

Curtis McCarty

Testimony of Joyce Gilchrist

- (1) Preliminary Hearing on 10/28/1985: pp. 2 – 108
- (2) Testimony on 3/24/1986: pp. 109 – 306
- (3) Testimony on 3/29/1986: pp. 307 – 313
- (4) Testimony on 9/25/1989: pp. 314 – 373

1. IN THE DISTRICT COURT OF OKLAHOMA COUNTY OCT 8 1985
2. STATE OF OKLAHOMAJAMES W. PATTERSON
CLERK

3. THE STATE OF OKLAHOMA,)
4. Plaintiff,) F84-3-13
5. VS.) CASE NO. CRF-85-02637
6. CURTIS EDWARD MC CARTY,)
7. Defendant.)

8. * * * * *

9. TRANSCRIPT OF PROCEEDINGS

10. PRELIMINARY HEARING

11. OCTOBER 18, 25 and 28, and NOVEMBER 1 and 19, 1985

12. BEFORE THE HONORABLE MAJOR WILSON,

13. SPECIAL JUDGE.

14. * * * * *

15. APPEARANCES:

16. MR. BARRY ALBERT, Assistant District Attorney, Oklahoma
17. County Courthouse, Oklahoma City, Oklahoma, appeared on
18. behalf of the Plaintiff.

19. MS. CINDY FOLEY and MR. RON EVANS, Assistant Public
Defenders, Oklahoma County Courthouse, Oklahoma City,
Oklahoma, appeared on behalf of the Defendant.

20. * * * * *

21. REPORTED BY:

22. DENNIS SWINEHART, C.S.R.
OFFICIAL COURT REPORTER
23. Oklahoma County Courthouse
Oklahoma City, Oklahoma

FILED IN THE DISTRICT COURT
OKLAHOMA COUNTY, A.D.
MAR 7 1986TOM REED, CLERK
By *[Signature]* DEPUTY~~409305~~

IN THE DISTRICT COURT OF OKLAHOMA COUNTY

STATE OF OKLAHOMA,

3 THE STATE OF OKLAHOMA,

4 Plaintiff,

5 vs.

6 CURTIS EDWARD MC CARTY,

7 Defendant.

)
CASE NO. CRF-85-02637

8

* * * *

9 TRANSCRIPT OF PROCEEDINGS

10

PRELIMINARY HEARING

11

OCTOBER 28, 1985

12

BEFORE THE HONORABLE MAJOR WILSON,

13

SPECIAL JUDGE.

14

* * * *

15

APPEARANCES:

16

MR. BARRY ALBERT, Assistant District Attorney, Oklahoma County Courthouse, Oklahoma City, Oklahoma, appeared on behalf of the Plaintiff.

17

MS. CINDY FOLEY and MR. RON TANG, Oklahoma Public Defenders, Oklahoma County Courthouse, Oklahoma City, Oklahoma, appeared on behalf of the Defendant.

20

* * * *

21

REPORTED BY:

22

DENNIS SWINEHART, C.S.R.
OFFICIAL COURT REPORTER
Oklahoma County Courthouse
Oklahoma City, Oklahoma

24

FILED IN THE DISTRICT COURT
OKLAHOMA COUNTY, OKLA.

MAR 7 1986
TOM PETUSKEY, Court Clerk
By J. D. Washington DEPUTY

25

MEW 8399

OKLAHOMA COUNTY
OFFICIAL COURT TRANSCRIPT

410

1 A Yes.

2 Q What is the answer?

3 MS. FOLEY: Your Honor, for the record, I don't
4 know which question Mr. Albert is referring to.

5 MR. ALBERT: Judge, we've got two lawyers making
6 objections.

7 THE COURT: All right. We've got a record here.

8 It's in the record, so you have to search the record to find
9 out. If you know the answer, give him an answer.

10 THE WITNESS: All the information I had was in
11 bits and pieces, it's not in a comprehensive report.

12 MR. ALBERT: I have no further questions.

13 MS. FOLEY: No further questions.

14 THE COURT: You're excused.

15 We're going to recess for about ten minutes.

16 (Thereupon, a recess is had, after which the following
17 proceedings are had in open Court, all counsel and the
Defendant present.)

18 THE COURT: Call your next witness, Mr. Albert.

19 MR. ALBERT: We call Joyce Gilchrist, Your Honor.

20 THE COURT: Raise your right hand, please.

21 (Witness sworn.)

