number 21.

2220:11 Q Now, did you in your examination find
2220:12 any hairs positive in color and characteristics with
2220:13 respect to any of the unknown items of evidence that
2220:14 had been submitted to you?

2220:15 A Yes, sir.

2220:16 Q And which one did you find similar?

2220:17 A The hair removed from this slide --

2220:18 MR. CRESWELL: Which one are you referring to?

2220:19 THE WITNESS: 65. To the hair with 63.

2220:20 MR. JOHNSON: Q And in other words the head
2220:21 hair of Larry Lionberg -- the standard that is 63
2220:22 to the unknown which is 65.

2220:23 Q And that was the hair found on the rear
2220:24 seat of the red Toyota, is that correct?

2221:01 A Yes, sir.

2221:02 Q Now, can you illustrate to the ladies
2221:03 and gentlemen of the jury, you know, what you observed
2221:04 when you compared People's Exhibit Number 15 with
2221:05 People's Exhibit Number 21?

2221:06 A Yes, sir.

2221:07 Q Would it assist you at all to use the board?

2221:08 A Basically when all the hairs were removed,
2221:09 several brown hairs and also a few grey hairs on the
2221:10 standard.

2221:11 MR. JOHNSON: Wait, I'll get an eraser.

2221:12 MR. CRESWELL: Judge, we may want to cross
2221:13 examine on this.

2221:14 MR. JOHNSON: Judge, he can redraw it again.

2221:15 THE COURT: I imagine, you know, he's quite
2221:16 capable of reproducing that at your request.

2221:17 MR. CRESWELL: Okay, If he can reproduce it,

2221:18 Judge, fine.

2221:19 THE COURT: So, I think it would be okay for

2221:20 him to erase it.

2221:21 MR. CRESWELL: With that stipulation I have

2221:22 no objection.

2221:23 THE WITNESS: Basically I can't say to you without

2221:24 drawing what I saw. I'm going to try to the best

2222:01 of my knowledge to draw exactly what I saw through

2222:02 the microscope. So, it would be like you're sitting

2222:03 right behind me looking in the microscope. That's

2222:04 the best way I can get this point across to you.

2222:05 I don't have the exact colors, but what

2222:06 I'm going to use is like an orange. This would

2222:07 depict the color grey, like smokish grey. Now,

2222:08 I didn't see yellow. What I saw was like a medulla

2222:09 as I explained before in the previous picture, but

2222:10 it had a color of goldish grey tint to it, and I

2222:11 don't have that chalk, so we'll color it blue.

2222:12 Now, this would be the cuticle, this would

2222:13 be the medulla and this would be the cortex. Those

2222:14 three individual characteristics. So, I have a

2222:15 space of the cuticle, the greyish color, then the

2222:16 cortex and it's also up here and the medulla which

2222:17 is like a goldish transparent greyish color.

2222:18 There were also little air spaces like

2222:19 little tiny holes that are called cortical fusi,

2222:20 little specks is what they would be. They're found

2222:21 in people with grey hair, brown hair, light colored

2222:22 hair.

2222:23 Now, as I look at the hair visually I was

2222:24 looking at the standard. Now, when I looked at the

2223:01 unknown and made my comparison I drew both fields

2223:02 of vision together. In other words the scope is

2223:03 looking at the field of vision here. One hair would

2223:04 be the known, this hair would be the unknown. I

2223:05 could have one field of vision where I'd look at

2223:06 the hair like this, the known and then turn the dial

2223:07 and see this one. But if I looked at it with both

2223:08 of them viewed together, what I saw was something

2223:09 like that. I saw that and I saw that. So, I couldn't

2223:10 distinguish if I was looking almost at two hairs.

2223:11 They looked just like one.

2223:12 MR. JOHNSON: Q Now, you said you had a grey

2223:13 hair there, is that correct, the unknown that you

2223:14 had?

2223:15 A Yes, sir.
2223:16 Q And from the standard, the numerous hairs
2223:17 that you had from the head hair of the deceased
2223:18 Larry Lionberg, were you able to get any grey hairs
2223:19 from that?
2223:20 A There was a few.
2223:21 Q And one of those was selected as the com-
2223:22 parison, is that correct?
2223:23 A They were all -- all the grey hairs were
2223:24 then viewed with the unknown.
2224:01 Q It was with one of those grey hairs
2224:02 you were able to pick up your match, is that correct?
2224:03 A Yes, sir.
2224:04 Q Now, did you have an occasion to examine
2224:05 any other exhibits?
2224:06 A These items here.
2224:07 Q Did you have occasion to examine People's
2224:08 Exhibit Number 16-G, the head hair of the deceased
2224:09 [REDACTED] and People's Exhibit Number 20 and
2224:10 People's Exhibit Number 24 -- strike that.
2224:11 A I have this on the slide here. Item 64
2224:12 which is the standard of [REDACTED] to 66 which
2224:13 is identified as being from the red Toyota, passenger
2224:14 side rear floor, with 67 which is from the blue
2224:15 carpet trunk area of the red Toyota.
2224:16 Q Did you have occasion to examine those
2224:17 hairs?
2224:18 A Yes, sir.
2224:19 Q Now, with respect to -- with regard to
2224:20 People's Exhibit Number 64 for Identification,
2224:21 the head hair of the deceased [REDACTED]
2224:22 did you in your examination find any hairs positive
2224:23 in color and characteristics with respect to any of
2224:24 the other unknown items of evidence that had been
2225:01 submitted to you?
2225:02 MR. WESTON: Objection, your Honor. Leading
2225:03 and suggestive.
2225:04 THE COURT: Overruled.
2225:05 THE WITNESS: Yes, sir.
2225:06 MR. JOHNSON: Q And could you tell us what you
2225:07 did in particular with these exhibits, 16-G, 20 and
2225:08 24?
2225:09 A 64, 66 and 67?
2225:10 Q Right.
2225:11 A 64 was visually and microscopically looked

2225:12 at, 66 was individually looked at and 67 was
2225:13 individually looked at. I then took Item 64 and
2225:14 placed it in the microscope against first 66 and
2225:15 then viewed this microscopically. Could I use the
2225:16 blackboard?

2225:17 Q Please do.

2225:18 A I want to let it be known also that the
2225:19 hairs of both Mr. [REDACTED] and also Miss [REDACTED] did
2225:20 not have the same characteristics or the same color,
2225:21 so there were two consistently different looking
2225:22 hairs I was looking at. When I looked at standard
2225:23 I saw brown hair, lightish brown. This is the
2225:24 cuticle, this area. This is the cortex. These
2226:01 holes wouldn't be that big. I'm just drawing them
2226:02 bigger so you can see them. If I drew them like
2226:03 this you probably can't even see it way back there.

2226:04 Okay, now there was no medulla found in
2226:05 this hair so I would look at the known, okay, and
2226:06 then I'm looking at it now in here. Then I'd switch
2226:07 over to the first unknown because I have two unknown
2226:08 slides, and look at that. Then I put that slide
2226:09 away and I took the second unknown here and I looked
2226:10 at that. Okay, then I went back to the first unknown
2226:11 hair and looked at it and I set it down on the scope
2226:12 and I focused in on it. What I saw was a hair like
2226:13 this where I could see all the pieces like a puzzle.
2226:14 Like in the previous hair. A line would just fit in.
2226:15 In other words it wasn't a type of situation of
2226:16 sitting down and looking for it. Just like if you
2226:17 dropped two dollar bills and you see two dollar
2226:18 bills on the floor. You see two one dollar bills.
2226:19 It's obvious. And that's how it looked there.

2226:20 Then I took the first unknown slide off
2226:21 and put the second unknown slide on and I seen the
2226:22 same thing. I saw it twice. Two different unknown
2226:23 slides. And I repeat again there was no medulla in
2226:24 this hair.

2227:01 Q So, in your examination of People's
2227:02 Exhibit Number 64 for Identification, 66 and 67 for
2227:03 Identification, it would be your opinion as a
2227:04 forensic scientist that these hairs were similar
2227:05 in color and characteristics, is that correct?

2227:06 MR. CRESWELL: I'll object to the leading and
2227:07 suggestiveness of that. If he has an opinion let
2227:08 him state it.

2227:09 THE COURT: Sustained.
2227:10 MR. JOHNSON: In your examination of People's
2227:11 Exhibits Numbered 64 and 66 and 67 for Identification,
2227:12 after running the comparisons, do you have an
2227:13 opinion as to these exhibits?

2227:14 A The standard, 64, [REDACTED] is found to
2227:15 be similar in color and characteristics to the hair,
2227:16 Item Number 66 I have here. It also was similar in
2227:17 color and characteristics to the hair found here
2227:18 in People's Exhibit Number 67.

2227:19 MR. JOHNSON: Judge, may I approach the bench
2227:20 with Counsel?

2227:21 THE COURT: Surely.

2227:22 (Whereupon the following
2227:23 proceedings were had outside
2227:24 the presence and hearing of
2228:01 the jury:)

2228:02 MR. JOHNSON: Your Honor, I talked to this
2228:03 witness on previous occasions and have gone over
2228:04 this testimony as is my duty. There's no way that
2228:05 this next section when we go into blood and seminal
2228:06 fluid, that it can be completed within the next hour.
2228:07 There's just no way.

2228:08 THE COURT: Yes, I saw the problem coming. We
2228:09 may as well just stop and it achieves a better degree
2228:10 of continuity. What about tomorrow morning?

2228:11 MR. CRESWELL: Tomorrow you won't be here.

2228:12 THE COURT: I mean Thursday.

2228:13 MR. WESTON: I have a 9:30 call in the Civic Center
2228:14 and then I'm through.

2228:15 THE COURT: What time can you be here early?

2228:16 MR. WESTON: At 11:00.

2228:17 THE COURT: Okay?

2228:18 MR. JOHNSON: Yes.

2228:19 THE COURT: 11:00 A.M.

2228:20 (Whereupon the following
2228:21 proceedings were had in
2228:22 the presence and hearing of
2228:23 the jury:)

2228:24 THE COURT: All right, we'll recess because this
2229:01 gets a little technical and I think it would be
2229:02 better if we keep as much of it together as we can.
2229:03 So, we'll recess now until Thursday at 11:00 A.M.
2229:04 everybody.

2229:05 Now, bear in mind again the rules. You're

2229:06 not to discuss the case with others or among yourselves;
2229:07 you're not to form any opinion on the meaning of the
2229:08 evidence until you're finally instructed and you're
2229:09 to avoid reading or hearing things in the media that
2229:10 might tend to interfere with your freedom to be
2229:11 fair and unbiased. Goodnight. Happy Holiday.

2229:12 (Whereupon the above-
2229:13 entitled cause was con-
2229:14 tinued to Thursday,
2229:15 October 12, 1978.)

October 12, 1978 -

Before Podlecki resumed testifying, Johnson filed a written motion asking that the juries be allowed to visit Clark station and murder scene. In court mentioned Williams's car had been stuck between 1400 building and the 1500 building on Cannon Lane, which was not noted previously in the record. The motion also stated that the abduction occurred "between 2:30 and 3:00 A.M." Creswell objected that there was no evidence as to when the abduction occurred. The evidence was that they were last seen at the station at 2:30 A.M. Both Creswell and Weston objected to the proposed visit because the conditions would be different than they were when the crime occurred. For one thing, lighting had been installed. McKay nonetheless granted the motion.

Podlecki then resumed his testimony. He testified that the hairs recovered from the car trunk "matched" standards from the victims, though he could not exclude the possibility that the hairs in the trunk came from other persons.

2255:21 Q In order words you definitely could not
2255:22 exclude them.

2255:23 A This is correct.

2255:24 Q And when you viewed the head hair of [REDACTED]
2256:01 [REDACTED] which is People's Exhibit 63 and People's
2256:02 Exhibit Number 65, the hair found in the rear of the
2256:03 Toyota, and when you compared 64, the head hair of
2256:04 [REDACTED], with 66 and 67, that taken from the
2256:05 trunk in the rear area of that red Toyota, what
2256:06 powers of microscope did you use?

2256:07 A Basically when we're looking at it through
2256:08 the microscope you use a variety of powers. When I
2256:09 examine hairs -- different analysts use different
2256:10 types of examinations in hair. Basically they have
2256:11 their own way if they want to look at all the items
2256:12 first or each one separately. The first thing I
2256:13 do is I look at everything and get a basic under-
2256:14 standing. Then I look at both known standards to
2256:15 see if they're similar. Sometimes there's a possibility
2256:16 where both of the hairs in the standards would be
2256:17 similar and distinguishable. In this case they were
2256:18 different. They did not look the same.

2256:19 Then I would start on a low power and I
2256:20 would look. Basically it's like four. Then I would
2256:21 look for dissimilarities. If I didn't see any dis-
2256:22 similarities I would increase the magnification to
2256:23 fifty. I would look for dissimilarities. If I
2256:24 couldn't see any I would increase it again. In other
2257:01 words the more you increase the magnification, the
2257:02 more you're going to see. The possibility of some-

2257:03 thing different should be obvious, come out to you
2257:04 right away. As you increase the magnification there's
2257:05 more things, characteristics that will start to come
2257:06 out.

2257:07 In this case I use the highest power which
2257:08 is five hundred. I still couldn't see any dis-
2257:09 similarities among the hairs.

2257:10 Q Now, when you initially described your
2257:11 function as a forensic scientist I believe you indicated
2257:12 that you were a chemist as well as a serologist, is
2257:13 that correct?

2257:14 A Yes, sir.

2257:15 Q Would you explain what Serology is?

2257:16 A Basic Serology is basically the identification
2257:17 of blood. It also entails the identification of body
2257:18 fluids, physiological fluids; saliva, semen, perspiration,
2257:19 also the identification of blood also as I stated
2257:20 before.

2257:21 Q Could you explain some of your duties
2257:22 acting in your capacity as a serologist? In other
2257:23 words what are the different things you do to examine
2257:24 blood or bodily fluids for purposes of identification?

2258:01 A We examined blood to determine -- an item
2258:02 of evidence would be brought into the laboratory and
2258:03 we would determine if there's blood on it. That's
2258:04 the first thing we determine.

2258:05 The second thing is is that blood human or
2258:06 is it animal. We can do that. We can tell if blood
2258:07 came from a dog, rabbit, donkey, chicken, mouse or
2258:08 squirrel. We do that next.

2258:09 After that we can determine if it's a non-
2258:10 animal or human. then we determine what type it is.
2258:11 We can do this by the basic A, B, O system.

2258:12 Q Now, what is seminal fluid[?]

2258:13 A Seminal fluid is mainly the material that
2258:14 is found ejaculated from the penis, produced in the
2258:15 testicles and also a variety of other glands. Which
2258:16 is made up of various amounts of protein and also
2258:17 spermatozoa, sperm cells.

2258:18 Q Now, what, if any, test or procedures
2258:19 exist to determine the presence of seminal fluid?

2258:20 A In this case?

2258:21 Q In any case.

2258:22 A Basically the two tests that I use or perform
2258:23 is basically the first one is Phosphatase. A Phosphatase

2258:24 is an enzyme. It would be a chemical that is found
2259:01 in seminal fluid and carries on a reaction. This is
2259:02 the first test I test for. I test for the presence
2259:03 of enzymes.

2259:04 If I find this enzyme I then do another
2259:05 test called a Precipitate test. A test for certain
2259:06 proteins that are found in seminal fluid. I use this
2259:07 test basically -- the technique is called Ouchterlony.
2259:08 It's a gelled double diffusion test whereby you use
2259:09 antiserum which is known semen that is injected into
2259:10 a rabbit which produces antibodies. This would be
2259:11 the standard. This would be your known antibodies.
2259:12 Then we react it with the antigens found in seminal
2259:13 fluid. In this case it would be dry. We look for
2259:14 Precipitate which would form. If both of them were
2259:15 put together in a gel they just diffuse by the
2259:16 diffusion characteristics.

2259:17 In other worlds like if you put water and
2259:18 ink on a piece of paper or filter paper, like Gala
2259:19 towel, and you put the ink on one end of the towel
2259:20 and pour the water, they'll diffuse, they'll come
2259:21 together. If the seminal material that is found is
2259:22 human it would be specific with this antiserum so
2259:23 they would come together and form and form like a
2259:24 puzzle. They would lock together and precipitate.
2260:01 This would be a reaction that would show that seminal
2260:02 fluid is present, human seminal fluid.

2260:03 Q Would either one of these two tests indicate
2260:04 the presence of spermatozoa?

2260:05 A No, they wouldn't.

2260:06 Q What, if any, test or examination exists
2260:07 to determine the presence of spermatozoa?

