

1 examined by Miss Burton. We've agreed to
2 stipulate it was properly transmitted to
3 her for analysis.

4 THE COURT: All right, sir.

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8 MARY JANE BURTON, called as a
9 witness on behalf of the Commonwealth, first being duly
10 sworn, testified as follows:

11
12 DIRECT EXAMINATION

13 BY MR. CHALKLEY:

14 Q State your name and position,
15 please, ma'am.

16 A Mary Jane Burton. I'm a
17 forensic scientist.

18 Q And where are you employed, ma'am?

19 A I'm employed at the Bureau of
20 Forensic Science in Richmond.

21 Q And what is that for the ladies
22 and gentlemen of the jury?

23 A Uh, it's a -- the crime laboratory
24 system for the State of Virginia.

25 Q What are your duties at the

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1 Bureau of Forensic Science?

2 A I'm supervisor of serology for
3 the forensic laboratories in the state. I routinely examine
4 items submitted for blood, body secretions, hairs, and
5 natural fibers.

6 Q And how long have you been
7 so employed in this position for the Commonwealth?

8 A Almost ten years.

9 Q Were you -- before coming to
10 the Bureau of Forensic Science in the Commonwealth of
11 Virginia, were you associated with any other laboratory
12 in that capacity?

13 A Before coming to Virginia, I was
14 associated with the Charlotte-Mecklenburg Crime Laboratory
15 in Charlotte, North Carolina, for two years, and before
16 that, with the Crime Laboratory in Cincinnati, Ohio, for
17 two and a half years.

18 Q What were your duties with these
19 other crime laboratories, ma'am?

20 A Basically the same; the examina-
21 tion of items for blood, body secretions, hairs, and fibers.

22 Q All right, ma'am. Would you,
23 please, state your formal education for the ladies and
24 gentlemen of the jury.

25 A I have a Bachelor of Science in

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1 chemistry from the University of Cincinnati. I've taken
2 some graduate work at both the University of Cincinnati
3 and the University of Miami in Oxford, Ohio.

4 Q Have you had any other training
5 besides experience in other crime laboratories?

6 A Uh, I attended seminars and
7 workshops and schools on this particular subject, particular-
8 ly one given by Bryant Culliford, who is head of serology
9 for the Metropolitan Police Laboratory in London, England.

10 Q All right, ma'am. Have you
11 testified in courts of record in Virginia as an expert?

12 A Yes, sir, I've testified all
13 over the State of Virginia.

14 Q As a matter of fact, you've
15 qualified in this court, have you not?

16 A Yes, sir, I have.

17 MR. CHALKLEY: If it please the
18 Court, I'd move to have Miss Burton submitted
19 as an expert witness for this purpose.

20 THE COURT: Any -- any questions
21 on qualifications, Mr. White?

22 MR. WHITE: No, Your Honor.

23 THE COURT: All right.

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1 BY MR. CHALKLEY: (Continuing)

2 Q Miss Burton, pursuant to your
3 duties, did you have occasion to receive from the Ashland
4 Police Department a physical evidence recovery kit from
5 the victim, Karen Gardner, and a physical evidence recovery
6 kit from the suspect, Marvin Lamont Anderson, and also some
7 blue jeans and a shirt?

8 A Yes, I did.

9 Q All right. Did you perform an
10 analysis on those items, ma'am?

11 A Yes, I did.

12 Q Would you tell the ladies and
13 gentlemen of the jury what you found?

14 A Well, I -- starting with the blue
15 jeans, I found -- identified blood in the crotch area of
16 the blue jeans. I did not find any seminal fluid. I did
17 notice, uh, mud on the -- particularly on the rear portion
18 and a lot of dried leaves and dried vegetation on the blue
19 jeans. I didn't find any hairs.

20 On the, uh, shirt, I did not find
21 any seminal fluid or hair. I did, again, find dried leaves
22 and dried vegetation.

23 I think maybe I'd better explain
24 what a physical evidence recovery kit is, first of all.

25 Q All right, ma'am, if you would.

25 Now, uh, also he submitted a

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1 clump of hair which he cut off. It was in a little bag.
2 And I identified the possible presence of urine on this
3 hair. The smell was there and I did a chemical test for
4 uriaes, which is found in urine, and it was positive.

5 The combings, uh -- included in
6 the perk kit is a towel and a comb for the physician to do
7 a pubic area combing, hoping to recover any foreign hair
8 or fibers or something from her assailant or from his
9 clothes. Well in the combings, I found dried vegetation
10 and minute blood crusts, and only a Caucasian head hair
11 fragment.

12 I did, uh -- he also submitted
13 fingernail scrapings and I identified blood in this. The
14 amount of blood was insufficient for me to determine the
15 blood type, though.

16 Now in the kit also, uh, we asked
17 the physician to take swabs of the various areas, uh, that
18 we would look for sperm for. For instance, I found sperm
19 on the vaginal and cervical smears, and he made the smears
20 by taking swabs of these areas. We ask him to include the
21 swabs because we can sometimes determine the secretion type.
22 I know that, uh, you're probably all familiar with the fact
23 that your blood can be typed, and you may even know what
24 your blood type is; that it's Type A or B or AB or O. If
25 you are a secretor, we can determine these same factors by

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1 which your blood is typed in any of your body secretions.
2 By body secretions I mean saliva or mucus, vaginal fluids,
3 seminal fluids, tears. All of these are body secretions,
4 and if you're a secretor, the same factors by which your
5 blood is typed will be found in any of these secretions.
6 If you're a non-secretor, then we will not find your
7 factors by which your blood can be typed in any of your
8 body secretions.