22 JOYCE GILCHRIST,

23 called as a witness on behalf of the State, having been first
24 duly sworn, testified as follows:

25 MEW 8455

DIRECT EXAMINATION

2 BY MR. ALBERT:

3 Q State your name for the Court, please.

4 A My name is Joyce A. Gilchrist.

5 Q And how are you employed?

6 A As a forensic serologist for the Oklahoma City Police
7 Department.

8 Q How long have you been employed as a forensic serologist
9 for the Oklahoma City Police Department?

10 A For approximately five and a half years.

11 Q Tell the Court very quickly and briefly what your duties
12 as a forensic serologist include.

13 A My duties include the analyzing of the evidence that
14 is submitted to our laboratory in reference to cases of
15 rapes, homicides, indecent liberties, hit and runs, and that
16 sort of thing.

17 Q The Oklahoma City Police Department has its own forensic
18 lab.

19 A Yes, we do.

20 MR. ALBERT: Now, counsel, do you want to stipulate
21 for the purpose of preliminary hearing on the qualifications
22 of Ms. Gilchrist? We've heard them many times. Do you want
23 me to put all that on the record?

24 MS. FOLEY: Your Honor, we will stipulate to Ms.
25 Gilchrist's qualifications for purposes of the preliminary

1 hearing only.

2 THE COURT: Okay.

3 Q (By Mr. Albert) Ms. Gilchrist, were you at some point
4 assigned to do the forensic investigation of blood, hair and
5 other matters submitted to your laboratory in the homicide
6 of [REDACTED] which occurred on or about December
7 the 10th of 1982?

8 A Yes, sir, I was.

9 Q When, approximately, were you first involved in the
10 forensic investigation of this homicide?

11 A I was called to the crime scene about 2:45 in the
12 morning of 12-10, 1982. Sergeant Marvin Daugherty, I believe
13 called me at my residence that morning and requested my
14 assistance at the crime scene.

15 Q So, you were on the scene of the crime at 427 Southwest
16 39th Street?

17 A Yes, I was.

18 Q Let me show you what has been marked and introduced into
19 evidence as State's Exhibit Numbers 1 and 2 and I would ask
20 you if you recognize those exhibits?

21 A Yes, I do.

22 Q What are those?

23 A They are photographs of the deceased, [REDACTED].

24 Q Now, when you arrived on the homicide scene -- strike
25 that.

MEW 8457

1 Had other crime technicians and officers been inside
2 the premises at the time you arrived or did you enter the
3 premises with them?

4 A Other people had already been in there by the time I
5 arrived.

6 Q Tell the Court what you did at the crime scene at 427
7 Southwest 39th Street?

8 A First of all, I was taken through the entire crime scene
9 area by the detective and sergeant at the scene. And, then,
10 after a number of photographs and measurements were taken,
11 I proceeded to collect physical evidence at the scene.

12 Q All right. Tell the Court what physical evidence you
13 personally collected at the scene of this homicide?

14 A Okay.

15 Q Let me ask you, while you're looking for your notes.
16 Has there, at least to date, been any formal final forensic
17 report written and submitted by you in this case?

18 A No, it has not.

19 Q So, you do have your file with you?

20 A Yes.

21 Q And, of course, it's a thick file, that I can see.

22 A Yes, it is a very thick file.

23 Q And, you have not to date written any formal forensic
24 report?

25 A No, I have not.

MEW 8458

1 Q All right. If you will, now, tell the Court those
2 items of evidence that you personally collected at the scene
3 of this homicide.

4 A I took some paint chips off a red and black sleeping
5 bag. Hairs were taken from a teddy bear on the bed. And,
6 hairs taken from a bedspread on that same bed. Hairs taken
7 from a window curtain showing a forced point of entry.
8 Hairs taken from a pillow on the bed. Hairs and fibers
9 taken from the window's bottom frame. Hairs taken from the
10 victim's chest, they were laying loose on her chest. One
11 clear plastic bag containing seeds that were found underneath
12 the victim's right hip. I took a swabbing from a stain on
13 the kitchen floor tile. And then a yellow plastic sheet
14 that came from the morgue.

15 MS. FOLEY: Your Honor, if I may, I believe she's
16 reading from that. I believe under the Evidence Code, we're
17 entitled to a copy of that as past recollection recorded
18 if she's going to read from it during her testimony in court.