2260:08 A Basically it would be a microscopic examination
2260:09 whereby you would have to stain a slide. In other
2260:10 words the slide would be presented with film that
2260:11 was removed from the woman's vagina and would be
2260:12 swabbed on a slide. The hospital would do this. I
2260:13 would get the slide. I would then stain it. Medical
2260:14 technologists have a stain called Giemsa stain used
2260:15 to stain bacteria. The same thing we use to stain
2260:16 for the presence of sperm cells. Now, in staining
2260:17 you couldn't see the sperm very well under a micro-
2260:18 scope unless they were colored. All you'd see would
2260:19 be the light coming through. You might be able to
2260:20 see some of them. But by coloring them is like

2260:21 dying them. Then we can identify the three major
2260:22 portions. Could I go to the board?

2260:23 Q Please do.

2260:24 A In looking at sperm cells you have three
2261:01 portions. You have the head. That contains the
2261:02 nucleated material found in the head. You have the
2261:03 neck and you also have the tail which causes the
2261:04 sperm cells to swim.

2261:05 Now, the sperm can degenerate in certain
2261:06 kinds of environments and we can show that by the
2261:07 tails start to disappear. Those are the first things
2261:08 that disappear after degenerating and this can be
2261:09 a factor of time in how long the sperm can live.
2261:10 When I say intact I mean the tails are here. When
2261:11 I say intact spermatozoa that would mean the tails
2261:12 would be here and during a certain time you could
2261:13 see, sooner or later the head would disappear and
2261:14 the tail would disappear because of bacteria that
2261:15 you could see would eat them up. They would digest
2261:16 the sperm cells.

2261:17 Q And the first things to go I guess is the
2261:18 tail?

2261:19 A Yes, sir.

2261:20 Q Okay, you can take the stand. Now,
2261:21 directing your attention once again to 5-15 at the
2261:22 Illinois Crime Lab, did you have an occasion to
2261:23 receive many different things from Genty?

2261:24 A Yes, sir.

2262:01 Q I now show you what's been previously
2262:02 marked as People's Exhibit Number 16-D for Identification.
2262:03 Would you examine People's Exhibit Number 16-D for
2262:04 Identification, please?

2262:05 A Yes, sir.

2262:06 Q Do you recognize it?

2262:07 A Yes, sir; by my case number, my initials,
2262:08 the date and item number.

2262:09 Q What do you recognize it to be? What is that?

2262:10 A Two cardboard containers containing several
2262:11 slides.

2262:12 Q And did you have an occasion to examine
2262:13 any of those slides?

2262:14 A Yes, sir.

2262:15 MR. JOHNSON: Mark this 16-D-1.

2262:16 (Whereupon said document
2262:17 was thereupon marked as

2262:18 People's Exhibit Number
2262:19 16-D-1 for Identification
2262:20 by the Court Reporter.)
2262:21 MR. JOHNSON: I tender People's Exhibit 16-D-1
2262:22 to Counsel for their examination.
2262:23 I show you, Mr. Witness, People's Exhibit
2262:24 Number 16-D-1 for Identification. Do you recognize
2263:01 that exhibit?
2263:02 A Yes, sir.
2263:03 Q What do you recognize it to be?
2263:04 A It's a smear slide of the vaginal area
2263:05 of the deceased, [REDACTED]
2263:06 Q And what if anything did you have an
2263:07 occasion to do with that People's Exhibit?
2263:08 A Basically it was received from Mr. Genty,
2263:09 logged into evidence and then I performed the test
2263:10 as I explained to the jury, the Giemsa stain test,
2263:11 in other words dying this slide.
2263:12 Q And after you dyed it, what did you do with
2263:13 it?
2263:14 A I viewed it under a microscope.
2263:15 Q And what if anything did you see when you
2263:16 viewed People's Exhibit 16-D-1 under a microscope?
2263:17 A I saw intact spermatozoa which would be
2263:18 sperm cells with the tail intact.
2263:19 Q Now, at what point do the sperm cells begin
2263:20 to break down? In other words, not being intact?
2263:21 A Basically from my readings it would be
2263:22 between twenty-four to thirty-six hours in certain
2263:23 cases.
2263:24 Q Yes. And are there any conditions that are,
2264:01 you know, variables involved in this?
2264:02 A Yes, sir.
2264:03 Q What are those, could you tell the ladies
2264:04 and gentleman of the jury?
2264:05 A Basically it would be the environment or
2264:06 the condition that it was in. Sperm cells would
2264:07 stay intact if they were on clothing. But if they
2264:08 were found in a moist area, in this case the vagina,
2264:09 they have a tendency to break down in a period of time
2264:10 because the bacteria and the enzymes. They have a
2264:11 tendency to digest it. So, after a certain period
2264:12 of time the tail would literally disappear. I wouldn't
2264:13 be able to see anything.
2264:14 Q However, in this case you found intact

2264:15 spermatozoa indicative, you know, that it was present,
2264:16 it was there, that it hadn't begun to break down
2264:17 yes, is that correct?

2264:18 A Yes, sir. As long as the swabbing of the
2264:19 area in which this slide was taken was taken in a
2264:20 certain amount of time the cells will not break
2264:21 down as long as they are taken out and swabbed on the
2264:22 slide. Once they're on the slide they won't degenerate.

2264:23 Q You now say if we were to take a look at
2264:24 that People's Exhibit now under a microscope we would
2265:01 still see intact spermatozoa?

2265:02 A Yes, sir. If you looked at it five years
2265:03 from today it would still look the same.

2265:04 Q Once again directing your attention to
2265:05 that date, 5-15-78, among the items that you received
2265:06 from Genty I show you People's Exhibit 16 for Iden-
2265:07 tification. Would you examine it, please?

2265:08 A Yes.

2265:09 Q Do you recognize it, sir?

2265:10 A Yes, sir.

2265:11 Q What do you recognize it to be?

2265:12 A One brown paper bag containing a variety
2265:13 of items, three swabs, two slide containers, finger-
2265:14 nail scrapings, head and pubic hair standards of

2265:15 [REDACTED]

2265:16 Q And did you have an occasion to do anything
2265:17 with that People's Exhibit?

2265:18 A Yes, sir; I opened it and removed the items.

2265:19 Q I now show you what's been previously marked
2265:20 as People's Exhibit Number 16-A for Identification.
2265:21 Would you examine People's Exhibit Number 16-A for
2265:22 Identification?

2265:23 A 16-A is the vaginal swab standard of [REDACTED]
2265:24 [REDACTED]

2266:01 Q And what if anything did you have an
2266:02 occasion to do with respect to People's Exhibit Number
2266:03 16-A relative to the presence of seminal fluid?

2266:04 A I tested it for the presence of seminal
2266:05 materials, seminal fluid.

2266:06 Q Can you describe once again to the ladies
2266:07 and gentlemen of the jury how you did it?

2266:08 A Basically it's found in a tube like this.
2266:09 I opened it, removed a portion of it and tested for
2266:10 the presence of enzyme as I explained before,
2266:11 Phosphatase. The enzyme was present. Basically

2266:12 the material was removed. A drop of reagent was put
2266:13 on a piece of cotton and indicative of a purple
2266:14 color would show the presence of this enzyme.

2266:15 The next thing I did was another portion
2266:16 of that item inside was then removed and then under
2266:17 gone by test cell diffusion glutination to test
2266:18 for the proteins found. The test was run, positive
2266:19 results were concluded. It showed the presence
2266:20 of proteins.

2266:21 Both of these tests in conjunction with
2266:22 one another indicated the presence of seminal
2266:23 material.

2266:24 Q Once again on that 5-15 date one of the
2267:01 items you received from Genty, did you have occasion
2267:02 to receive People's Exhibit Number 8 for Identification?

2267:03 A Yes.

2267:04 Q Okay. And do you recognize People's
2267:05 Exhibit Number 8 for Identification?

2267:06 A Yes, sir; it's one brown paper bag. I
2267:07 have my date, case number, my initials and also the
2267:08 item number identified as containing a pair of
2267:09 slacks, pink slacks.

2267:10 Q What if anything did you have occasion to
2267:11 do with People's Exhibit Number 8 for Identification?

2267:12 A It was logged into evidence and it was
2267:13 opened and then the item was analyzed.

2267:14 Q I now show you what's been previously
2267:15 marked as People's Exhibit Number 8-A for Identification.
2267:16 Would you examine that People's Exhibit, please?

2267:17 A Yes.

2267:18 Q Do you recognize People's Exhibit Number 8-A
2267:19 for Identification?

2267:20 A Yes, sir. Here I have my markings. One
2267:21 pair of pinkish colored trousers.

2267:22 Q What if anything did you have an occasion to
2267:23 do with that People's Exhibit relative to the presence
2267:24 of seminal fluid?

2268:01 A Basically I tested the item to see if there
2268:02 was any seminal fluid or sperm present.

2268:03 Q Would you explain to the ladies and gentlemen
2268:04 how you do that with a garment such as that?

2268:05 A Basically a sample section of the crotch
2268:06 area, a whole was removed, cut and was tested in
2268:07 the same procedures that I used to test the swab.

2268:08 Q And what was the results of your examination

2268:09 or test?

2268:10 A That seminal fluid was present.

2268:11 Q Did you have an occasion to perform any

2268:12 further examination of that People's Exhibit?

2268:13 A Could I refer to my report on that, sir?

2268:14 I have a copy here in my pocket.

2268:15 Q Do you have it?

2268:16 A Yes, sir.

2268:17 Q All right.

2268:18 MR. CRESWELL: Could we have that marked your

2268:19 Honor?

2268:20 MR. JOHNSON: Mark it as People's Exhibit Number

2268:21 105 for Identification.

2268:22 THE COURT: What number?

2268:23 MR. JOHNSON: 105.

2269:01 (Whereupon said document

2269:02 was thereupon marked as

2269:03 People's Exhibit Number

2269:04 105 for Identification by

2269:05 the Court Reporter.)

2269:06 THE WITNESS: Yes, sir; the item was tested for

2269:07 the presence of intact spermatozoa.

2269:08 MR. JOHNSON: Q Could you tell, please, the

2269:09 ladies and gentlemen of the jury in what manner you

2269:10 tested for the spermatozoa?

2269:11 A Basically the crotch area was removed, a

2269:12 section of it was then immersed in saline which is

2269:13 basically salt water and was set on we have like a

2269:14 little mixer. I can't remove it from the cloth.

2269:15 I wouldn't be able to see it so I put it in saline.

2269:16 Put a portion of the cloth in there. Put it on

2269:17 like a little mixer to break the sperm from being

2269:18 attached to the clothing fibers. Then the fibers --

2269:19 strike that. Not fibers but the saline would then

2269:20 be removed and would be put on a slide like so forth

2269:21 and then stained and checked for the presence of

2269:22 sperm cells and viewed under the microscope.

2269:23 Q And did you have in fact occasion to do

2269:24 that with People's Exhibit Number 8-A for Identification?

2270:01 A Yes, sir.

2270:02 Q And what was the result of your examination

2270:03 or test?

2270:04 A That it indicated the presence of seminal

2270:05 material and also sperm cells.

2270:06 Q And in what form or what condition were

2270:07 those sperm cells found by you?

2270:08 A They were intact with the tails attached.

2270:09 Q Now, after you had finished your examinations

2270:10 or testings of People's Exhibit Number 8-A for

2270:11 Identification, what did you do with that exhibit when

2270:12 you were done with it?

2270:13 A This item here was then placed in the paper

2270:14 bag and sealed and then logged into the evidence vault

2270:15 with the rest of the evidence.

2270:16 Q Now, could you pick up again, if you would,

2270:17 People's Exhibit Number 16-A for Identification. Did

2270:18 you have an occasion to perform any other test or

2270:19 examination on People's Exhibit Number 16-A for

2270:20 Identification?

2270:21 A Yes, sir.

2270:22 Q What kind of test did you perform and

2270:23 for what purpose did you perform it?

2270:24 A Basically a final test I made was as I

2271:01 concluded the seminal material was found thereon this

2271:02 item I tried to determine to see if I could resolve

2271:03 a blood type from this item.

2271:04 Q Could you tell us how that's done or how

2271:05 it could be that you could come up with a blood type

2271:06 from seminal fluid?

2271:07 MR. CRESWELL: I'll object. He hasn't said that

2271:08 he has come up with a blood type. He said he tried to.

2271:09 I don't know whether he has or hasn't.

2271:10 MR. JOHNSON: I'm asking in generalities.

2271:11 THE COURT: Overruled.

2271:12 MR. CRESWELL: I'll withdraw the objection if

2271:13 it is generalities.

2271:14 THE WITNESS: I was able to test it. I was able

2271:15 to come up --

2271:16 MR. JOHNSON: Q Excuse me, Mr. Podlecki. The

2271:17 question is how can it be that you can test seminal

2271:18 fluid and come up with a blood type? How can you do

2271:19 this?

2271:20 A Basically there are people that have a gene

2271:21 in their blood called secretor gene which is inherited

2271:22 through your characteristics, your parents, and eighty

2271:23 percent of the population has this. Twenty percent

2271:24 don't.

2272:01 Basically what it is is you can secrete

2272:02 antigens. Antigens found in your blood that deter-

2272:03 mine your blood type as A, B, AB or O. And antigens

2272:04 can also be found in water soluble physiological
2272:05 fluids, perspiration, vaginal secretions, seminal
2272:06 material, so forth.

2272:07 Q And from that what can you determine?

2272:08 A We can determine the blood type.

2272:09 Q And what test did you use to do this?

2272:10 A Basically it's an absorption inhibition

2272:11 test a test whereby you inhibit an antigen antibody
2272:12 reaction.

2272:13 Q And from that you can determine blood type,
2272:14 is that correct?

2272:15 A We can determine the presence of a blood
2272:16 group substance.

2272:17 Q Blood group substance, okay. Now, what if
2272:18 anything did you have an occasion to do with People's
2272:19 Exhibit Number 16-A?

2272:20 A I performed the test as I explained, the
2272:21 absorption inhibition test.

2272:22 Q Tell us exactly what you did, if you can?

2272:23 A Basically a section of the item was removed
2272:24 and placed -- could I draw it on the board? It would
2273:01 be easier.

2273:02 Q Sure.

2273:03 A What I use is I use a porcelain plate. Okay,
2273:04 then what I would do is I take a sample of the swab,
2273:05 the cotton fibers. I'd mark this A and this B and
2273:06 I'd mark this O. Just in relativity, okay.

2273:07 Then what I did was I put the fibers of the
2273:08 vaginal swab in each one of these wells. Then what
2273:09 I'd do was I took known seminal fluid that was dried
2273:10 on filter paper from a person who secretes his blood
2273:11 type and just labelled this secretor A. So, the person
2273:12 has Group A blood type with known seminal material
2273:13 found on a piece of filter paper.

2273:14 Then I took another one but from somebody
2273:15 who doesn't secrete his blood type. I did the same
2273:16 with secretor for AB and a secretor for Group B.

2273:17 The plates I used only have four wells down
2273:18 here, three rows with four down, so I had to use
2273:19 another plate. But then I also have a control or
2273:20 blank. What a blank would be is just a piece of
2273:21 paper. Now, if I received a reaction in the blank
2273:22 that would mean something is wrong here. The blank
2273:23 is something that doesn't have anything on it. That
2273:24 should come up as a negative reaction. And when I

2274:01 ran the test I looked for the presence of agglutination
2274:02 which would be the clumping of cells, and I found a
2274:03 strong reaction here, very slight reaction there,
2274:04 strong reaction here.

2274:05 In other words, what you're looking for is
2274:06 inhibiting. If you inhibit the antigen and it's taken
2274:07 up and inhibiting isn't there, so it's going to react.

2274:08 Q You mean the clumping?

2274:09 A Right, the clumping. It looks something
2274:10 like this, basic blood cell clumping. In other words
2274:11 a positive reaction would be a negative reaction.

2274:12 Q So, when you got the reaction --

2274:13 A This reaction here would indicate the same
2274:14 as a reaction in the A, but I had a slight
2274:15 agglutination reaction in the A well which would
2274:16 indicate to me that there exists a possibility of a
2274:17 trace of O. Not so much a person with Group O, it
2274:18 possibly could be but I could not rule that out or
2274:19 people with Group O Blood secrete a substance called
2274:20 A substance, a substance found in your blood. I
2274:21 could only make three determinations from that.

2274:22 One, the person with Group O blood, seminal
2274:23 fluid and a person with Group O seminal fluid, it
2274:24 would be a combination. Two, it would just be a person
2275:01 with Group A blood, but there could be a trace of O
2275:02 if the victim is a Group O blood, from Group O blood.

2275:03 Q Through her vaginal discharge?

2275:04 A Correct. Or, third, it could be a person
2275:05 with Group A blood that has a slight secretion that
2275:06 I would find here of A. Why I would get a very
2275:07 light agglutination there.

2275:08 Q And did you have an occasion to perform
2275:09 this test on 16-A and what was your --

2275:10 MR. CRESWELL: Wait a minute. Don't take that
2275:11 off of there.

2275:12 MR. JOHNSON: He can reproduce it at anytime,
2275:13 Judge.

2275:14 THE COURT: Well, it's better to leave it so
2275:15 they can cross examine on it in the same form in
2275:16 which the witness testified.