9 So the swabs that he used to
10 take secretions from the vagina and from the oral cavity
11 and from the various areas, we try -- we use to determine
12 the secretion type and, of course, for instance, in the
13 case of vaginal swabs, this would be a combination of
14 vaginal secretions and seminal fluids because I did identify
15 spermatazoa. And the same with the cervical swabs. And
16 the same with the swabs from the speculum. I identified
17 spermatazoa. Her secretions probably would be on it, too,
18 because this -- you know, it went into her.

19 I have a table. Do you think
20 this would help the jury understand it?

21 Q Yes, ma'am, if you would.

22 A Okay. Could you pass this out?

23 THE COURT: Let Mr. White see it
24 before we do it.

25 THE WITNESS: All right.

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1 THE COURT: Mr. Zornacki, let
2 me have one of the copies so I can put it
3 in evidence.

4 THE WITNESS: I made -- I was
5 just going to say I have one for you.

6 THE COURT: Give it the next
7 number, Mrs. Taylor.

8 THE CLERK: All right.

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11 NOTE: The above-referred-to
12 forensic table was marked by the Clerk as:
13 Commonwealth's Exhibit Number 14.
14
15

16 BY MR. CHALKLEY: (Continuing)

17 Q All right.

18 A If you'll look on your table,
19 uh, this is the result of a secretion typing. If you'll
20 look down, known types here, all right, and look across.
21 The victim is a Type AB secretor so her blood is type AB
22 and she is a secretor, so all of her body secretions would
23 be Type AB.

24 The suspect is a Type O secretor.
25 His secretions are consistent with a type O person who is a

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1 secretor. All right, now if you'll look down this first
2 column again. These are the samples that the doctor took
3 that I was able to determine a secretion type on. The
4 vaginal swabs. Now these have her vaginal secretions on
5 them and they also have seminal fluid because I did identify
6 spermatazoa. The cervical swabs, the same thing. They
7 have her secretions on them. I did identify spermatazoa.
8 All swabs taken from her mouth have her secretions. I
9 identified spermatazoa. And the lip swabs; I think I forgot
10 to tell you about that. The lip swabs are taken -- are,
11 uh, samples around the outside of the lips, and that's what
12 the lip swabs are. And, of course, the swab of the speculum
13 which I identified spermatazoa on also.

14 If you go across, the vaginal
15 fluid type in all of these cases is Type AB. The combination
16 type on all of these cases, the combination of secretion
17 type of the vaginal and seminal fluid together was Type AB.
18 On the cervical swabs, the combination of both the seminal
19 fluid and vaginal was Type AB. On the oral and the lip
20 swabs and on the speculum, the combination secretion in
21 each case was Type AB. So, therefore, the seminal fluid
22 could be from anyone that would have Type A secretions,
23 Type B secretions, Type AB secretions, or Type O secretions.
24 Because the victim is a Type AB secretor, there would be
25 no one eliminated because if I would mix a combination of

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1 Type AB vaginal fluid with seminal fluid from a person with
2 any type, I would get exactly the same result as I did.

3 Q So because of the victim's blood
4 type it's impossible to say what the type was of the person
5 that assaulted her?

6 A That's right. Sometimes we can
7 indicate the type of the -- the secretion type of the
8 seminal fluid, but in this case, I cannot.

9 MR. CHALKLEY: Thank you very
10 much. Answer Mr. White's questions, please.

11 MR. WHITE: No questions.

12 THE COURT: All right.

13 MR. CHALKLEY: I have no further
14 questions of Miss Burton. She may be excused.

15 THE COURT: Miss Burton, you may
16 be excused and you may leave.

17 THE WITNESS: All right, thank
18 you.

19 MR. CHALKLEY: I would move to
20 introduce her chart as Commonwealth's Number
21 14, I believe.

22 MR. WHITE: No objection.

23 MR. CHALKLEY: Thank you, Miss
24 Burton.

25 * * * * *
WITNESS STOOD ASIDE

1 THE COURT: Next witness.

2 MR. CHALKLEY: If it please the
3 Court, Mr. White and I have agreed to stipu-
4 late the testimony of Dr. Robert Powell.

5 THE COURT: All right, sir.

6 MR. CHALKLEY: Who examined her
7 at the St. Luke's Hospital, and the only
8 thing, in addition, he could add other than
9 what Miss Burton has was that there was feces
10 present in her hair at the time of the
11 exam -- examination.

12 THE COURT: All right, sir. Do
13 you recall anything else that you wanted to
14 stipulate to from the doctor's evidence, Mr.
15 White?

16 MR. WHITE: From the doctor's
17 evidence, Your Honor, no.

18 THE COURT: All right.

19 MR. CHALKLEY: If it please the
20 Court, that's the Commonwealth's case in
21 chief.

22 THE COURT: All right. Let's have
23 a short recess.

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NOTE: A short recess is had,