19 MR. ALBERT: I don't think they're entitled to a
20 copy, Your Honor and I'm not using it as past recollection
21 in Court. It's being used for present recollection revived
22 under the Evidence Code. And, if they want to see the
23 exhibit because the witness has refreshed her memory from it,
24 I have no objection to that.

25 THE COURT: We will treat it as we treat any other

1 Report where she used it to refresh her memory.

2 Q (By Mr. Albert) Okay. Now, Ms. Gilchrist, did you
3 package and seal each of the items that you have talked
4 about gathering separately?

5 A Yes, I did.

6 Q What about cigarette butts? Did you collect or were
7 any cigarette butts submitted to your laboratory?

8 A Specialist Charlie Goforth collected the cigarette butts
9 and submitted them to the crime laboratory.

10 Q What other evidence, if anything, did you gather and
11 collect at the premises of 427 Southwest 39th Street, if
12 any?

13 A That was all.

14 Q What other investigation, if any, did you make at that
15 location that night or that early morning?

16 A Other than, you know, looking for the presence of
17 physical evidence and then collecting it, that was all I did.

18 Q Did you take, yourself, there at the scene prior to
19 the removal of the body of [REDACTED] did you take,
20 personally take, any body samples from her?

21 A No, I did not.

22 Q So, you did not disturb or otherwise tamper with her
23 body at that point?

24 A The only thing I did was take a few hairs that were
25 found loose lying on her chest. I took those because I

1 didn't want them to be lost in the process of removing the
2 body. I took those, but that was it.

3 Q Did you find any hairs embedded or matted in blood that
4 was on her chest?

5 A There were some hairs matted in blood on her chest, yes.

6 Q Did you collect those?

7 A Those I left intact because they were not loose.

8 Q So, that would have gone with her to the medical
9 examiner's office?

10 A Yes, that's correct.

11 Q All right. After you -- did you leave the location of
12 427 Southwest 39th Street at some point?

13 A Yes, I did.

14 Q Now, during that early morning hour and after you left
15 these premises, did you have occasion to go to the office
16 of the State Medical Examiner?

17 A Yes, I did.

18 Q The same day?

19 A Yes, sir.

20 Q About what time did you arrive at the office of the State
21 Medical Examiner?

22 A I guess around 10:30 or eleven, somewhere around there.
23 It may have been earlier. I don't remember.

24 Q And what was your purpose in going to that location?

25 A We went there for the purpose of trying to develop

1 bloody fingerprints and blood that may have been on the
2 victim's body by using a special chemical spray.

3 Q All right. So, your purpose was to see if you could
4 raise any latent fingerprints from the body itself?

5 A That's correct.

6 Q What process did you use to try and accomplish that?

7 A We use a process called the Ortho-Tolidine spray.

8 Q Okay. I notice on one of the photographs that there's
9 kind of a green tint on portions of Miss Willis' body. Is
10 that the result of your testing?

11 A Yes, it is.

12 Q Okay. Were you able to raise any latent prints by the
13 use of that process?

14 A We were able to visualize what appeared to have been
15 some sort of print, I believe, on the inner portion of the
16 left leg area. But, we could not identify it, make an
17 identification from that.

18 Q Was it a latent print that was -- well, strike that.

19 After this print became observable through this process
20 that you have described, was it photographed?

21 A Yes, it was.

22 Q And did Jim Loffi of the photo lab, was he present?

23 A Yes, he was.

24 Q And did he make that photograph?

25 A Yes, he did.

MEW 8462

1 Q Was there any attempt to lift that print by any means
2 other than by photography?

3 A No, there was not.

4 Q Could it have been done?

5 A I don't think so at that time.

6 Q Lifting it by tape or some other process?

7 A It probably could have. We didn't make the effort to do
8 so because it was not clear enough.

9 Q But the print was photographed?

10 A Yes, it was.

11 Q And have you seen a photograph of that print, enlarged
12 or otherwise, since it was photographed?

13 A I saw a photograph showing, you know, part of the crime
14 scene, a morgue shot, showing a part of the body after it
15 was treated which would show that area, yes.

16 Q Well, I'm talking about a blown up or enlarged picture
17 of that purported latent print. Have you seen a --

18 A No.

19 Q -- photograph of that?

20 A No, I haven't.

21 Q Now, you do not do fingerprint analysis?

22 A No, I don't.

23 Q Do you know if that photograph of that latent print
24 that was observable by the process you have identified was of
25 sufficient quality to have been compared against other known

1 prints of various people?