2275:17 MR. JOHNSON: Q And did you have occasion to
2275:18 perform this test on 16-A and does this represent
2275:19 your results?

2275:20 A Yes, sir.

2275:21 Q So, what blood group substance did you

2275:22 find on 16-A?

2275:23 A I would have to say my conclusions were

2275:24 it indicated the presence of Group A and Group O

2276:01 blood group substance.

2276:02 Q Strong A and then you explained the O

2276:03 reaction, why you had to indicate O on your report,

2276:04 is that correct?

2276:05 A Yes, sir; I had to put that down.

2276:06 Q Which was attributable to one of those

2276:07 three things you went through?

2276:08 MR. WESTON: I object to the leading type of

2276:09 questions.

2276:10 THE COURT: Sustained.

2276:11 MR. CRESWELL: Could I have the witness' answer

2276:12 to that read back?

2276:13 THE COURT: The previous question?

2276:14 MR. CRESWELL: Yes, sir. It indicated a group

2276:15 A or something like that. I don't know.

2276:16 THE COURT: Yes, you may. I'll direct that right

2276:17 now.

2276:18 MR. CRESWELL: Thank you.

2276:19 (Record read by Reporter)

2276:20 MR. JOHNSON: Q And what if anything would

2276:21 explain the presence of the Group O substance?

2276:22 A It's Group A substance that would be found

2276:23 there which would indicate Group O.

2276:24 Q How can you explain this? How would you

2277:01 explain it?

2277:02 A Basically for those three items you want

2277:03 me to discuss those again. Basically we run tests

2277:04 in the laboratory and we report what we see. By what

2277:05 we see we have to draw conclusions, scientifically.

2277:06 We don't guess or make up things. We see what we

2277:07 have. We see everything that would be attributable

2277:08 to that scientifically. In other words what con-

2277:09 clusion can be brought when we run a test like this,

2277:10 all controls and things that like come out.

2277:11 First thing, we could assume that a person

2277:12 with Group A is a secretor, Group A blood. This is

2277:13 looking at the top one there that I marked.

2277:14 The second would be a combination of

2277:15 Group A and Group O because of that slight

2277:16 agglutination reaction I showed there in the well

2277:17 marked under A. Or it would be a person with Group A

2277:18 that had a slight H substance found in the blood. H

2277:19 substance is a substance found in the Group O blood.
2277:20 MR. CRESWELL: Found in Group O blood?
2277:21 THE WITNESS: Yes, sir. H substance.
2277:22 MR. JOHNSON; Q What else could you attribute
2277:23 this to? What could you attribute this to?
2277:24 A To a person with Group A blood, a slight H
2278:01 substance. Some people secrete B substances in their
2278:02 blood and some do not.
2278:03 Q Or any other?
2278:04 A Or the last one would be the possibility
2278:05 of vaginal secretions, secretions from the vagina
2278:06 area of a person that has Group O blood.
2278:07 Q Direction your attention to June 7, 1978,
2278:08 did you have occasion to go to locker thirteen at
2278:09 the Maywood facility of the Illinois State Crime Lab?
2278:10 A Yes, sir.
2278:11 Q And from there did you have an occasion
2278:12 to see People's Exhibit Number 11 for Identification?
2278:13 A Yes, sir.
2278:14 Q And do you recognize People's Exhibit Number
2278:15 11?
2278:16 A Yes, sir.
2278:17 Q What do you recognize that to be?
2278:18 A One sealed manila envelope containing
2278:19 several standards.
2278:20 Q I show you People's Exhibit Number 13 for
2278:21 Identification. Do you recognize that?
2278:22 A Yes, sir. A sealed manila envelope containing
2278:23 several standards.
2278:24 Q I show you People's Exhibit Number 12 for
2278:25 Identification. Do you recognize that People's
2279:01 Exhibit?
2279:02 A A sealed manila envelope containing several
2279:03 standards.
2279:04 Q I show you People's Exhibit Number 11-B
2279:05 for Identification. Do you recognize that?
2279:06 A Yes, sir.
2279:07 Q What do you recognize it to be?
2279:08 A A tube containing what was left of a saliva
2279:09 standard of Dennis Williams.
2279:10 Q I show you People's Exhibit Number 13-B
2279:11 for Identification. Do you recognize People's
2279:12 Exhibit Number 13-B for Identification?
2279:13 A Yes, sir.
2279:14 Q What do you recognize it to be?

2279:15 A Containing the remains of a saliva standard
2279:16 of Mr. Willis Rainge.
2279:17 Q I show you People's Exhibit Number 12-B for
2279:18 Identification. Do you recognize People's Exhibit
2279:19 Number 12-B for Identification?
2279:20 A Yes, sir.
2279:21 Q What do you recognize it to be?
2279:22 A The remains of a saliva standard of Mr. Kenny
2279:23 Adams.
2279:24 Q Now, looking at all these exhibits, 11, 11-B,
2280:01 13-B and 12-B, how is it that you recognize those
2280:02 items to be what they are?
2280:03 A The tape around them, basically, and my
2280:04 markings on each one.
2280:05 Q On each and every one, is that correct?
2280:06 A Yes, sir.
2280:07 Q Now, what if anything did you have an
2280:08 occasion to do with People's Exhibit Number 11-B,
2280:09 13-B and 12-B for Identification?
2280:10 A These three items from each separate
2280:11 defendant, the three saliva standards?
2280:12 Q That's correct.
2280:13 A Basically absorption inhibition test to
2280:14 see if I could determine if the people were secretors
2280:15 and also if they could secrete their blood type
2280:16 through their body fluids in this case which is saliva.
2280:17 Q What did you do with the saliva initially?
2280:18 A Basically a portion of the saliva was
2280:19 removed from each one of these individual tubes and
2280:20 put in separate tubes that were marked separately so
2280:21 I could identify each one. They were then immersed,
2280:22 tubes with the saliva inside immersed in boiling water
2280:23 basically to break down any enzymes that possibly
2280:24 could break down these blood group substances. It
2281:01 was boiled for thirty seconds or so. Then it was
2281:02 removed, the saliva was removed and put on filter
2281:03 paper.
2281:04 When I did all these examinations I wanted
2281:05 to keep the same kind of testing procedure and the
2281:06 same kind of environment that everything was done on
2281:07 in the previous case where I explained the vaginal
2281:08 swab was dry, was not wet, and I wanted to test each
2281:09 one of these saliva standards in a dry state. And
2281:10 I did the testing as I show basically up there on
2281:11 the board.

2281:12 Q Now, with respect to People's Exhibit Number
2281:13 11-B for Identification, that saliva standard identified
2281:14 as coming from the Defendant Dennis Williams, what if
2281:15 anything was the result -- what if any determinations
2281:16 were you able to make of People's Exhibit Number 11-B
2281:17 for Identification?

2281:18 A I was able to determine that he was a
2281:19 secretor and also that his saliva contained Group A
2281:20 blood group substance.

2281:21 Q Now, directing your attention to People's
2281:22 Exhibit Number 12-B for Identification, would you
2281:23 please explain to the ladies and gentlemen of these
2281:24 two juries what if any determination you made
2282:01 relative to 11-B?

2282:02 A 13-B, sir?

2282:03 Q 13-B for identification, yes.

2282:04 THE COURT: 13-B you're inquiring about?

2282:05 MR. JOHNSON: Yes. That saliva standard as
2282:06 has been previously identified taken from the
2282:07 defendant Willie Rainge.

2282:08 THE COURT: All right.

2282:09 THE WITNESS: Basically the same test.

2282:10 MR. JOHNSON: Q Okay. And what was the
2282:11 results or determination you were able to make on
2282:12 that?

2282:13 A That it was a secretor and also that it
2282:14 contained blood group O blood group substance.

2282:15 Q Now, directing your attention to People's
2282:16 Exhibit Number 12-B for Identification, did you have
2282:17 occasion to perform that test once again?

2282:18 A Yes, sir; the basic same test that was
2282:19 done with the other two items.

2282:20 Q Now, relative to that People's Exhibit
2282:21 were you able to make any determination relative
2282:22 to that exhibit?

2282:23 A Yes, sir.

2282:24 Q Okay. And what determination did you make?

2283:01 A Basically it contained Group A blood group
2283:02 substance.

2283:03 Q Now, Mr. Podlecki, in making your examination
2283:04 of People's Exhibit Number 12-B for Identification,
2283:05 the saliva standard taken from the defendant Kenneth
2283:06 Adams, what if anything in particular did you notice
2283:07 in common between that exhibit and People's Exhibit
2283:08 Number 16-A?

2283:09 A The vaginal?
2283:10 Q Correct.
2283:11 A When this examination, this item was run,
2283:12 it has the same results --
2283:13 MR. CRESWELL: What is he holding? I don't know.
2283:14 THE WITNESS: 12-B.
2283:15 MR. CRESWELL: Thank you.
2283:16 THE WITNESS: I received the same reaction, the
2283:17 same visual examination or reaction I could see as
2283:18 I received in this item here, the vaginal swab as
2283:19 you would see on the top of the first row, same kind
2283:20 of reaction with a slight H reaction. That would be
2283:21 the A column. Strong B reaction as you see in the B
2283:22 and the slight -- no reaction as you would see in the O.
2283:23 MR. JOHNSON: Q Would the testing of seminal
2284:01 fluid and saliva, if they were from the same person,
2284:02 would they correspond in the same manner?
2284:03 MR. WESTON: Objection to the suggestive and
2284:04 leading nature.
2284:05 MR. JOHNSON: Would they correspond?
2284:06 THE COURT: Overruled.
2284:07 THE WITNESS: Yes, sir; any bodily secretions
2284:08 from the person would as well as his blood type.
2284:09 MR. JOHNSON: Q Are you familiar with human
2284:10 blood groupings?
2284:11 A Yes, sir.
2284:12 Q And what examination or what manner, what
2284:13 do you use to group blood, what method, methodology?
2284:14 A Basically a direct antiserum over the
2284:15 whole blood cells.
2284:16 Q But in describing the types of blood you
2284:17 already talked about A, B, AB system which is
2284:18 probably the most common used, is that correct?
2284:19 A Yes, sir.
2284:20 Q Is that the one that you used?
2284:21 A Yes, sir.
2284:22 Q Now, could you explain to the ladies and
2284:23 gentlemen of the jury what are human blood groupings?
2284:24 You know, basically what are they?
2285:01 A Basically blood groups in this case which
2285:02 would be the ABO blood system is basically four types;
2285:03 Group A, B, AB and Group O. Each one is attributable
2285:04 to an antigen. Group A contains A antigen, B contains
2285:05 Group B antigens, AB contains Group AB antigens and
2285:06 Group O contains no antigens. Each one has their

2285:07 own certain frequency.
2285:08 Q And from that they become identifiable under
2285:09 those groups, is that correct?
2285:10 A Yes, sir.
2285:11 Q What is whole blood?
2285:12 A Basically whole blood is a mixture of red
2285:13 blood cells and white blood cells. A clear portion
2285:14 which contains the antibodies and also the red portion.
2285:15 In other words if you took a test tube of blood and
2285:16 spin it down at ten thousand revolutions per minute
2285:17 you would see on the bottom red cells and on top a
2285:18 clear portion, white, which would be the serum.
2285:19 You would have red blood cells on the bottom. The
2285:20 red portion. And on the top would see the clear
2285:21 portion which look like water almost. That
2285:22 would be containing the antibodies or the white blood
2285:23 cells.
2285:24 Q Now, having a sample of whole blood how,
2286:01 if at all, do you test for the blood groupings?
2286:02 A Basically the test tube would be spun down,
2286:03 washed with saline to take out any impurities. Cells
2286:04 are then removed, basically put on a spot plate just
2286:05 like I showed there and antiserums were then added.
2286:06 In this case there was a Group A and the antiserum.
2286:07 Group B was added to the second well. Group O
2286:08 antiserum or H is what it would be added to the third
2286:09 row. We look for agglutinations.
2286:10 Q That's clumping of cells, is that correct?
2286:11 A Yes, sir. In other words if you had --
2286:12 If you had a person with A blood you would get
2286:13 clumping in the A well with a negative in the B and
2286:14 negative in the O. If you ran the test with Group O,
2286:15 no reaction in A, no reaction in B, but you show
2286:16 clumping in the Group O well.
2286:17 Q So, in that case the positive would be a
2286:18 positive, is that correct?
2286:19 A Yes, sir.
2286:20 Q Whereas in the absorption inhibition the
2286:21 negative means a positive, is that correct?
2286:22 A Yes, sir.
2286:23 Q Now, showing you People's Exhibit Number 18
2286:24 for Identification, do you recognize this, sir?
2287:01 A Yes, sir.
2287:02 Q And what do you recognize it to be?
2287:03 A Basically it's an opened brown paper bag

2287:04 identified as containing a small bottle containing a
2287:05 liquid blood sample of Mr. [REDACTED]
2287:06 Q I show you People's Exhibit Number 18-A
2287:07 for Identification. Do you recognize People's Exhibit
2287:08 Number 18-A for Identification?
2287:09 A Yes, sir; this was the bottle I removed
2287:10 from this bag.
2287:11 Q And what do you recognize it to be?
2287:12 A The liquid blood sample identified as being
2287:13 liquid blood sample of Mr. [REDACTED]
2287:14 MR. WESTON: Who?
2287:15 THE WITNESS: Mr. [REDACTED]
2287:16 MR. JOHNSON: Q Now, would you please tell the
2287:17 ladies and gentlemen of the jury what if anything
2287:18 relative to blood groupings did you have an occasion
2287:19 to do with People's Exhibit Number 18-A?
2287:20 A A sample of blood was removed, was then
2287:21 put in a test tube, spun down and washed. A portion
2287:22 of that removed, put in a well, as I said, in three
2287:23 separate spots.
2287:24 Also, whenever I ran a test like this in
2288:01 blood typing I always run known controls with it.
2288:02 In other words I ran blood from Group A, Group B,
2288:03 Group AB to make sure everything was correspondingly
2288:04 working in the right order.
2288:05 Q Now, could you please tell the ladies and
2288:06 gentlemen of these two juries what if any determination
2288:07 you were able to make pursuant to this testing of
2288:08 People's Exhibit Number 18-A, Mr. [REDACTED]s blood?
2288:09 A They contained Group O blood.
2288:10 Q I show you People's Exhibit Number 14 for
2288:11 Identification. Do you recognize it, sir?
2288:12 A One opened brown paper bag identified as
2288:13 containing the liquid blood sample of [REDACTED].
2288:14 Q I now show you People's Exhibit Number 14-A
2288:15 for Identification. Do you recognize that?
2288:16 A Yes, sir.
2288:17 Q What do you recognize it to be?
2288:18 A The small bottle I removed from People's
2288:19 Exhibit Number 14, liquid blood sample of [REDACTED]
2288:20 Q And could you tell the ladies and gentlemen
2288:21 of these two juries exactly what if anything you had
2288:22 an occasion to do with People's Exhibit Number 14-A
2288:23 for Identification?
2288:24 A I removed the blood, a portion of the blood

2289:01 from the tube, put in a test tube, spun it down,
2289:02 washed it with saline and then proceeded the basic
2289:03 blood typing as I discussed before which results I
2289:04 found were Group O blood.

2289:05 Q I show you what's been previously marked
2289:06 as People's Exhibit Number 11-A for identification.
2289:07 Do you recognize People's Exhibit Number 11-A for
2289:08 Identification?

2289:09 A Yes, sir.

2289:10 Q What do you recognize it to be?

2289:11 A A sealed white envelope containing liquid
2289:12 blood sample of Mr. Dennis Williams.

2289:13 Q Have you ever seen that envelope before?

2289:14 A Yes, sir.

2289:15 Q And what was the last time you saw it?

2289:16 A When I was back at work testing it when I
2289:17 sealed it and it was put in this manila envelope.

2289:18 Q So, it still contains your seal, is that

2289:19 correct?

2289:20 A Yes, sir. My seal has not been opened.

2289:21 Q Could you now at this time open it?

2289:22 A Yes.

2289:23 MR. JOHNSON: Mark this 11-A-1.

2290:01 (Whereupon said document
2290:02 was thereupon marked as
2290:03 People's Exhibit Number
2290:04 11-A-1 for Identification.)

2290:05 MR. JOHNSON: I now show Counsel what has been
2290:06 marked People's Exhibit Number 11-A-1 for Identification.

2290:07 Q I tender it to you, Mr. Witness, for
2290:08 your examination. Do you recognize People's Exhibit
2290:09 Number 11-A-1 for Identification?

2290:10 A Yes, sir.

2290:11 Q What do you recognize?

2290:12 A I recognize my markings.

2290:13 Q You had occasion to seal that, is that
2290:14 correct?

2290:15 A Yes, sir.

2290:16 Q Prior to sealing it did you have an
2290:17 occasion to do anything with People's Exhibit Number
2290:18 11-A-1 for Identification?

2290:19 A Yes, sir; I did the basic blood typing
2290:20 test.