2 A In my opinion, no. But, again, I'm not a latent
3 fingerprint expert.

4 Q So, the crime technicians would be able to answer that?

5 A That is correct.

6 Q All right. After you sprayed the body with this chemical
7 in an effort to find fingerprints, what else, if anything,
8 did you do at the morgue?

9 A Nothing else.

10 Q All right. At that time, did anyone provide you body
11 samples taken from [REDACTED]

12 A Yes.

13 Q Did you receive those at the morgue or did you receive
14 those at a later time in your laboratory?

15 A They were received at a later time in our laboratory.

16 Q Who submitted the samples taken by the medical examiner
17 during the autopsy?

18 A Specialist Sam Sealy submitted that evidence to our
19 laboratory.

20 Q And, of course, the items that he submitted to you were
21 itemized; is that correct?

22 A I itemized them myself, yes.

23 Q Okay. Now, were these submitted to you in a morgue
24 evidence envelope?

25 A Yes.

MEW 8464

1 Q Closed and sealed?

2 A They were in a sealed condition, yes.

3 Q You opened it?

4 A Yes, I did.

5 Q And made an inventory of the contents of the morgue
6 evidence envelope?

7 A Yes.

8 Q Tell the Court what items were contained in that
9 evidence envelope.

10 A These items were obtained from [REDACTED]. They
11 included one vial of blood, two oral swabs, two vaginal swabs,
12 two rectal swabs, two swabs from a stain on the inner thighs,
13 one rope approximately nine inches long with a knot tied in
14 it with a metal latch attached to it, hairs loose from the
15 chest, hairs found in the wound, scalp hairs, pubic hair
16 combings.

17 Q When you say hair found in the womb, are you talking
18 about the vaginal tract of [REDACTED]

19 A No, I am not.

20 Q You're talking about the wound to her chest?

21 A The chest wound.

22 Q All right. Go ahead. I thought you said womb. I'm
23 sorry.

24 A Wound.

25 Public hairs, one knife with a four and a half inch blade,

1 fingernail clippings of the left and right hands.

2 Q Okay. Now, once you received the morgue evidence kit,
3 inventoried the contents, did you at that time conduct any
4 forensic tests on those items?

5 A Yes, I did.

6 Q Tell the Court what you did and what your findings were.

7 A First of all, I typed the blood of [REDACTED] to
8 determine the blood type. I also determined her Lewis
9 status. I was able to find out that she was in fact a
10 Type "A" blood. She was classified as a Lewis secretor.

11 Q Type "A" secretor?

12 A Yes.

13 Q Go ahead.

14 A I later on conducted an electrophoresis analysis on her
15 blood sample to find out what the genetic markers were in an
16 effort to compare those to any information I could have
17 gotten from other body samples.

18 Q Were you able to identify any of the blood and protein
19 enzymes?

20 A Yes, I was. I was able to determine that [REDACTED]
21 was a Glyoxalase (2-1), Esterase D (1), Phosphoglucomutase
22 (1). I also subtyped that sample and found that she was
23 a PGM subtype (1+1-).

24 Q Now, at that time did you mount the hairs that had been
25 submitted to your laboratory?

MEW 8466

1 A Yes, I did.

2 Q Did you have known hair samples of [REDACTED]

3 A Yes, I did.

4 Q Did you have her known pubic hair samples?

5 A Yes, I did.

6 Q Head and scalp and body or limb hair samples?

7 A I did not have any limb hair samples from [REDACTED].

8 Q What known samples did you have?

9 A The known samples I had from her were scalp hairs and
10 pubic hairs.

11 Q And you did mount those for microscopic examination?

12 A Yes, I did.

13 Q Did you compare those known scalp and pubic hairs from

14 [REDACTED] against the loose hairs that first you

15 found on the bed, on the teddy bear and loose on the body of

16 [REDACTED] at 427 Southwest 39th Street.

17 A Yes, I did.

18 Q Did you determine whether those hairs found loose on

19 the bed and on the premises at 427 Southwest 39th Street

20 were foreign to the known reference pubic and scalp hairs

21 of [REDACTED]?

22 A Yes.

23 Q What was your finding?

24 A Okay. From the bedspread, I found three scalp hairs,
25 Caucasian origin and three pubic hairs, Caucasian origin.

MEW 8467

1 From the sleeping bag there were fourteen Caucasian
2 scalp hairs, one Caucasian body hair, animal hairs and
3 fibers.

4 From the teddy bear I found two Caucasian scalp hairs,
5 one Caucasian pubic hair.

6 From the bedspread at the scene when I was there, I
7 collected these samples, I collected three Caucasian scalp
8 hairs.

9 From the window curtain at the scene, I collected one
10 Caucasian scalp hair.

11 From the pillow at the scene, I collected four Caucasian
12 scalp hairs.

13 From the window's bottom frame at the scene, I collected
14 one Caucasian scalp hair fragment and some fibers.

15 From the hairs found on the victim's chest loose at the
16 scene, I collected one scalp hair.

17 The rest of the hairs are hairs that were found in the
18 evidence that was submitted to me after from the morgue.

19 Q. Now, let's don't go to that yet.

20 Of all those hairs that you found and collected and
21 gathered from 427 Southwest 39th, were any of those hairs
22 foreign to the known pubic and scalp hair samples of [REDACTED]
23 [REDACTED]

24 A. Yes, they were.

25 Q. And what foreign hairs did you find?

MEW 8468

1 A Every hair that I mentioned to you just before, they're
2 all foreign to [REDACTED].

3 Q All those hairs you've indicated on the record were
4 foreign to the known pubic and scalp hair samples of [REDACTED]

5 A Yes.

6 Q All right. Now, did you have hairs submitted to you
7 that was taken from the body of [REDACTED] by the
8 medical examiner?

9 A Yes.

10 Q All right. Tell the Court what hairs were submitted to
11 you by the medical examiner that were taken from her body
12 and tell the Court what your findings were. You did
13 microscopically examine those against the known hair samples
14 of [REDACTED] is that correct?

15 A Yes, I did.

16 Q All right. Tell the Court what hairs you received from
17 the medical examine and what your microscopic examination
18 revealed as to whether they were foreign to Pam Willis or
19 not.

20 A Okay. From the victim's chest at the morgue what is
21 collected, one Caucasian pubic hair and four Caucasian body
22 hairs. The pubic hair was not consistent with Pam Willis'
23 pubic hair.

24 I don't have any body hairs from her so I can't say

1 anything about that.

2 From the victim's chest wound at the morgue, after the
3 apparently after the knife was pulled out, there was one scalp
4 hair fragment that was collected by the medical examiner.
5 That scalp hair fragment was not consistent with known
6 reference scalp hairs of [REDACTED].

7 From the victim's pubic hair combing, there were four
8 Caucasian pubic hairs, four Caucasian body hairs and some
9 fibers.

10 The four pubic hairs were not consistent with [REDACTED]
11 reference pubic hairs.

12 From the fitted sheet that was wrapped around her neck,
13 there were obtained from there, four Caucasian scalp hairs,
14 five Caucasian pubic hairs, four Caucasian body hairs.

15 The scalp and pubic hairs are not consistent with
16 [REDACTED].

17 From the flat sheet that was also wrapped around her
18 neck, there were two Caucasian scalp hairs, one Caucasian
19 pubic hair, four Caucasian body hairs.

20 The scalp and pubic hairs are not consistent with
21 [REDACTED].

22 Q Now, at that point, Ms. Gilchfist, did that more or
23 less conclude your laboratory analysis of the evidence that
24 you gathered and was submitted to you by the medical
25 examiner when compared against the known hairs and blood

1 Type of [REDACTED]

2 A . No, it did not.

3 Q What else, if anything, did you do?

4 A I also found some hairs taken from a green robe that
5 was found at the crime scene and from that I collected -- I
6 retrieved eight Caucasian scalp hairs, one Caucasian pubic
7 hair and one animal hair.

8 The scalp and pubic hairs were not consistent with

9 [REDACTED].
10 From a sweater that was found lying on the couch, I
11 found two Caucasian body hairs and four Caucasian scalp
12 hairs.

13 The scalp hairs, again, are not consistent with [REDACTED]

14 [REDACTED].
15 From a pair of blue jeans that were found in the bedroom
16 turned inside out, I found one Caucasian scalp hair fragment.
17 That hair was not consistent with [REDACTED].