2290:21 Q Much as you described before, is that
2290:22 correct?

2290:23 A Yes, sir.
2290:24 Q Okay. And could you tell the ladies and
2291:01 gentlemen of these two juries what if any determination
2291:02 you were able to make relative to People's Exhibit
2291:03 11-A-1 for Identification?
2291:04 A It contained Group A blood.
2291:05 THE COURT: What type?
2291:06 THE WITNESS: Group A.
2291:07 MR. JOHNSON: Q I direct your attention to
2291:08 People's Exhibit Number 13-A for Identification. Do
2291:09 you recognize it?
2291:10 A Yes, sir.
2291:11 Q What do you recognize it to be?
2291:12 A One sealed white envelope.
2291:13 Q Does it contain any markings or anything?
2291:14 A Yes, sir; my markings here containing the
2291:15 liquid -- identified as containing the liquid blood
2291:16 sample of Willie Rainge.
2291:17 Q Would you open it, please?
2291:18 A Yes.
2291:19 MR. JOHNSON: Mark this 13-A-1.
2291:20 (Whereupon said document
2291:21 was thereupon marked as
2291:22 People's Exhibit Number
2291:23 13-A-1 for Identification
2291:24 by the Court Reporter.)
2292:01 MR. JOHNSON: I now tender to Counsel what's
2292:02 been marked People's Exhibit 13-A-1 for Identification.
2292:03 Q I now will show you, Mr. Witness,
2292:04 People's Exhibit Number 13-A-1 for Identification.
2292:05 Do you recognize it?
2292:06 A Yes, sir.
2292:07 Q What do you recognize it to be?
2292:08 A Liquid blood sample of Willie Rainge,
2292:09 identified as being the liquid blood sample of Willie
2292:10 Rainge.
2292:11 Q Did you have occasion to perform any test
2292:12 or examinations of that?
2292:13 A Yes, sir; the basic blood test.
2292:14 Q And could you tell these ladies and
2292:15 gentlemen of the juries, both these juries, what if
2292:16 any determination you were able to make?
2292:17 A Yes, sir. It contained Group O blood.
2292:18 Q Now, Mr. Witness, I direct your attention
2292:19 to People's Exhibit Number 12-A for Identification.

2292:20 Do you recognize it?

2292:21 A Yes, sir.

2292:22 Q What do you recognize it to be?

2292:23 A A sealed white envelope identified as containing the liquid blood sample of Kenneth Adams.

2293:01 Q Okay. Could you open it, please.

2293:02 A Yes.

2293:03 MR. JOHNSON: Mark this 12-A-1.

2293:04 (Whereupon said document

2293:05 was thereupon marked as

2293:06 People's Exhibit Number

2293:07 12-A-1 for Identification

2293:08 by the Court Reporter.)

2293:09 MR. JOHNSON: Now, what I had marked People's

2293:10 Exhibit Number 12-A-1 I tender to Counsel.

2293:11 Q Mr. Witness, I tender it to you for

2293:12 your examination. Would you examine People's

2293:13 Exhibit Number 12-A-1 for Identification? Do you

2293:14 recognize it?

2293:15 A Yes, sir.

2293:16 Q What do you recognize it to be?

2293:17 A Identified as being the liquid blood sample

2293:18 of Mr. Kenneth Adams.

2293:19 Q And what if anything exactly -- exactly

2293:20 what if anything did you have an occasion to do with

2293:21 People's Exhibit Number 12-A-1 for Identification?

2293:22 A The basic simple blood test as I said before

2293:23 in the other blood samples.

2293:24 Q And could you please tell the ladies and

2294:01 gentlemen of these two juries what if any determination

2294:02 you were able to make as a result of your test?

2294:03 A That it contained Group A blood and also

2294:04 had a distinct characteristic of showing up slight

2294:05 agglutination in the O well which would indicate a

2294:06 person had H substance found in his blood.

2294:07 Q Showing you People's Exhibit 12-A-1,

2294:08 People's Exhibit Number 16-A and People's Exhibit

2294:09 Number 12-B, the vaginal swab of Carol Schmal, the

2294:10 saliva standard from Kenneth Adams and the blood

2294:11 standard from Kenneth Adams, what if anything in your

2294:12 examinations did you notice in common between these

2294:13 exhibits, if anything?

2294:14 A Basically the blood was tested showed the

2294:15 same characteristics, Group A with a slight trace of

2294:16 H substance. I also found it in the saliva because

2294:17 if I found it in the blood it would come up in any
2294:18 other body fluid. It came from the saliva, and just
2294:19 being incidental, it also came up on the vaginal
2294:20 swab.

2294:21 MR. CRESWELL: I object to the incidental, your
2294:22 Honor. It's what he found.

2294:23 THE COURT: Sustained.

2294:24 MR. JOHNSON: Q What if anything does this
2295:01 correlation in results mean to you?

2295:02 A With each item --

2295:03 MR. CRESWELL: I'm going to object to that,
2295:04 Judge.

2295:05 THE COURT: Overruled.

2295:06 THE WITNESS: Basically this contained Group A
2295:07 blood with a slight trace of the H substance blood.
2295:08 Saliva contained Group A with a trace of H. And the
2295:09 swab with those three conclusions that I could draw,
2295:10 it could have contained blood Group A substance with
2295:11 a trace of H also in one of those three conclusions
2295:12 that I said before.

2295:13 Q And what if anything does the correlation
2295:14 between those three exhibits mean to you, if anything?

2295:15 MR. CRESWELL: Same objection, your Honor.

2295:16 THE COURT: Overruled.

2295:17 THE WITNESS: They all have the same results.

2295:18 MR. JOHNSON: Q Now showing you People's
2295:19 Exhibit Number 16-A for Identification, 11-A-1 for
2295:20 Identification and 11-B for Identification, showing
2295:21 you those exhibits, in making your examination of
2295:22 those exhibits, Dennis Williams' blood and Dennis
2295:23 Williams' saliva, did you notice any correlation in
2295:24 results from those examinations?

2296:01 A The blood contained --

2296:02 MR. WESTON: Objection.

2296:03 THE COURT: Overruled.

2296:04 THE WITNESS: The blood contained Group A blood,
2296:05 the saliva contained Group A blood group substance
2296:06 and also Group A blood group substance also found
2296:07 in the vaginal swab.

2296:08 MR. JOHNSON: Q One more question. People's
2296:09 Exhibit Number 16-A for Identification is a swab?

2296:10 A Yes, sir; vaginal swab.

2296:11 Q Okay. And it's got a relatively small point
2296:12 or edge to it, is that correct?

2296:13 A Yes, sir.

2296:14 Q The swabby part?
2296:15 A Yes, sir.
2296:16 Q How is it you can perform, you know, these
2296:17 tests with such a small sample?
2296:18 A The test that we use in the laboratory
2296:19 are very sensitive to our techniques. We're working
2296:20 with molecular things, antigens and molecular bodies,
2296:21 molecules. We don't need a lot to run these certain
2296:22 tests.
2296:23 MR. JOHNSON: Judge, I have no further questions
2296:24 of this witness at this time.
2297:01 THE COURT: Very well. Would you care to have
2297:02 a short recess before your cross examination?
2297:03 MR. CRESWELL: Fine, Judge.
2297:04 MR. WESTON: That's all right, your Honor. What-
2297:05 ever the Court wants.
2297:06 THE COURT: I'll give you a chance to put your
2297:07 thoughts together.
2297:08 MR. WESTON: I'm ready now.
2297:09 THE COURT: Well, the ladies and gentlemen might
2297:10 want to take a break. Ten minutes if you please.
2297:11 (Whereupon a recess was taken
2297:12 after which the following
2297:13 proceedings were had out-
2297:14 side the presence and
2297:15 hearing of the jury:)
2297:16 MR. ARTHUR: Judge, I advise Mr. Weston that
2297:17 while testimony was in progress at one point when I
2297:18 went in the back to get another towel to erase the
2297:19 blackboard I received a phone call who said she was
2297:20 the secretary for Judge Perry and then I spoke to
2297:21 Judge Perry himself. He indicated to me that he
2297:22 would have no problem if Mr. Weston was not there.
2297:23 He would continue the matter to Monday at 10:00
2297:24 o'clock. So, you know, he'll be glad to accommodate
2298:01 us. I just wanted to get that clear.
2298:02 MR. WESTON: That frees me.
2298:03 MR. ARTHUR: So, in light of that if we can
2298:04 set up a standard time because all these people have
2298:05 to make arrangements.
2298:06 THE COURT: 10:00 o'clock is okay then?
2298:07 MR. WESTON: Sure.
2298:08 THE COURT: And Mr. Creswell?
2298:09 MR. CRESWELL: Yes, sir.
2298:10 MR. WESTON: 10:00 o'clock I'll be here.

2304:02 MR. CRESWELL: Thank you, sir.
2304:03 MR. ARTHUR: Thank you, your Honor. That's all
2304:04 the preliminary matters I have, Judge.
2304:05 THE COURT: All right, bring up the juries now.
2304:06 (Whereupon the following
2304:07 proceedings were had in
2304:08 the presence and hearing
2304:09 of the jury:)
2304:10 THE COURT: All right, you may proceed with
2304:11 cross examination.
2304:12 MR. WESTON: Yes, your Honor.
2304:13 CROSS EXAMINATION
2304:14 By Mr. Weston:
2304:15 Q Now, Mr. Podlecki, that's the correct
2304:16 pronunciation, sir?
2304:17 A Yes, sir.
2304:18 Q You testified on direct as to a number of
2304:19 tests that you performed?
2304:20 A Yes, sir.
2304:21 Q Specifically liquid blood standards of
2304:22 the defendants herein to the exclusion of Miss Gray,
2305:01 is that right?
2305:02 A Yes, sir.
2305:03 Q And saliva standards, is that right?
2305:04 A Yes, sir.
2305:05 Q Did you examine anything else from these
2305:06 defendants?
2305:07 A Yes, sir.
2305:08 Q What?
2305:09 A There were some pubic hair standards.
2305:10 Q Now, pursuant to your examination first as
2305:11 to the pubic hair standards, did you then submit a
2305:12 report to-wit: June 7th? 2
2305:13 A Yes, sir.
2305:14 Q That's your report, is that right, sir?
2305:15 A Yes, sir.
2305:16 Q Now, going over this report, in your report
2305:17 you indicated that you received it from an evidence
2305:18 locker number, is that correct, sir?
2305:19 A Yes, sir.
2305:20 Q Now, when you received items from the
2305:21 evidence locker number, what does that mean as opposed
2305:22 to receiving them from the police officer direct?
2305:23 A Presumably a police officer would put it
2305:24 in the locker, lock it and then would stay there

2306:01 until myself opened the locker and removed it.
2306:02 Q You know, of course, that these defendants
2306:03 submitted to these tests pursuant to court order,
2306:04 is that correct?
2306:05 A Sir, all I know is that the evidence that
2306:06 was put in the locker had their names on it.
2306:07 Q You don't know how the evidence got there,
2306:08 the blood tests and pubic hair and saliva?
2306:09 A No, sir.
2306:10 Q Now, as to the pubic hair of Willie Rainge,
2306:11 sir, did you find some conclusion from your examination
2306:12 of that hair?
2306:13 A No, sir.
2306:14 Q What did you say in your report?
2306:15 A Nothing of evidential value.
2306:16 Q So, what you found was nothing of evidential
2306:17 value, right?
2306:18 A Yes, sir.
2306:19 Q Now, did you also examine pubic hairs from
2306:20 one Dennis Williams, Kenneth Adams and Verneal
2306:21 Jimerson?
2306:22 A Yes, sir.
2306:23 Q Did you then submit the same results,
2306:24 nothing of evidential value?
2307:01 A Yes, sir.
2307:02 Q Now, when you're examining pubic hairs,
2307:03 sir, what were you seeking in terms of evidential
2307:04 value?
2307:05 MR. JOHNSON: Objection.
2307:06 THE COURT: Why?
2307:07 MR. JOHNSON: There's nothing of evidential
2307:08 value. It would be irrelevant and immaterial to
2307:09 go into it.
2307:10 THE COURT: As to what he was seeking?
2307:11 MR. JOHNSON: Yes, Judge, yes. Because in his
2307:12 answer that nothing of evidential value was found in
2307:13 it just about says it all, number one.
2307:14 THE COURT: Well, that's true. That's true,
2307:15 nothing multiplied by nothing is still nothing.
2307:16 MR. WESTON: Nothing of evidential value.
2307:17 THE COURT: But Mr. Weston says what were you
2307:18 seeking.
2307:19 MR. JOHNSON: Then beyond the scope.
2307:20 THE COURT: Overruled.
2307:21 MR. WESTON: Q What were you seeking?

2307:22 A Basically other hairs to compare them to.
2307:23 Q Other hairs in the case that were found.
2307:24 A Other hairs that were found where?
2308:01 Q On a few items, sir.
2308:02 A Now, you took liquid blood standards that
2308:03 you testified to, is that right?
2308:04 Q Yes, those were submitted to me.
2308:05 A And these results came up with a blood type
2308:06 classification, is that right?
2308:07 Q Yes, sir.
2308:08 A Now, you also examined the deceased, the
2308:09 victims, is that right?
2308:10 Q Blood, sir?
2308:11 A Blood.
2308:12 Q Yes, sir.
2308:13 A And then came up with a blood type
2308:14 classification, is that correct?
2308:15 Q Yes, sir.
2308:16 A Now, do you recall what blood type classi-
2308:17 fication both of the victims had, sir?
2308:18 Q Group O.
2308:19 A Do you recall if any defendant had a
2308:20 similar blood type classification?
2308:21 Q Basically Group O2.
2308:22 A Were there any defendants with Group A?
2308:23 Q Yes, sir.
2308:24 A Who were they, sir?
2309:01 Q Mr. Dennis --
2309:02 A You want to look at your report?
2309:03 Q Yes, sir. Mr. Adams, Mr. Dennis Williams.
2309:04 A And who else, sir?
2309:05 Q Mr. Willie Rainge is Group O.
2309:06 Q What about Mr. Jimerson?
2309:07 A Mr. Jimerson was Group A.
2309:08 Q All right, sir. Now, by that grouping test
2309:09 alone what if any implication or meaning is there to
2309:10 it other than the classification of the blood type?
2309:11 A That's it, sir.
2309:12 Q That's it, is that right?
2309:13 A Yes, sir.
2309:14 Q So, all of these twenty-four jurors and myself
2309:15 and the Judge and you have some type of blood type,
2309:16 is that right?
2309:17 A Yes, sir.
2309:18 Q Now, is there anything else in your test

2309:19 pertaining to the types of blood that has any evidentiary
2309:20 value other than the fact that it's a classified type?
2309:21 A Basically all you do is determine the blood
2309:22 type and report what you see.
2309:23 Q Now, you made saliva standard tests. The
2309:24 same type of rationale as to a classification purpose
2310:01 only applicable to the saliva test?
2310:02 A Yes, sir; to determine the type.
2310:03 Q Now, you also mentioned, sir, that eighty
2310:04 percent of the population have certain scientific
2310:05 matters which I don't know the name of?
2310:06 A Secretors, sir.
2310:07 Q Secretors, yes, sir. And they can then
2310:08 determine what? I didn't quite get that?
2310:09 A A secretor is a person that has the gene,
2310:10 secretor gene. The secretor secretes his blood type
2310:11 in his body fluids. Twenty percent of the population
2310:12 do not.
2310:13 Q Yes, sir. So, theoretically twenty percent
2310:14 of this jury would not be able to do that and the
2310:15 other eighty percent would, is that right, sir?
2310:16 A It's possible if it was a large enough
2310:17 population and random sampling.
2310:18 Q I'm just trying to compare it to something.
2310:19 We're talking about eighty percent of the population,
2310:20 talking about eighty percent of the United States
2310:21 government or eighty percent of the --
2310:22 A Eighty percent of the general population.
2310:23 Q In that twenty percent that cannot secrete
2310:24 whatever these elements are, would that have affected
2311:01 your examinations in any form or fashion?
2311:02 A No, sir.
2311:03 Q So, the fact that eighty percent can and
2311:04 twenty percent can't is immaterial so far as your
2311:05 testimony is concerned?
2311:06 A Basically just to determine who secretes
2311:07 their blood type and who doesn't.
2311:08 Q Now, we got into an aspect of possibilities.
2311:09 We talked in terms of possibilities. Are there other
2311:10 elements in the blood that would tend to affect
2311:11 changes on your examinations?
2311:12 A There's a possibility.
2311:13 Q Possibility. Whatever the number of the
2311:14 State's Exhibit, the pink pants, you stated that
2311:15 somewhere in the crotch, right here, you cut this

2311:16 piece of cloth off, right?
2311:17 A Yes, sir.
2311:18 Q And you found on that cloth what, sir?
2311:19 A Seminal material, sir.
2311:20 Q Seminal material?
2311:21 A And intact spermatozoa.
2311:22 Q Did you know whether or not it had penetrated
the entire cloth or was it on the outside or whether
it was on the inside?
2312:01 A I don't know that, sir.
2312:02 Q You don't know. Now, that particular sperm
that you found on these pants was what, sir? Let
2312:04 me refresh your memory again with the report.
2312:05 A It wouldn't be on this report here. It
2312:06 basically was intact spermatozoa and seminal
2312:07 material that was found in the pants.
2312:08 Q All right. Now, this sperm that you're
2312:09 referring to, what does that mean, sir?
2312:10 A It was human sperm cells and also human
2312:11 seminal material.
2312:12 Q Now, could you determine whether the sperm
2312:13 cells of the human sperm material was male or
2312:14 female?
2312:15 A Sperm cells mainly come from the male.
2312:16 Q Now, coming from a male could you determine
2312:17 whether or not the sperm cell had any characteristics
2312:18 of any of these blood types?
2312:19 A Basically on this item here, sir?
2312:20 Q Yes, sir.
2312:21 A No, sir; I could not.
2312:22 Q When they handed you these pants did they
2312:23 say that the victim had them on during some inter-
2312:24 course?
2313:01 A Sir, they were just put in the bag and I
2313:02 just examined them. I didn't know where they came
2313:03 from.
2313:04 Q They didn't tell you they were off the victim
2313:05 or on the victim?
2313:06 A No, sir. They just came to me in a bag
2313:07 and said they're from the victim.
2313:08 Q From the victim. Belong to the victim?
2313:09 A Yes, sir.
2313:10 Q Now, the deceased male had a blood type
2313:11 too, didn't he, sir?
2313:12 A Yes, sir.

2313:13 Q And from your test of that sperm that
2313:14 was found inside or outside on that cloth, can you
2313:15 ascertain whether or not that sperm was the same
2313:16 type of blood classification as the deceased male?
2313:17 A No, sir; I wasn't able to come up with
2313:18 a conclusive result on the blood typing on that
2313:19 seminal matter.
2313:20 Q Now, getting back to the liquid blood
2313:21 standards and the tests that were ordered by this
2313:22 Court, they were placed in an evidence locker with
2313:23 a number on it, is that right, sir?
2313:24 A Yes, sir.
2314:01 Q Now, you have then a reference number to
2314:02 a case. That case reference number is from you or
2314:03 from whom?
2314:04 A From me. M782033.
2314:05 Q Now, here, is this also one of your reports,
2314:06 to-wit: People's Exhibit Number 105 identified by
2314:07 the State?
2314:08 A Yes, sir; that's my signature on it.
2314:09 Q Now, the note that this indicates it was
2314:10 received May 15th, 1978, is that right?
2314:11 A Yes, sir.
2314:12 Q This wasn't received from a laboratory
2314:13 evidence locker?
2314:14 A No, it was received from Mr. Genty in
2314:15 person.
2314:16 Q Mr. Genty gave this to you, is that right?
2314:17 A Yes, sir.
2314:18 Q Now, do you know where it had been prior
2314:19 to Mr. Genty giving it to you?
2314:20 A No, sir.
2314:21 Q Now, the first item there that you examined
2314:22 was one white comb containing hairlike fibers, is that
2314:23 right?
2314:24 A Yes, sir.
2315:01 Q Now, you made a conclusion after examining
2315:02 that comb, did you not, sir?
2315:03 A Yes, sir.
2315:04 Q What was that conclusion?
2315:05 A That the items that I found, hair fibers that
2315:06 I found were nothing of evidential value.
2315:07 Q Thank you, sir. Now, you also made a
2315:08 conclusion as to this one pair of pink denim jeans,
2315:09 is that right?

2315:10 A Yes, sir.
2315:11 Q What is that conclusion, sir?
2315:12 A Grouping results, blood grouping results
2315:13 were found to be inconclusive.
2315:14 Q When you say the blood grouping results
2315:15 inconclusive, what does that mean?
2315:16 A That means I could not find a final
2315:17 conclusion from the results which I obtained in doing
2315:18 that test.
2315:19 Q And what were you seeking, sir?
2315:20 A To see if I could determine if the seminal
2315:21 material deposited on those pants had a blood type.
2315:22 MR. WESTON: Your Honor, I would make an offer
2315:23 of proof --
2315:24 MR. JOHNSON: Objection. Object to any offer
2316:01 of proof in front of any jury.
2316:02 THE COURT: Sustained.
2316:03 MR. WESTON: I withdraw the offer of proof.
2316:04 THE COURT: You can do that at anytime outside
2316:05 their presence.
2316:06 MR. WESTON: All right, sir.
2316:07 Q Now, I assume that you made these
2316:08 tests in some type of order, is that right, sir?
2316:09 A Yes, sir.
2316:10 Q And as you made them in some type of order
2316:11 you then started to prepare that report which is the
2316:12 report of People's Exhibit 105, is that right?
2316:13 A Yes, sir.
2316:14 Q What's the next item that you examined, sir,
2316:15 number three?
2316:16 MR. JOHNSON: I'm going to object. Beyond the
2316:17 scope.
2316:18 THE COURT: The order of the examination?
2316:19 MR. JOHNSON: No, what was the next item?
2316:20 THE COURT: I thought his question was what was
2316:21 the order in which the witness made his examinations
2316:22 and tests.
2316:23 MR. ARTHUR: Judge, that's not his question. His
2316:24 question was what's Item Number 3 on there.
2317:01 MR. WESTON: The next item.
2317:02 MR. ARTHUR: Totally beyond the scope.
2317:03 THE COURT: Well, just a minute. I'll sustain
2317:04 the objection.
2317:05 MR. WESTON: Don't sustain the objection until
2317:06 we understand it, your Honor, please.

2317:07 THE COURT: I want you to restate your question.
2317:08 If you please, so we get it clear here what we're
2317:09 arguing about or discussing.
2317:10 MR. WESTON: Q People's Exhibit Number 105 has
2317:11 a number of examinations performed by this witness.
2317:12 All I'm asking the witness is what was these
2317:13 examinations and what was the results. Now, if I'm
2317:14 not permitted to do that, I'll cut it off right now.
2317:15 MR. JOHNSON: I object.
2317:16 THE COURT: Sustained.
2317:17 MR. WESTON: Q You took a head hair sample
2317:18 standard from Larry Lionberg, did you, sir?
2317:19 A It was in an envelope. I didn't take the
2317:20 standard from him.
2317:21 Q Did you have it and perform a test on it?
2317:22 A Could I refer to my report on that, please?
2317:23 Q Sure.
2317:24 A Yes, sir.
2318:01 Q And after you performed that test you came
2318:02 up with some results, is that right, sir?
2318:03 A Yes, sir.
2318:04 Q What were those results?
2318:05 A That the head hair standard was found to be
2318:06 similar in color and character to line number 37.
2318:07 Q Now, Item Number 37, that's one of the items
2318:08 that you have listed here, is that right, sir?
2318:09 A Yes, sir.
2318:10 Q Now, Item Number 37 is what, sir?
2318:11 A Trace material.
2318:12 Q Now, when you refer to trace material, are
2318:13 you talking about an item from this particular case,
2318:14 case report number 745880?
2318:15 A The sheets that I am referring to would be
2318:16 the evidence. I don't know if it would be these
2318:17 sheets, but the evidence receipts that we have at the
2318:18 crime laboratory that the Cook County State's Attorneys
2318:19 would submit to us. I just use the same terminology
2318:20 that they use.
2318:21 Q Now, do you have on your report that you
2318:22 submitted a reference number as to what you're talking
2318:23 about? Does that number correspond with the number
2318:24 on that report that contains those trace materials?
2319:01 A Yes, sir. The agency case number.
2319:02 Q Does that mean anything?
2319:03 A To me, no, sir.

2319:04 Q What do you use the number for?
2319:05 A Basically so we put that down so then the
2319:06 Sheriff's Department have their agency numbers so
2319:07 they can look it up to find out what case this is
2319:08 corresponding to their work.
2319:09 Q So, because it's the same number as this
2319:10 doesn't mean anything?
2319:11 A Not to me, sir, no.
2319:12 Q All right. Now, you got this trace material
2319:13 from whom, sir?
2319:14 A Mr. Genty.
2319:15 Q And you don't know where Mr. Genty got it
2319:16 from?
2319:17 A No, sir.
2319:18 Q Now, you took some facial hair from Larry
2319:19 Lionberg. Did you test that, sir?
2319:20 A Sir, it was put in an envelope. I didn't
2319:21 take it.
2319:22 Q You had it, sir. Did you test it?
2319:23 A Yes, sir.
2319:24 Q What was your results from that test?
2320:01 A There were no facial hairs throughout the
2320:02 evidence to compare it to. No comparison.
2320:03 Q Now, when you said no comparison you mean
2320:04 you found no hairs similar to his facial hairs in any
2320:05 of the evidence you had?
2320:06 A This is correct.
2320:07 Q Now, you took some fingernails or you had
2320:08 some fingernail scrapings from [REDACTED]?
2320:09 A Yes.
2320:10 MR. JOHNSON: Judge, I object to this.
2320:11 THE COURT: Beyond the direct?
2320:12 MR. JOHNSON: Yes.
2320:13 THE COURT: Overruled.
2320:14 MR. WESTON: Q You took tests of fingernail
2320:15 scrapings from Carol Schaml, is that right, sir?
2320:16 A They were received by me, yes, sir.
2320:17 Q And you made tests, did you not?
2320:18 A Yes, sir.
2320:19 Q And what were the results of that test?
2320:20 A I found a section, small portion of one
2320:21 Caucasian hair, brown in color.
2320:22 Q Now, once you found the section of one
2320:23 Caucasian hair, brown in color, what do you deduce
2320:24 from that, if anything?

2321:01 A Basically it was such a minute quantity
2321:02 that I examined it microscopically and just determined
2321:03 that it was Caucasian and it was brown.
2321:04 Q Was it similar in characteristics to [REDACTED] s
2321:05 hair?
2321:06 A Pardon me, sir?
2321:07 Q Was it similar in characteristics to [REDACTED] s
2321:08 hair?
2321:09 A I couldn't make a determination on the hair.
2321:10 It was too minute a piece of hair.
2321:11 Q So small that you couldn't determine?
2321:12 A Yes, sir. All that I have on the report is
2321:13 all I could determine.
2321:14 Q Could you determine a difference between
2321:15 Caucasian and Negroid hair?
2321:16 A Oh, yes, sir.
2321:17 Q It wasn't Negroid?
2321:18 A This is correct, sir.
2321:19 Q Now, Number 21 says one pair of green socks
2321:20 and the plastic box of hair fibers.
2321:21 MR. JOHNSON: I'll object again.
2321:22 THE COURT: As beyond the direct again?
2321:23 MR. JOHNSON: Yes.
2321:24 THE COURT: Sustained.
2322:01 MR. WESTON: Your Honor, I'll have to make my
2322:02 offer of proof outside the presence of the jury.
2322:03 THE COURT: Right. I understand.
2322:04 MR. WESTON: Can I do it now.
2322:05 THE COURT: No, let's do it tomorrow. Or when
2322:06 you're finished tonight.
2322:07 MR. WESTON; Q In fact, you tested quite a
2322:08 bit of trace material and you came up with completely
2322:09 nothing of evidentiary value, is that right, sir?
2322:10 A This is correct, sir.
2322:11 THE COURT: I think I changed my mind about those
2322:12 socks. Go ahead and ask about it. Overruled.
2322:13 MR. WESTON: Thank you, Sir.
2322:14 Q You had one pair of green socks and
2322:15 a plastic box of hair fibers?
2322:16 A Yes, sir.
2322:17 Q You made a test?
2322:18 A Yes sir.
2322:19 Q That test disclosed that there was nothing
2322:20 of evidentiary value, is that right, sir?
2322:21 A This is correct, sir.

2322:22 Q Now, you also took or you had an oral
2322:23 swab and a rectal swab from the victim [REDACTED], is
2322:24 that right?
2323:01 A Yes, sir.
2323:02 Q Now, what exactly did you examine it for,
2323:03 sir?
2323:04 A The presence of seminal material, sir.
2323:05 Q The presence of seminal material?
2323:06 A Yes, sir.
2323:07 Q And your conclusion there was nothing of
2323:08 evidential value?
2323:09 A Rectal swab and oral swab no. Negative
2323:10 for seminal material. There was none found.
2323:11 Q I see. Now, you also were submitted some
2323:12 floor debris. Now, what particular --
2323:13 MR. JOHNSON: Objection, Judge.
2323:14 MR. WESTON: Q What does that mean?
2323:15 THE COURT: Same ruling.
2323:16 THE WITNESS: Are you referring to Item 26 on my
2323:17 report?
2323:18 MR. WESTON: Q Yes, sir.
2323:19 A Basically debris from the floor.
2323:20 Q Debris from the floor. And what type of
2323:21 examination did you do with the debris from the floor?
2323:22 A Basically I would look for hairs.
2323:23 Q Hairs?
2323:24 A Hairs or fibers that could be pertinent to
2324:01 the case.
2324:02 Q And what happened? Go ahead.
2324:03 A Basically what I would do is look for foreign
2324:04 trace material. If I found anything of evidential
2324:05 value in either case it would be reported. Otherwise
2324:06 there was nothing found.
2324:07 Q So, in this particular incident what happened?
2324:08 What were the results of the examination?
2324:09 A There was nothing of evidential value that
2324:10 I could find.
2324:11 Q Now, sir, I see your name on that report.
2324:12 I'm a little confused as to what happened. That indicates
2324:13 that you gave this to someone after they gave it to you?
2324:14 What does that mean?
2324:15 A Basically Item Number 14, one pair of socks
2324:16 and one pair of shoes, I turned over to Mr. Sherk on
2324:17 May 22nd, 1978.
2324:18 Q Mr. Sherk is another -- he's another forensic

2324:19 scientist at the lab.
2324:20 A Correct.
2324:21 Q Did you examine Item 14 prior to turning it
2324:22 over to him?
2324:23 A I would have to check my reports, sir.
2324:24 Q So, according to this, this came from D.J.
2325:01 Genty on May 15th, right?
2325:02 A Right.
2325:03 Q And then --
2325:04 MR. ARTHUR: I object to the use of that report.
2325:05 It's not Mr. Podlecki's report. He's already said it's
2325:06 not his.
2325:07 MR. WESTON: The question is asked as to procedure.
2325:08 I'm not trying to introduce anything on the report.
2325:09 THE COURT: I understand.
2325:10 MR. WESTON: I just want to understand the procedure.
2325:11 THE COURT: What are you trying to get to?
2325:12 MR. WESTON: I'm trying to let the jury know that
2325:13 these items were transferred quite a bit prior to
2325:14 anybody examining them aside from not being in any-
2325:15 body's control.
2325:16 MR. ARTHUR: This jury knows that. We've gone
2325:17 through a meticulous chain of evidence to show
2325:18 what happened to it.
2325:19 MR. WESTON: I'm entitled to go through a
2325:20 meticulous line of questioning.
2325:21 THE COURT: Not if it's irrelevant, so I'll
2325:22 sustain the objection.
2325:23 MR. WESTON: It's irrelevant?
2325:24 THE COURT: Irrelevant.
2326:01 MR. WESTON: Irrelevant where they came from?
2326:02 THE COURT: Or what happened.
2326:03 MR. WESTON: Or what happened, all right.
2326:04 Q Now, when you first started your
2326:05 testimony, sir, you testified you saw some brown
2326:06 hair in a standard. What do you mean by standard?
2326:07 A Brown hair is a standard identifiable.
2326:08 Basically a standard would be removed. In this case
2326:09 I didn't remove the standard.
2326:10 Q So, someone removed a standard from what?
2326:11 A From the top of a person's head.
2326:12 Q So, when you say a standard you're talking
2326:13 about something that you definitely know where it
2326:14 came from and you want to compare something with it,
2326:15 is that right?

2326:16 A I can say it's identified as being where
2326:17 it came from.
2326:18 Q You can identify where the standard came from?
2326:19 A No, I can't identify where it came from.
2326:20 I can say it's marked on there as identified as being
2326:21 from.
2326:22 Q So, someone told you that the standard came
2326:23 from somewhere?
2326:24 A Yes, sir.
2327:01 Q Oh. Then you compare it to -- say it's
2327:02 a hair. In this instance a brown hair. Then you
2327:03 had some items classified as unknown hairs?
2327:04 A Yes, sir.
2327:05 Q Now, someone classified one hair as a
2327:06 standard and some other hairs as unknown. Who makes
2327:07 the classification unknown, if you know?
2327:08 A Basically unknown hair in my own terms --
2327:09 Q You didn't make this classification, did you?
2327:10 When it came to you it was labelled unknown, is that
2327:11 right?
2327:12 A No, sir; it was labelled trace material.
2327:13 They don't know what was in there.
2327:14 Q They had some trace materials that they
2327:15 didn't know what it was?
2327:16 A And they gave it to me to find out if there
2327:17 was any hair found in there. At that time when they
2327:18 brought it to me it was unknown. They wouldn't know
2327:19 what it contained.
2327:20 Q Now, when you exchanged items with another
2327:21 department or individual in your job, do you get
2327:22 receipts like Dr. Stein or the doctors do? Do you
2327:23 get receipts for the individual items?
2327:24 A They sign for them, sir.
2328:01 Q You sign for them as they give them to you?
2328:02 A Yes, sir. And then when they're transported
2328:03 over to another serologist, not serologist but firearms
2328:04 examiner, it would be documented that I turned this
2328:05 item over to him on this date.
2328:06 Q Now, as you get these items then you have
2328:07 a request from whomever submits them to you to try to
2328:08 find something or to look for something or to do some-
2328:09 thing?
2328:10 A Yes, sir.
2328:11 Q And that request is in this case what in
2328:12 terms of the blood? You got some blood. And they

2328:13 gave you a sample. What did they tell you to look for?
2328:14 What did they say to you? What were you supposed to
2328:15 do with it?