18 From a pair of blue jeans bottoms that were found in the
19 bedroom on the floor, I obtained six Caucasian scalp hairs,
20 two Caucasian pubic hairs, four Caucasian body hairs, a
21 number of unidentified fibers and some wood fragments.

22 The scalp and pubic hairs were not consistent with

23 [REDACTED].
24 From a pair of panties that were lying on the floor, I
25 retrieved one scalp hair. That hair was not -- Caucasian

MEW 8471

1 Scalp hair was not consistent with [REDACTED]

2 Q You had many, many hairs that were not consistent with
3 the known samples of [REDACTED] hairs?

4 A That's correct.

5 Q And you compared all those hairs against her known
6 samples?

7 A Yes, I did.

8 Q And you determined her blood type, her electrophoretic
9 blood markers or at least her blood genetic markers?

10 A Her genetic markers, yes.

11 Q And you subtyped that; is that correct?

12 A Yes.

13 Q Did that more or less at that point, then, Ms. Gilchrist,
14 conclude your forensic investigation up to the point where
15 you examined everything that was in your possession?

16 A No, it did not.

17 Q Okay. Go ahead. What else did you do?

18 A Okay. From some cigarette butts that were sent to our
19 laboratory, I checked those -- I examined those for the
20 presence of saliva and the ABO blood group, and I identified
21 the blood group antigen -- blood group substance "A".

22 From a pair of pajama rompers that were found at the
23 crime scene, I identified spermatozoa, the blood type is from
24 a type "A" semen donor, probably.

25 From the panties I identified spermatozoa from semen.

1 I also again identified blood group "A". No results from
2 the electrophoresis from either the pajamas or the panties.

3 From the bedspread, there was a blood stain on it. There
4 was also some semen on it, some spermatozoa found on the
5 bedspread. I identified blood group antigen "A" from the
6 bedspread. The electrophoresis results were inconclusive.

7 From the floor tile that was taken from the kitchen
8 floor at the foot of the victim, I identified spermatozoa
9 and blood type "A".

10 From the vaginal swabs of the victim, I analyzed them
11 for the presence of spermatozoa. I found semen. I identified
12 blood group "A". The electrophoresis results were PGM Type
13 (1).

14 From the rectal swabs, I identified semen. No blood
15 group substances could be detected. SIS rec

16 From the thigh swabs, I identified semen and blood
17 group "A". The electrophoresis results were negative.

18 From the victim's pubic hair combing, there was also
19 a mass or glob of semen deposited in the pubic hair. I did
20 identify spermatozoa, blood group "A", PGM (1).

21 There was no evidence of any value found underneath
22 the fingernails of the victim.

23 Q Now, at that point, had you completed your analysis of
24 all of the evidence that was in your possession from either
25 the crime scene or the medical examiner's office or from the

1 body of Pam Willis?

2 A Pretty much so, yes, I have.

3 Q Now, Ms. Gilchrist, at some point in time, did you come
4 into possession of the known reference body samples of the
5 Defendant, Curtis Edward McCarty?

6 A Yes, I did.

7 Q Okay. And when was that.

8 A Body samples were submitted to our laboratory on
9 3-15-83 by Detective Roy Sellers and chemist Melissa Hughes.

10 Q Now, Melissa Hughes assisted in the taking of those
11 body samples at that time?

12 A Yes, she did.

13 Q And who is Melissa Hughes?

14 A Melissa Hughes was a forensic chemist in our laboratory.
15 She is no longer there.

16 Q All right. Did you receive the hair bindles and the
17 items submitted to you in a closed and sealed condition under
18 her signature?

19 A Yes, I did.

20 Q And was there anything to indicate that those -- that
21 sealed evidence container had in any way been tampered with?

22 A No.

23 Q What did you do upon receipt of that evidence?

24 A Well, the evidence was submitted to our laboratory and
25 at a later date I did analyze that. I did mount the hairs.

1 I checked his blood type. The electrophoretic markers, or
2 genetic markers by electrophoresis, and did some comparisons.

3 Q What date did you do that?

4 A Look at his hairs?

5 Q No. The day it was submitted to the lab, did you then
6 start your analysis on his body samples?

7 A No, I did not. It was some time later.

8 Q Do you know approximately when you started testing
9 those samples submitted that were taken from the Defendant,
10 Mr. Carty?