2328:16 A Could I explain the whole story?

2328:17 Q You sure can, sir.

2328:18 A Basically I had this vaginal swab, People's
2328:19 Exhibit 16, and I found seminal material in it. I
2328:20 then grouped it, typed it, came up with two types,
2328:21 Group A and Group O. I then asked the police officers
2328:22 for the benefit of the defendants that I would need
2328:23 to know their blood type in order to either eliminate
2328:24 them, exclude them. So, I requested standards from
2329:01 them. That is our policy, so in other words we can
2329:02 do a thorough job. Saliva standards to determine
2329:03 if they were secretors and also blood standards to
2329:04 determine if the blood type and the secretor type
2329:05 were the same type.

2329:06 Q So, when you got that blood then you went
2329:07 through what's known as exclusionary evidentiary
2329:08 seeking, is that what you're talking about? You can
2329:09 either exclude or you could identify?

2329:10 A Yes, sir. That's the reason why we asked
2329:11 for standards of the defendants and also the victims
2329:12 to either identify or exclude them.

2329:13 Q So, when you find evidence that does not
2329:14 exclude, then the conclusion is it's possible it's
2329:15 within an eighty percent or ninety percent or something,
2329:16 right?

2329:17 A Could you rephrase what you mean?

2329:18 Q Surely. When you find evidence that does
2329:19 not exclude, it's not exclusionary, then it becomes
2329:20 a possibility, right?

2329:21 A This is correct.

2329:22 Q All right. So, what you discovered was
2329:23 possibilities, is that right?

2329:24 A No, I discover things that I see on the case,
2330:01 facts.

2330:02 Q No way you could identify? You can't say --
2330:03 you told me you couldn't identify two hairs if I took
2330:04 them out of my head and gave them to you. You couldn't
2330:05 tell me they came from me. All you can do is exclude.
2330:06 The evidence that you locate is exclusionary.

2330:07 A Concerning hairs, yes, sir.

2330:08 Q All right. So, in your test you found out
2330:09 that people of A and O blood classifications were

2330:10 in the realm of possibilities and thereby are not
2330:11 excluded, is that right?
2330:12 A This is correct.
2330:13 Q These two defendants -- these three
2330:14 defendants happen to have that blood classification.
2330:15 You found that out too, did you not?
2330:16 A Yes, sir; by testing it.
2330:17 Q Do you know what type of blood classification
2330:18 you have, sir?
2330:19 A Yes, sir.
2330:20 Q What is that?
2330:21 A Group A.
2330:22 MR. WESTON: Thank you. No further questions.
2330:23 THE COURT: Mr. Creswell.

2331:01 CROSS EXAMINATION
2331:02 By Mr. Creswell:

2331:03 Q Mr. Podlecki, in connection with your last --
2331:04 one of your last answers that Counsel Weston asked
2331:05 you concerning his hair, did you not tell me also
2331:06 the other day when I was cross examining you regarding
2331:07 your qualifications that the type of test regarding
2331:08 blood types are exclusionary also?

2331:09 A To a degree, yes. Depending on the matter
2331:10 of the case.

2331:11 Q Pardon me?

2331:12 A Depending on the case.

2331:13 Q In other words I think you told me the
2331:14 other day that when a person has a type A blood he
2331:15 falls within I think you used the term thirty-five
2331:16 percent of the population of the United States?

2331:17 A Yes, sir.

2331:18 Q I'm not finished. Which, at the present
2331:19 day population would be about seventy or eighty million
2331:20 people, is that correct? =

2331:21 A I don't know how many people live in the
2331:22 country.

2331:23 Q Would it be fair to say that about two
2331:24 hundred to two hundred twenty million people presently
2332:01 populate the United States of America?

2332:02 A I'd say a great number of people.

2332:03 Q Would that be a fair estimate if I made
2332:04 that to you?

2332:05 A Yes, sir.

2332:06 Q So, thirty-five percent of two hundred to
2332:07 two hundred and twenty million people amounts I

2332:08 think mathematically to around seventy million
2332:09 people conservatively speaking, is that correct?
2332:10 A Yes.
2332:11 Q Mr. Podlecki, I refer you to People's
2332:12 Exhibit Number 105.
2332:13 A My report?
2332:14 Q Yes. Which consists of six pages, is
2332:15 that correct?
2332:16 A Yes, sir.
2332:17 Q And those pages run up to by your item
2332:18 number, number 61, is that correct?
2332:19 A Yes, sir.
2332:20 Q Now, all of those sixty-one items that
2332:21 you have listed on here are not here, are they, sir?
2332:22 A This is correct.
2332:23 Q As a matter of fact only a few of them are
2332:24 here compared to 61, is that right?
2333:01 A Yes, sir.
2333:02 Q And items number 47 and 50, I refer you to,
2333:03 your numbers.
2333:04 A Yes, sir.
2333:05 Q Did you run some tests on that item?
2333:06 A Yes, sir.
2333:07 Q And those were various pieces of carpeting,
2333:08 were they not?
2333:09 A Yes, sir.
2333:10 Q And your conclusion there was there was
2333:11 nothing of evidentiary value, is that correct?
2333:12 MR. JOHNSON: Objection.
2333:13 THE COURT: Same order. Overruled.
2333:14 THE WITNESS: Yes, sir.
2333:15 MR. CRESWELL: Q This question of secretors
2333:16 as you use it, Mr. Podlecki, I'm not quite sure
2333:17 I understand how you arrive at that terminology. You
2333:18 stated that eighty percent of the people in this
2333:19 country or maybe throughout the world for that matter
2333:20 are secretors, is that correct?
2333:21 A Yes, sir.
2333:22 Q And how are you able to determine who is
2333:23 a secretor and who is not a secretor?
2333:24 A Basically by the tests that I showed there
2334:01 on the blackboard.
2334:02 Q And is that done from what material, blood?
2334:03 A No, sir; it would be bodily fluids.
2334:04 Q All right. The only bodily fluids that you

2334:05 received from any of these victims then, Mr. Podlecki,
2334:06 are blood samples, is that correct?
2334:07 A Yes, sir.
2334:08 Q Now, would the blood sample allow you
2334:09 to determine whether either of the victims were
2334:10 secretors?
2334:11 A No, sir. I would need the saliva sample.
2334:12 Q So, you don't know whether or not these
2334:13 victims were secretors, is that correct?
2334:14 A That's correct, sir.
2334:15 Q And, Mr. Podlecki, in your studies and
2334:16 experience and readings of this, is it possible for
2334:17 a female person to have a prostate gland?
2334:18 A I don't know that, sir.
2334:19 Q You've never heard of that if I told you
2334:20 that it would be possible, would that be fair?
2334:21 MR. JOHNSON: Judge, I object to the possibility.
2334:22 THE COURT: Sustained.
2334:23 MR. CRESWELL: Q You don't know whether or not
2334:24 the female victim here had a prostate gland, do you?
2335:01 A No, sir.
2335:02 Q So, you cannot determine whether in that
2335:03 sense she was a secretor either?
2335:04 A No, sir.
2335:05 Q Okay. Now, in connection with this -- these
2335:06 tests that you performed regarding these -- I believe
2335:07 you referred to it as seminal fluid, is that correct?
2335:08 A Seminal fluid, seminal material.
2335:09 Q And you stated that comes from possibly
2335:10 the testicles of a male, is that correct?
2335:11 A Yes, sir; in conjunction with other glands.
2335:12 Q And that one of those other glands would
2335:13 be the prostate?
2335:14 A Yes, sir.
2335:15 Q And what other glands?
2335:16 A Prostate gland, testicles.
2335:17 Q Is that all?
2335:18 A There could be more, sir.
2335:19 Q What would they be?
2335:20 A I don't know, sir, offhand.
2335:21 Q You don't know?
2335:22 A No, sir. I'm an expert in the identification
2335:23 of seminal material, not in anatomy.
2335:24 Q Not where its source comes from, is that
2336:01 my understanding?

2336:02 A Yes, sir.
2336:03 Q Now, did you state here that on direct
2336:04 examination or cross -- well, before I ask you any
2336:05 questions, that sperm would remain intact on clothing
2336:06 more so than it would in, say, a wet, damp place?
2336:07 A Yes, sir. It's possible considering the
2336:08 condition of where the clothing was at.
2336:09 Q And you did discern from People's Exhibit
2336:10 8 I believe that there was some intact sperm on this
2336:11 particular piece of clothing that was given to you
2336:12 for examination, is that correct?
2336:13 A Yes, sir; there was some intact spermatozoa.
2336:14 Q Now, did you not state to Mr. Weston on his
2336:15 cross examination and refer to that as seminal fluid
2336:16 and not spermatozoa?
2336:17 A Yes, sir.
2336:18 Q So, then which is right? Was it spermatozoa
2336:19 or was it seminal fluid?
2336:20 A There was both.
2336:21 Q All right, I show you your exhibit, People's
2336:22 Exhibit Number 105 for Identification, and I refer
2336:23 you to Item Number 2 which has been marked People's
2336:24 Exhibit Number 8-A as being the pink denim pants.
2337:01 A Yes, sir.
2337:02 Q And is there anywhere in your conclusions
2337:03 there that said that there was seminal fluid?
2337:04 A On my results I put intact spermatozoa.
2337:05 Q No seminal fluid?
2337:06 A No.
2337:07 Q Now you're saying there was both seminal
2337:08 fluid and spermatozoa.
2337:09 A In my notes there would be that I tested
2337:10 it.
2337:11 Q Do you have your notes with you?
2337:12 A They're in the hands of the State's Attorney.
2337:13 MR. CRESWELL: May I have them, please?
2337:14 THE COURT: Mr. Creswell, let's recess now. He
2337:15 has to leave at 4:00 o'clock. We're going to recess
2337:16 at this point.
2337:17 MR. JOHNSON: For the day?
2337:18 THE COURT: Yes. We have to excuse Mr. Weston
2337:19 to go to court.
2337:20 Ladies and gentlemen, we'll recess now
2337:21 until 10:00 A.M. tomorrow morning. The program
2337:22 tomorrow morning is going to be slightly different

2376:01 cross examining.

2376:02 MR. CRESWELL: I believe when we discontinued
2376:03 the cross examination yesterday, your Honor, the
2376:04 witness had stated that he had refreshed his memory
2376:05 from some notes which were in the possession of the
2376:06 State's Attorney.

2376:07 THE COURT: I think he's tendering them to you
2376:08 now.

2376:09 MR. CRESWELL: Fine. May I have a moment to
2376:10 look at them, your Honor, because this is the first
2376:11 time I've seen them, your Honor.

2376:12 THE COURT: All right.

2376:13 MR. CRESWELL: Would you please mark this as
2376:14 Defendant Adams Exhibit Number -- I don't know
2376:15 what number it would be, Judge. Three or four,
2376:16 something like that.

2376:17 THE COURT: I could find it.

2376:18 MR. CRESWELL: Well, I know I haven't used five,
2376:19 so let's mark it number five for identification.

2376:20 (Whereupon said document
2376:21 was thereupon marked as
2376:22 Defendant Adams Exhibit
2376:23 Number 5 for Identification
2376:24 by the Court Reporter.)

2377:01 M I C H A E L P O D L E C K I,
2377:02 called as a witness on behalf of the People of the
2377:03 State of Illinois, having been previously duly sworn,
2377:04 was examined and testified further as follows:

2377:05 THE COURT: You're the same Mr. Podlecki that
2377:06 was testifying yesterday and you realize you're
2377:07 still under oath, of course, do you not, sir?

2377:08 THE WITNESS: Yes, sir.

2377:09 THE COURT: All right.

2377:10 CROSS EXAMINATION (Resumed)

2377:11 By Mr. Creswell:

2377:12 Q Officer, I show you what has been marked
2377:13 as Defendant Adams Exhibit Number 5 for Identification
2377:14 and ask you if those are your notes in your hand-
2377:15 writing, consisting of six pages?

2377:16 A Seven pages.

2377:17 Q Seven pages, I'm sorry.

2377:18 A Yes.

2377:19 Q I thought my father taught me how to add
2377:20 but apparently he didn't. I know he didn't teach me
2377:21 how to subtract. Officer, I show you Defendant Adams

2377:22 Exhibit 5 for Identification and also People's Exhibit
2378:01 Number 105 for Identification and I ask you if the
2378:02 numbers that appear in the lefthand margin of the
2378:03 different exhibits are corresponding numbers?
2378:04 A Yes, sir.
2378:05 Q They are?
2378:06 A Yes, sir.
2378:07 Q Now, in Item Number 3 of People's Exhibit
2378:08 Number 5 for Identification which refers to a piece
2378:09 of plywood, does it not?
2378:10 A Yes, sir.
2378:11 Q Your conclusion is negative for blood, is
2378:12 that correct?
2378:13 A Yes, sir.
2378:14 Q In your item number three here I notice
2378:15 you have a little line drawn down there and what is
2378:16 that?
2378:17 A That is my abbreviations for does not
2378:18 equal blood. Negative.
2378:19 Q It looked like a plus mark, that's why I
2378:20 asked. By the way, in referring to People's Exhibit
2378:21 Number 105 for Identification, Officer, I note in
2378:22 your conclusions here the results of examinations
2378:23 you have various items that you say negative or
2378:24 nothing of evidentiary value?
2379:01 A Yes, sir.
2379:02 Q I take it those are your conclusions, is
2379:03 that correct?
2379:04 A Yes, sir; with each item.
2379:05 MR. CRESWELL: I have to apologize to the Court
2379:06 since I have not been given this prior to trial. It's
2379:07 the first opportunity I've had to see it. So, if
2379:08 I take a little extra time it's for that reason.
2379:09 Q Officer, in -- well, now just a minute.
2379:10 In your notation for Item 19, the blood sample of
2379:11 the victim Carol Schmal, you have various delineations
2379:12 there of A, B -- I can't read that.
2379:13 A H.
2379:14 Q What is that?
2379:15 A That's equivalent to O.
2379:16 Q O?
2379:17 A Right.
2379:18 Q And AB, is that correct?
2379:19 A Yes, sir.
2379:20 Q And under those you have a minus sign under

2379:21 the A, B and the AB?
2379:22 A Yes, sir.
2379:23 Q And a plus sign under the O, is that correct?
2379:24 A Under the H.
2380:01 Q Or what you say is O?
2380:02 A Right. This is mainly my abbreviation.
2380:03 Q You arrive at the conclusion that [REDACTED]
2380:04 [REDACTED] had blood group O, is that right?
2380:05 A Yes, sir.
2380:06 Q Now, under the one for Kenneth Adams, you
2380:07 have a plus sign under the A, the O, the AB, is that
2380:08 correct?
2380:09 A Yes, sir.
2380:10 Q So, you found qualities of all three of
2380:11 those types, is that right, under Kenneth Adams'
2380:12 blood?
2380:13 A No, sir.
2380:14 Q Would that plus sign mean that?
2380:15 A No, sir; I'd have to explain that.
2380:16 Q Well, what does the plus sign mean over
2380:17 here for [REDACTED], that she has O blood, is that
2380:18 correct?
2380:19 MR. JOHNSON: Judge, I will object. If the
2380:20 witness wants to explain it I think it's only fair.
2380:21 MR. CRESWELL: I'm asking the question.
2380:22 THE WITNESS: Basically this would mean there was
2380:23 a positive reaction or positive agglutination in the
2380:24 H well. What that would represent is a person with
2381:01 Group O blood.
2381:02 MR. CRESWELL: Q Now, on Kenneth Adams you had
2381:03 a positive agglutination as you call it in A, in O
2381:04 and under AB?
2381:05 A Yes, sir.
2381:06 Q And none under B?
2381:07 A This is correct, sir.
2381:08 Q In your notes as exhibited by Defendant
2381:09 Adams Exhibit Number 5 for Identification and in the
2381:10 typewritten copy of the Sheriff's -- or the People's
2381:11 Exhibit Number 105 for Identification you refer to
2381:12 Items 57, 58, 59 and 60 and 61, is that correct?
2381:13 A Yes, sir.
2381:14 MR. CRESWELL: For the record, your Honor, I'd
2381:15 like to state that these were not given to us at
2381:16 any time prior to today.
2381:17 THE COURT: Correct. They weren't even mentioned

2381:18 until yesterday.

2381:19 MR. CRESWELL: Q All right. Now, those are

2381:20 vacuuming samples taken from some place, are they not?

2381:21 A They were vacuum samples taken from some

2381:22 vehicle of which I do not know.

2381:23 Q Do you know the vehicle?

2381:24 A No, sir.

2382:01 Q The type of vehicle?

2382:02 A No, sir.

2382:03 Q When were these taken, do you know?

2382:04 A I don't know when they were taken, but they

2382:05 were submitted to me, as on my report, September

2382:06 14th, 1978 from scientist George Dabdoub.

2382:07 A Who is he?

2382:08 A He's another forensic scientist that

2382:09 analyzes trace material at the crime lab.

2382:10 Q And they were given to you on September 14th?

2382:11 A Yes, sir; as I have stated here on my report.

2382:12 Q And you don't know where they came from?

2382:13 A I received them from him.

2382:14 Q I mean --

2382:15 A The origination?

2382:16 Q Where the origination of these items were?

2382:17 A No, sir.

2382:18 Q Any more than you know the origination of

2382:19 any of these items that you've already testified to,

2382:20 is that correct?

2382:21 A That's correct, sir.

2382:22 Q Mr. Podlecki, you were also given some items

2382:23 that were classified as fingernail scrapings from the

2382:24 victim, [REDACTED], is that right?

2383:01 A Yes, sir.

2383:02 Q And I think you already testified that one

2383:03 of those items was a section of human Caucasian hair,

2383:04 brown in color?

2383:05 A Yes, sir; a small portion.

2383:06 Q Was one of the other items blood or some

2383:07 substance that you identified as blood?

2383:08 A I'd have to look at my notes.

2383:09 Q Right here.

2383:10 A Which item?

2383:11 Q Number 20-D, blood present, is that correct?

2383:12 A Yes, sir.

2383:13 Q Did you run any test on the hairlike fibers

2383:14 that you recovered from the green socks?

2383:15 A Yes, sir.
2383:16 Q Did your test reveal what type of fibers
2383:17 they were?
2383:18 A Yes, sir; there were some hairs found and
2383:19 also some fibers.
2383:20 Q Were they human hairs?
2383:21 A Yes, sir.
2383:22 Q Now, I believe on direct examination you
2383:23 indicated that there were three elements that could
2383:24 have caused the little dots you put up there under
2384:01 A of your diagram?
2384:02 A In the first column?
2384:03 Q Yes, sir.
2384:04 A Yes, sir.
2384:05 Q And one of them Mr. Johnson went into with
2384:06 you in great depth concerning some element that you
2384:07 found in Kenneth Adams' blood as I understand?
2384:08 A Yes, sir.
2384:09 Q Who is a Type A, right?
2384:10 A Yes, sir.
2384:11 Q What are the other two elements that could
2384:12 have caused the reading that you ascertained there?
2384:13 A It could possibly be from because Miss
2384:14 [REDACTED] was Group O blood it could have been possible
2384:15 from her vaginal secretions or it could also be from
2384:16 a combination of Group A and Group O seminal material.
2384:17 Q Now, Mr. Podlecki, I believe when Mr.
2384:18 Johnson questioned you about the hair comparison test
2384:19 that you made regarding Mr. [REDACTED] s hair standard
2384:20 and one of the hair fibers that you were given, do you
2384:21 recall your testimony then?
2384:22 A Yes, sir.
2384:23 Q And I believe at that time you stated, and I'm
2384:24 going to use your words if I can, that you could not
2385:01 say beyond a reasonable doubt that the hair you
2385:02 viewed could have come from another human being other
2385:03 than [REDACTED] is that correct?
2385:04 A This would be in the realm of scientific
2385:05 certainty, sir. Yes, sir.
2385:06 Q I take it then, Mr. Podlecki, as far as
2385:07 you're concerned then that you could not say beyond a
2385:08 reasonable doubt that the blood that you examined of
2385:09 Kenneth Adams and the results that you found from the
2385:10 vaginal swab could not have come from another human
2385:11 being in the seventy million people that you testified

2385:12 might have the same or similar type of blood?

2385:13 A All that I can say is the results that I

2385:14 found --

2385:15 Q Can you answer that yes or no?

2385:16 A Could you repeat it, please?

2385:17 MR. CRESWELL: Would you repeat the question,

2385:18 please?

2385:19 (Record read by Reporter.)

2385:20 THE WITNESS: Sir, a possibility would exist.

2385:21 MR. CRESWELL: That's all I have. Thank you.

2385:22 THE COURT: Redirect.

2386:01 REDIRECT EXAMINATION

2386:02 By Mr. Johnson:

2386:03 Q Now, Counsel Mr. Weston, when he asked you

2386:04 the question in the breakdown of blood groups by

2386:05 population referred to American citizenry as a whole?

2386:06 A Yes, sir.

2386:07 Q Are you acquainted with any studies done

2386:08 with respect to the breakdown relative to Caucasians

2386:09 alone or relative to Blacks alone?

2386:10 MR. WESTON: Your Honor, I would object.

2386:11 MR. CRESWELL: I object to this too, your Honor.

2386:12 THE COURT: Well, I'll permit the answer.

2386:13 MR. WESTON: May I state the basis for my objection?

2386:14 THE COURT: Yes, you may, of course.

2386:15 MR. WESTON: The possibility as to who could have

2386:16 done this, we're limiting it to Blacks alone. I don't

2386:17 think that's right. That's the basis for my objection.

2386:18 MR. JOHNSON: The reason I'm going into it is

2386:19 Counsel on cross only brought out the big picture.

2386:20 There seems to be a smaller one.

2386:21 THE COURT: Well, there are more than two races

2386:22 in the United States, aren't there?

2386:23 MR. JOHNSON: Yes, Judge.

2386:24 THE COURT: Right?

2387:01 MR. JOHNSON: Yes.

2387:02 THE COURT: So, I sustain the objection.

2387:03 MR. JOHNSON: All right.

2387:04 Q As you can readily observe, the

2387:05 defendants in this cause are Blacks, is that correct?

2387:06 A Yes, sir.

2387:07 Q Now, are you acquainted with any studies

2387:08 done relative to the breakdown in blood grouping

2387:09 relative to the Black population?

2387:10 A Yes, sir.

2387:11 Q And could you tell us what is the breakdown
2387:12 as to the Black population relative to A, B, AB and
2387:13 O type bloods?

2387:14 A Basically there was a study done by Dr.
2387:15 Goreman of the University of California in Berkeley
2387:16 whereby he took I don't know how many individuals in
2387:17 population, but a certain percentage and tested
2387:18 their blood to see what basic type they were found.
2387:19 And in this it was found that Black people had a
2387:20 lower percentage of Group A blood than White people
2387:21 and in the B category there was a greater percentage
2387:22 of B in the Black than there was in the White. The
2387:23 AB's were relative within two or three percent and
2387:24 the same with Group O's relatively, two or three
2388:01 percent difference.

2388:02 Q Are you acquainted with the percentage
2388:03 breakdown in particular?

2388:04 A Yes, sir.

2388:05 Q Can you give us the figures?

2388:06 A Basically it would be with Group A around
2388:07 ten percent difference. Twenty-six for Blacks and
2388:08 I believe thirty-six for Whites.

2388:09 Q So that that number -- relative to Mr.
2388:10 Creswell's examination of you, that number of population
2388:11 he gave you was relative to the population as a whole,
2388:12 correct?

2388:13 A This is one sample that was done, yes, sir.

2388:14 Q And if it was applied to the Black population
2388:15 it would be reduced by ten percent, is that correct?

2388:16 MR. WESTON: Your Honor, again I object to the
2388:17 leading and suggestiveness.

2388:18 THE COURT: Overruled.

2388:19 THE WITNESS: Yes, sir.

2388:20 MR. JOHNSON: Q Now, showing you the notes
2388:21 you've identified as your own, Counsel indicated
2388:22 relative to the blood that you tested of Kenny Adams
2388:23 that you found reactions in I believe it was the A
2388:24 well?

2389:01 A Yes, sir.

2389:02 Q And the H or O well and the AB well, is
2389:03 that correct?

2389:04 A And there was another well, A prime 1 well.

2389:05 Q What does A prime 1 mean?

2389:06 A Could I explain this on the blackboard to
2389:07 the jury so they have an idea of what I'm talking

2389:08 about?

2389:09 MR. CRESWELL: Your Honor, I object to this.

2389:10 THE COURT: Sustained.

2389:11 MR. CRESWELL: This is beyond the scope.

2389:12 THE COURT: Sustained.

2389:13 MR. JOHNSON: I beg your pardon?

2389:14 THE COURT: The witness isn't conducting the examination, you are. And the answer is non-responsive and beyond the scope of the question. And the witness should not be saying -- either he can answer or he can't.

2389:18

2389:19 MR. JOHNSON: Fine, Judge.

2389:20 Q You referred to those reactions in the wells that you had, is that correct?

2389:21

2389:22 A Yes, sir.

2389:23 Q Could you illustrate these reactions, better

2389:24 illustrate your results to the ladies and gentlemen

2390:01 of the jury by illustrating it on the blackboard?

2390:02 A I believe they would have a better idea.

2390:03 MR. CRESWELL: Same objection, your Honor.

2390:04 THE COURT: Overruled.

2390:05 MR. CRESWELL: Let's find out if he can do it

2390:06 verbally.

2390:07 THE COURT: Well, he says he can do it better on

2390:08 the board, so I'll permit it.

2390:09 What are we waiting for, Mr. Johnson?

2390:10 MR. JOHNSON: A towel to wipe off the board.

2390:11 Mr. Arthur is getting it.

2390:12 THE WITNESS: Basically what I did and what I

2390:13 have on my notes is --

2390:14 MR. CRESWELL: Now wait a minute. I object to

2390:15 this now. If he's going to answer a question I'm

2390:16 going to object to him standing up here and lecturing

2390:17 this jury like he's a college professor.

2390:18 MR. JOHNSON: The point of my question on redirect -

2390:19 THE COURT: Just a minute both of you. The man

2390:20 is here or the witness is here as an expert and if he

2390:21 says he can better illustrate his answer by using the

2390:22 blackboard --

2390:23 MR. WESTON: He's not answering the question.

2390:24 THE COURT: Well, your objection is overruled.

2391:01 MR. CRESWELL: Will you restate the question

2391:02 then, Judge.

2391:03 MR. WESTON: He can give answers. I don't need

2391:04 a lecture.

2391:05 MR. JOHNSON: The purpose of my question on
2391:06 redirect was to go into it to complete what Mr.
2391:07 Creswell went into.

2391:08 MR. CRESWELL: Can we restate the question then?

2391:09 THE COURT: You don't know the question?

2391:10 MR. CRESWELL: I've forgotten it now.

2391:11 THE COURT: I'll have Mr. Johnson restate the
2391:12 question.

2391:13 MR. JOHNSON: Q In addition to finding reactions
2391:14 in the A, H or O, AB well, you found a reaction in
2391:15 the A prime 1 well, is that correct?

2391:16 A Yes, sir.

2391:17 Q Okay. Could you explain this reaction, and
2391:18 if you can't explain it, can you better explain it
2391:19 by illustrating it for the ladies and gentlemen of the
2391:20 jury?

2391:21 A Yes, sir. Basically these would be the wells
2391:22 and these would be the antiseras that I used to add
2391:23 to the blood. Put a drop of blood in each well. And
2391:24 added antiserum to this. I observed a clumping in the
2392:01 A, no clumping in the B, a clumping in the H, a clumping
2392:02 in the AB. I would get a clumping in the AB if it
2392:03 either was A or B or AB. This is to show the presence
2392:04 of one of these antigens. And I received a clumping
2392:05 in the A-1.

2392:06 Now, because I received a clumping in both
2392:07 the H and the A I wanted to see if this is a variance.
2392:08 In other words there's a variant besides Group A
2392:09 blood called A-2. And because of this I received a
2392:10 positive reaction in the A-1. That confirms my
2392:11 results that it was A-1 blood, not the sub-group of
2392:12 A which is A-2. If I received a negative reaction in
2392:13 here, this would mean it is a variant. It's a rarer
2392:14 type.

2392:15 I believe the population is less than two
2392:16 percent of the people that have that. This would be
2392:17 my explanation for why I ran this test because of
2392:18 the two reactions I found in these two wells.

2392:19 Q Now, the type of reaction that you found in
2392:20 running that test, have you seen any similar reaction
2392:21 of that relative to the other exhibits that you
2392:22 examined?

2392:23 A I ran anti A-1 sera just on the blood. This is
2392:24 used for typing the blood. But when I ran the other
2393:01 tests, the A-B was run just as a control. But when I

2393:02 ran the other tests as I said before, the absorption
2393:03 inhibition, when you looked and your negative is your
2393:04 positive, the result didn't show up in the same wells.
2393:05 The agglutination would be in different wells, but
2393:06 they would both show you the same -- give you the
2393:07 same conclusions.

2393:08 Q Okay. Please resume the stand.

2393:09 A Thank you.

2393:10 Q So that the type of reaction that you got in
2393:11 running Mr. Adams' blood, saliva, People's Exhibit
2393:12 Number 16-A, the vaginal swab was similar, is that
2393:13 correct?

2393:14 MR. CRESWELL: I object to that as leading and
2393:15 suggestive.

2393:16 MR. JOHNSON: This is preliminary to another
2393:17 question.

2393:18 MR. CRESWELL: Beyond the scope of cross exam-
2393:19 ination, your Honor. How many times is he going to
2393:20 be allowed to keep repeating?

2393:21 MR. JOHNSON: It's a preliminary question, Judge.

2393:22 THE COURT: Overruled.

2393:23 MR. JOHNSON: Q Do you remember the question?

2393:24 A Yes, sir. The reaction was basically the same.

2394:01 It was different in each different test, but the
2394:02 conclusions were all the same.

2394:03 Q So that in attributing three possibilities
2394:04 to finding that presence of O in the vaginal swab,
2394:05 all right, and the three possibilities again were
2394:06 what?

2394:07 A Basically I found it on the vaginal swab
2394:08 and the saliva and also in the liquid blood sample.

2394:09 Q So that the reactions that you got would
2394:10 eliminate -- tend to eliminate two of those things
2394:11 that you did, correct?

2394:12 MR. WESTON: Your Honor, I object to him
2394:13 testifying.

2394:14 THE COURT: It's suggestive of the answer.

2394:15 MR. WESTON: Thank you. All he has to do is
2394:16 say yes or no.

2394:17 THE COURT: You can't ask that question in that
2394:18 form because it is suggestive.

2394:19 MR. JOHNSON: Often times on redirect in a point
2394:20 to respond to an issue that Counsel raised, you know,
2394:21 the redirector must go to that specific issue.

2394:22 THE COURT: Well, get to it without telling him

2394:23 the answer in the question.
2394:24 MR. CRESWELL: Right.
2395:01 MR. JOHNSON: Q I believe you gave three
2395:02 possible reasons for the presence of the O reaction,
2395:03 slight O reaction found in the vaginal swab, is that
2395:04 correct?
2395:05 A Yes, sir.
2395:06 Q And you found this same reaction in other
2395:07 tests you ran, is that correct?
2395:08 MR. WESTON: Here we go again, your Honor.
2395:09 THE COURT: Well, if you said did you I don't
2395:10 see how they can object.
2395:11 MR. WESTON: Yes. He can answer them yes or no.
2395:12 THE COURT: Well, he should answer yes or no.
2395:13 MR. WESTON: That's all he can answer.
2395:14 MR. JOHNSON: Q Did you find that other reaction
2395:15 in other tests that you conducted?
2395:16 A Yes, sir.
2395:17 Q And what were those, if you recall?
2395:18 MR. WESTON: Apparently he doesn't understand
2395:19 what a leading question is.
2395:20 MR. JOHNSON: What were those if you recall?
2395:21 THE COURT: I can't tell you what the answer is,
2395:22 so overrule.
2395:23 MR. WESTON: I can tell you.
2395:24 MR. ARTHUR: Counsel just guessed the wrong way
2396:01 on the last question. Counsel is over there blurting
2396:02 out no and the witness answered yes.
2396:03 THE COURT: Now, go ahead.
2396:04 THE WITNESS: Could you repeat the question?
2396:05 MR. JOHNSON: Q Did you find any similar
2396:06 results?
2396:07 A There were reactions that I encountered that
2396:08 were similar.
2396:09 MR. WESTON: Objection. Not responsive to the
2396:10 question.
2396:11 MR. JOHNSON: That's my objection, not his.
2396:12 THE COURT: Right. Overruled.
2396:13 THE WITNESS: Yes, sir.
2396:14 MR. JOHNSON: Q And in finding those reactions
2396:15 how, if at all, does this affect your suggesting those
2396:16 three possibilities before?
2396:17 A Basically when the vaginal swab was analyzed
2396:18 the only blood types I knew of were of the two victims.
2396:19 The two victims were both Group O. I did not have

2396:20 liquid blood samples of any of the defendants. Later
2396:21 on this was reported as I show you there. I had no
2396:22 other results that I could report. I had to see what
2396:23 I saw on the plate and give a count within scientific
2396:24 certainty what could cause that.