11 A It would have been in April sometime, either mid to late
12 April. I can't remember the exact date on that.

13 Q Let me ask you this just as a tangent question.

14 Have you been analyzing known hair and blood and
15 saliva of many and various people from the time of this
16 homicide up through and including the time that you received
17 Mr. McCarty's samples?

18 A Yes, I had.

19 Q How many people, approximately, would you say you have
20 analyzed against the results of your forensic investigation
21 of the matters taken from the home and the morgue and the
22 body of [REDACTED]?

23 A All total? Approximately about, I have thirty-nine to
24 forty people I have looked at samples and examined.

25 Q So, you were involved from that early morning on with

1 the continuing forensic examinations?

2 A Yes, I was.

3 Q Now, did you make a microscopic comparison of the known
4 pubic hair of the Defendant, Mr. McCarty, with the foreign
5 pubic hair or hairs found on the victim, [REDACTED]?

6 A Yes, I did.

7 Q And what were your findings?

8 Before I do that, let me ask you this question. Let me
9 go to the serology. Did you examine the known blood sample
10 of Mr. McCarty, the Defendant?

11 A Yes, I did.

12 Q Did you analyze it?

13 A Yes.

14 Q And did you determine his ABO blood group classification?

15 A Yes, I did.

16 Q What was it?

17 A He's ABO type "A", he's a Lewis secretor. The genetic
18 markers are, he's a Glyoxalase (2), Esterase (1),
19 Phosphoglucomutase (1), and a PGM subtype (1+).

20 Q Did you find from that analysis that his blood group
21 classification, his secretor status and the blood marker
22 testing that you did by electrophoresis were consistent with
23 the known blood group classification, secretor status and
24 genetic blood marker groups of the donor of the semen found
25 on the body and in the vagina and anus of [REDACTED]?

1 A Yes, I could not exclude him as being the semen donor.

2 Q So, his blood type is consistent with the semen donor?

3 A That's correct.

4 Q All right. Now, did you do any other serological
5 analysis in addition to what I have asked you about?

6 A No.

7 Q Were you able to determine the blood type of the person
8 who smoked the cigarettes that were found in the ashtray?

9 A The blood type from those cigarettes in the ashtray
10 were type "A". They are all consistent with the blood type
11 of the victim, therefore, they could have been smoked by her
12 or somebody else who had type "A".

13 Q But consistent with the blood group classification of
14 the Defendant, Mr. McCarty?

15 A Also, yes.

16 Q All right. Did you do any other serological testing
17 other than the cigarette butts and the matters that you have
18 already testified about?

19 A Other than typing the bloods from all the other possible
20 suspects that we looked at in this case, no.

21 Q Did you find -- were there other people whose known
22 body samples were submitted to you who was also ABG "A"
23 type classification, a secretor, with the same genetic blood
24 markers as the Defendant, Mr. Carty?

25 A I can only answer a portion of that question, Mr. Albert.

MEW 8477

1 There were a total of approximately fifteen people whom
2 I've looked at who also had type "A" blood and were classi-
3 fied as secretors. But, I didn't go any further as far as
4 genetic marking information goes.

5 Q Is there a reason why you didn't do that?

6 A Because, based on my examination of the hairs, I could
7 eliminate them as being a source.

8 Q Those people were eliminated by a microscopic hair
9 analysis and there was no need to go deeper into a blood
10 classification?

11 A That's correct.

12 Q Okay. Now, did you do any other serological analysis
13 other than what I have asked you about?

14 A No.

15 Q All right. Let's move to the hairs.

16 Did you compare the foreign pubic hair that was taken
17 from [REDACTED] against the known pubic hair of the Defendant,

18 Mr. McCarty?

19 A Yes, I did.

20 Q Now, where was that pubic hair found on the victim?

21 A First of all, I have not finished my analysis yet, but
22 the hair that I have examined that was consistent with Mr.
23 McCarty's pubic hair was found lying loose on the victim's
24 chest. It was collected by the medical examiner.

25 Q Taken from her body?

MEW 8478

1 Taken from her chest.

2 Q And you did a microscopic examination and determined --
3 well, I don't want to say, you tell me what you found.

4 A I determined that the hair, that the one pubic hair taken
5 loose from the victim's chest was consistent in microscopic
6 characteristics with those hairs of Curtis Edward McCarty.