2397:01 Later on the defendants' blood was submitted
2397:02 and was typed. I noticed certain results. Then I
2397:03 typed their saliva. I noticed certain results in each
2397:04 of the defendants and these were reported as I said
2397:05 previously.

2397:06 In looking at the vaginal swab I could see
2397:07 that I did see certain similarity between one blood
2397:08 type and also the vaginal swab. Because of this it
2397:09 was for one reason it was reported out. And the
2397:10 other two conclusions I had to make. I could not
2397:11 just decide on one conclusion. I had to take all
2397:12 three conclusions. I do not know where that came
2397:13 from. I can just report out what I see and introduce
2397:14 the conclusions, and that's the reason I had to give
2397:15 to this Court the three conclusions.

2397:16 Q Showing you People's Exhibit 105 for Identifi-
2397:17 cation and in response to Counsel Mr. Weston's
2397:18 question the blood type of Verneal Jimerson, when
2397:19 you tested it what was the blood type of Mr. Jimerson?

2397:20 A Group O.

2397:21 Q In response to Mr. Weston's questions you
2397:22 said if you take a piece of hair from my head, what
2397:23 would the possibilities be to come up with another,
2397:24 you know, to go to another head and find a hair that
2398:01 would match up. And you said it would be probable or
2398:02 possible and this reflected on your answer to Counsel
2398:03 Mr. Creswell's question that you couldn't say it beyond
2398:04 a reasonable doubt, is that correct?

2398:05 MR. CRESWELL: That was your question, Mr. Johnson,
2398:06 not mine about the hair. You elicited that from the
2398:07 witness, not me.

2398:08 MR. JOHNSON: But you went into it.

2398:09 MR. CRESWELL: I merely repeated your question
2398:10 and his answer, so don't term it my question, please.

2398:11 MR. JOHNSON: Q Would you answer the question,
2398:12 Mr. Witness? Would you like it repeated?

2398:13 A No, sir. There has been one study in
2398:14 particular concerning probability of hair.

2398:15 Q And what study was that?

2398:16 A Basically there was a study made a few

2398:17 years ago concerning the Royal Canadian Mounted Police
2398:18 where they took a sample of hair. Well, it was a case
2398:19 where they wanted to know what the possibility would
2398:20 be if they found one hair on a piece of clothing,
2398:21 what's the possibility of that hair coming from
2398:22 another person's head.

2398:23 So, what they did was they took a random
2398:24 sample of hair, great amounts from all over the head
2399:01 from that individual, from one person in particular.
2399:02 His relatives, I think they went all the way down to
2399:03 I think their great grandparents were alive I think
2399:04 on one, to their uncles, sisters, brothers and see
2399:05 what the possibility was and I believe there was
2399:06 twins involved in there too, and they came up with a
2399:07 conclusion that the probability if one hair was found,
2399:08 what would be the possibility or the probability of
2399:09 that matching that other hair and they came up with
2399:10 the statistics that it would be one in forty-five
2399:11 hundred.

2399:12 Q Now, sir, you testified relative to three
2399:13 hairs in this case, is that correct?

2399:14 A Two that were found in one individual and
2399:15 one that was found in another individual.

2399:16 Q So, according to this study -- strike that.
2399:17 I believe you indicated that this probability study
2399:18 was done with relatives, is that correct?

2399:19 A Pardon me?

2399:20 Q It was done with relatives being involved?

2399:21 A Yes, sir.

2399:22 Q Now, would you expect a hair to match up
2399:23 more likely with a genetic relationship? In other
2399:24 words within a family relationship than not?

2400:01 MR. WESTON: Objection, your Honor. Those questions
2400:02 are leading and suggestive. It requires a yes or
2400:03 no answer.

2400:04 THE COURT: Overruled.

2400:05 THE WITNESS: They wanted to show by using family
2400:06 members if there could possibly exist the possibility
2400:07 of because a person is genetically related there could
2400:08 be similar ones to the one hair that was found in
2400:09 that case.

2400:10 MR. JOHNSON: Q But, Mr. Witness, my question
2400:11 was would you suspect a correlation between or in
2400:12 similarities between head hairs between relatives?

2400:13 A It's possible, yes, sir.

2400:14 Q Would this be above and beyond what would
2400:15 be the normal population or do you know?
2400:16 MR. WESTON: Objection.
2400:17 THE COURT: Overruled.
2400:18 THE WITNESS: It seems possible, sir.
2400:19 MR. JOHNSON: Q What would the probabilities
2400:20 be of relative to this study of finding, you know,
2400:21 three common hairs. Would it be one times forty-five
2400:22 hundred times forty-five hundred times forty-five
2400:23 hundred?
2400:24 A Sir, I wouldn't know the answer to that.
2401:01 Q I believe, sir, you testified in the Columbo
2401:02 case, is that correct?
2401:03 A Yes, sir.
2401:04 Q And in that case --
2401:05 MR. CRESWELL: I object to this. I don't know
2401:06 what relevancy this has.
2401:07 THE COURT: Sustained.
2401:08 MR. JOHNSON: Q And in that case you testified
2401:09 relative --
2401:10 MR. CRESWELL: This is my objection, Mr. Johnson.
2401:11 THE COURT: That didn't come out on cross
2401:12 examination. You're way beyond.
2401:13 MR. JOHNSON: The number of hairs did, Judge.
2401:14 THE COURT: I've ruled.
2401:15 MR. JOHNSON: I have no further questions.
2401:16 THE COURT: Recross.
2401:17 RECROSS EXAMINATION
2401:18 By Mr. Weston:
2401:19 Q Officer, you testified about a test made
2401:20 with Royal Mounted Canadian Police, is that right,
2401:21 sir?
2401:22 A Yes, sir; there was a study done.
2402:01 Q A study done. Was this a Black group of
2402:02 Canadian Royal Mounted Police that the study was
2402:03 done on or a White group?
2402:04 A Sir, I don't know.
2402:05 Q You don't know what group it was?
2402:06 A It was human beings, sir.
2402:07 Q You don't know whether they were White or
2402:08 Black?
2402:09 A No, sir.
2402:10 Q You can't compare it with these Blacks
2402:11 because there's some difference, is that correct?
2402:12 A No, sir. This would be correct, sir, yes,

2402:13 sir.

2402:14 Q Now, you testified about within scientific

2402:15 certainty. Now, what you mean is within scientific

2402:16 possibilities, is that not right, sir?

2402:17 A Yes, sir.

2402:18 Q So, science does not really go toward two

2402:19 plus two equals four, it actually says two plus two

2402:20 could equal a number of things in terms of rationale,

2402:21 is that right?

2402:22 A No, sir.

2402:23 Q You gave an example of this blood grouping

2402:24 and you used an A as to how the A reacted, is that right?

2403:01 A Yes, sir.

2403:02 Q Now, can you say with any degree of scientific

2403:03 certainty that any A would act any differently?

2403:04 A Do you mean --

2403:05 Q Any type of blood A would act any differently

2403:06 than this A acted on your test?

2403:07 A Yes, sir; it's possible.

2403:08 Q You can say what?

2403:09 A Different types of group A blood have different

2403:10 degrees of agglutination.

2403:11 Q So, you're a Group A too, aren't you?

2403:12 A No, sir.

2403:13 Q What group are you?

2403:14 A Group A.

2403:15 Q You're Group A, so is Mr. Adams and so is

2403:16 Mr. Williams. So, each of you could get the same

2403:17 results, that's possible, isn't it?

2403:18 A No, sir.

2403:19 Q Why not?

2403:20 A Because in one type there was a slight H

2403:21 reaction and in my blood I've never had an H reaction

2403:22 in my blood when I typed it myself.

2403:23 Q Which one had the H reaction?

2403:24 A Mr. Adams.

2404:01 Q You're saying that your blood is different,

2404:02 you don't have an H reaction?

2404:03 A This is correct, sir.

2404:04 Q What type of reaction do you have?

2404:05 A I have no reaction in the H.

2404:06 Q Did you perform this test on yourself?

2404:07 A Yes, sir. I tested my own blood several

2404:08 times.

2404:09 Q There's no question pending, sir. Now,

2404:10 you talked about percentages. In A there's a ten
2404:11 percent difference between the Black and the White,
2404:12 is that what you said?
2404:13 A In that study, sir.
2404:14 Q Now, did you break down within the White
2404:15 the German, English, French, Italian, what are their
2404:16 percentages?
2404:17 A No, this study was concerning race, not
2404:18 national origin or ethnic origin.
2404:19 Q Race?
2404:20 A Yes, sir.
2404:21 Q So, you consider all Blacks belonging to
2404:22 the same race?
2404:23 A Yes, sir.
2404:24 Q Oh. And all Whites belonging to the same
2405:01 race?
2405:02 A Caucasian origin.
2405:03 Q Is there a difference, sir -- we'll skip
2405:04 the classification. We've got Negroid or Black,
2405:05 Caucasian or White. Are there any other racial
2405:06 classifications that you know of?
2405:07 A Yes, sir.
2405:08 Q What?
2405:09 A Also Indian.
2405:10 Q Indian. Are there any more?
2405:11 A I believe, yes, sir; there's one more.
2405:12 Mongoloid Chinese.
2405:13 Q Mongoloid Chinese?
2405:14 A Or the Yellow race.
2405:15 Q Or Yellow?
2405:16 A Yes, sir.
2405:17 Q Now, do they have any correlating relation-
2405:18 ships to these percentages that you mentioned as
2405:19 some of these, quote, unquote, races living in this
2405:20 country?
2405:21 MR. JOHNSON: Judge, I object. I think we're
2405:22 beyond the scope.
2405:23 THE COURT: Overruled.
2405:24 THE WITNESS: There have been studies but I
2406:01 don't know of any percentages offhand.
2406:02 MR. WESTON: Q So, you didn't go any further
2406:03 in acquiring your expert knowledge other than that
2406:04 which you've testified to? You don't know?
2406:05 A No, sir. There was no Indians or Chinese
2406:06 in this case.

2406:07 Q Indians or Chinese are in the country,
2406:08 aren't they?
2406:09 A Yes, sir.
2406:10 Q We're talking about country-wide percentages,
2406:11 aren't we, sir?
2406:12 A Yes, sir.
2406:13 Q So, you simply eliminated them. Now, this
2406:14 ten percent that you referred to have a difference
2406:15 in American, White or Black, the Blacks having
2406:16 twenty-six percent and the Whites having thirty-six
2406:17 percent. Now, what do those percentages mean in
2406:18 terms of actual numbers of people?
2406:19 A Sir, I don't know.
2406:20 Q You have no idea?
2406:21 A No, sir. All I can say --
2406:22 Q If I said it was thirty-six percent of
2406:23 two hundred million, you wouldn't know any different,
2406:24 is that right?
2407:01 A This is correct.
2407:02 MR. WESTON: No further questions.
2407:03 THE COURT: All right, Mr. Creswell.
2407:04 RECROSS EXAMINATION
2407:05 By Mr. Creswell:
2407:06 Q Mr. Podlecki, I believe you used the words
2407:07 similarities, is that right?
2407:08 A Yes, sir.
2407:09 Q Similarities does not mean the same as
2407:10 conclusiveness, does it?
2407:11 A No, sir.
2407:12 Q And the breakdown that you made now of
2407:13 twenty-six percent of two hundred million would now
2407:14 result in fifty-two million, would it not, sir?
2407:15 A Sir, I don't know.
2407:16 Q Twenty-six percent of one hundred million
2407:17 is how much? Twenty-six million, right?
2407:18 A Yes, sir.
2407:19 Q Twenty-six percent of two hundred million
2407:20 is two times twenty-six or fifty-two million, isn't
2407:21 that right?
2407:22 A Yes, sir.
2408:01 Q And as a matter of fact, Mr. Podlecki, isn't
2408:02 it true that evidence pertaining to seminal fluids is
2408:03 frequently inconclusive?
2408:04 A I don't follow what you mean by inconclusive.
2408:05 Evidence being inconclusive.

2408:06 Q That it has no evidentiary value as you term
2408:07 it?

2408:08 A When I use the term no evidentiary value I
2408:09 would mean --

2408:10 Q I didn't ask you mean what your definition
2408:11 of no evidentiary value is, sir. Isn't it a fact that
2408:12 evidence pertaining to seminal fluids which have no
2408:13 evidential value or inconclusive frequently happen?

2408:14 A Those two terms are different in the way
2408:15 in which I would state them.

2408:16 Q Then you do understand what I mean by
2408:17 inconclusive?

2408:18 A Yes, sir.

2408:19 Q Then answer my question. Isn't it a fact
2408:20 that evidence pertaining to seminal fluids is
2408:21 frequently inconclusive?

2408:22 MR. JOHNSON: Objection.

2408:23 THE COURT: What is it?

2408:24 MR. JOHNSON: Inconclusive as to what?

2409:01 THE COURT: I don't know. We'll see how he answers.

2409:02 Overruled.

2409:03 THE WITNESS: I can only define inconclusive as
2409:04 not being able to draw a conclusion from that.

2409:05 MR. CRESWELL: Q Right. Isn't it a fact that
2409:06 evidence pertaining to seminal fluids is frequently
2409:07 inconclusive or unable to draw any conclusions?

2409:08 MR. ARTHUR: Objection. That's been asked and
2409:09 answered.

2409:10 THE COURT: Sustained.

2409:11 MR. CRESWELL: Q These tests that you applied,
2409:12 and I had questioned you about this when you were
2409:13 offered to us as an expert and you admitted to me --

2409:14 MR. JOHNSON: Judge, I object to the statements
2409:15 of Counsel. If he's got questions --

2409:16 MR. CRESWELL: I have to preamble my question.

2409:17 MR. JOHNSON: So, he has to preamble but I can't.

2409:18 THE COURT: Maybe. Let him state the question in
2409:19 full and then if you feel it's objectionable, advise me.

2409:20 MR. JOHNSON: Yes, Judge.

2409:21 MR. CRESWELL: That the seminal fluid is frequently
2409:22 like a blood test in that it's exclusionary in its
2409:23 nature, is that correct?

2409:24 MR. JOHNSON: Objection. Beyond the scope of my
2410:01 redirect.

2410:02 THE COURT: Sustained.

2410:03 MR. CRESWELL: Q Isn't it a fact, Mr. Podlecki,
2410:04 that the test that you performed with reference to the
2410:05 seminal fluid that you found here cannot positively
2410:06 identify anybody in this courtroom or outside of this
2410:07 courtroom?

2410:08 MR. JOHNSON: Objection, Judge.

2410:09 THE COURT: Overruled.

2410:10 THE WITNESS: This is correct.

2410:11 MR. CRESWELL: Thank you. That's all I have.

2410:12 MR. JOHNSON: Nothing further.

2410:13 THE COURT: Thank you, Mr. Podlecki.

2410:14 THE WITNESS: Thank you.

2410:15 (Witness excused.)

2411:01 THE COURT: Further testimony?

2411:02 MR. JOHNSON: Judge, if we could meet with the
2411:03 Court, take about a ten minute recess?

2411:04 THE COURT: I'll take five.

2411:05 MR. JOHNSON: Okay.

2411:06 (Whereupon the following
2411:07 proceedings were had outside
2411:08 the presence and hearing of
2411:09 the jury:)

2411:10 MR. JOHNSON: Judge, we've reached a point where
2411:11 we're anticipating closing our case. We have no
2411:12 further witnesses. However, I think Counsel, my partner,
2411:13 Mr. Arthur, had conversations with them and what we're
2411:14 going to do, Judge, is go out and have a stipulation
2411:15 as to the age of the defendants and then we're going
2411:16 to make an offer, offer our exhibits into evidence.
2411:17 This can be done today and we can formally rest on
2411:18 Monday in anticipation of motions and the Defense
2411:19 going ahead or however you guys want to do it.

2411:20 THE COURT: Well, I think we could accomplish
2411:21 the stipulation as to the ages. Now, if you gentlemen
2411:22 would come in Monday morning about eleven o'clock, if
2411:23 you could, for these things, because the evidence has
2411:24 to go before the jury.

2412:01 MR. JOHNSON: Right, Judge. We might as well
2412:02 do the stipulation as to age on Monday too and then
2412:03 formally rest in front of the jury, go on the motions
2412:04 and then, if necessary, go into the defense case.

2412:05 THE COURT: Yes. Because that evidence is up to
2412:06 high numbers now.

2412:07 MR. WESTON: Judge, we made arrangements with
2412:08 Judge Perry for Monday.