7 Q Under what power of the microscope were you making this
8 analysis?

9 A All my examinations were done at four hundred power.

10 Q Is this under one of those dual microscopes where you
11 see both the known and the unknown at the same time?

12 A Under a comparison microscope, yes.

13 Q Now, did you make any notes or anything at the time you
14 were doing that visual observation of those hairs?

15 A Yes, I did. make some notes, just for my own benefit to
16 give me an idea what I had.

17 Q Now, did you make any other microscopic hair comparisons
18 of foreign hairs found on the victim, Pam Willis, against
19 known pubic, scalp or body hairs of the Defendant, Mr.
20 McCarty?

21 A Yes, I did.

22 Q All right. Tell the Court in each instance where the
23 hair was found on [REDACTED] and what you compared and what
24 your findings were.

25 A All the hairs I have looked at did not come directly

1 from [REDACTED] body, first of all.

2 Q Okay.

3 A But I will tell you what I have found consistent.

4 Q Yes, do that.

5 A First of all, I found one scalp hair, Caucasian scalp
6 hair taken from the sweater found lying on the couch. I
7 found that to be consistent with the hairs of Curtis McCarty.

8 I found six scalp hairs taken from the pajama rompers
9 that are consistent with the hairs of Curtis McCarty.

10 I have one scalp hair from the bedspread consistent with
11 the scalp hairs of Curtis McCarty.

12 I have one scalp hair taken from the sleeping bag that
13 is consistent with Curtis McCarty.

14 I have two scalp hairs that came from the plastic sheet
15 that was used to transport the body in that are consistent
16 with Curtis McCarty.

17 Again, I have one pubic hair that came from the victim's
18 chest at the morgue that is consistent with Curtis McCarty's
19 pubic hairs.

20 And, I have one scalp hair fragment that was taken from
21 the wound at the morgue that is consistent with the scalp
22 hairs of Curtis McCarty.

23 Q Is that the hair that was taken from inside the wound
24 on her chest after the knife was removed?

25 A That is correct?

MEW 8480

1 Q Are you finished with your forensic examination?

2 A No, I am not.

3 Q Still working on it?

4 A Yes.

5 Q You have not rendered any formal forensic report at
6 this time?

7 A No, I haven't.

8 Q You have looked at some notes there; is that correct?

9 A Yes.

10 Q I want you to take out of your folder those notes you have
11 looked at and set them on the rail.

12 Is that all?

13 A That's it

14 Q I want you to close your folder, now put those notes on
15 top of it.

16 Now, did you have at some point in time the known hair,
17 both pubic and scalp, blood and saliva, of a person by the
18 name of Rick Terry?

19 A Yes, I did.

20 Q And did you do an ABO blood classification to determine
21 his blood grouping?

22 A Yes, I did.

23 Q And what did you determine Rick Terry's blood type to
24 be?

25 A Let me find it first here. Ricky Terry was determined

1 to be ABO type "O" nonsecretor. The enzymes found were

2 Peptidase "A" (1), Esterase D (1), PGM (1).

3 Q Did you have his known pubic and scalp hairs?

4 A Yes, I did.

5 Q Did you compare them against the hairs that were found
6 on the body, on the premises and the hairs that you collected
7 as evidence in this case?

8 A I did compare his hairs to those unknown hairs, yes.

9 Q Were they consistent or inconsistent?

10 A They were inconsistent with those hairs.

11 Q Mr. Terry was excluded by your microscopic hair
12 analysis?

13 A That's correct.

14 Q Now, so that the record will be clear, the pubic hair
15 found loose on the chest of the victim by the medical
16 examiner and submitted to your lab, did you compare that
17 against the known pubic hair of Rick Terry?

18 A Yes, I did.

19 Q Did you find it to be consistent or inconsistent?

20 A I found it to be inconsistent.

21 Q Did you compare the scalp hair removed from inside the
22 stab wound after the knife was removed to the known scalp
23 hair of Rick Terry?

24 A Yes, I did.

25 Q Did you find it to be consistent or inconsistent?

1 A. I found it to be inconsistent.

2 MR. ALBERT: Your witness.

3 Q (By Mr. Albert) Oh, let me ask you. Did you refer to
4 any notes when I asked you about Rick Terry's hair or blood?

5 A I referred to my notes on his blood.

6 Q All right. I want you to take that out of your folder.

7 Q This is my part of the notes. She will get a copy of
8 it when I make my report.

9 Q I understand. But, you have not looked at any of the
10 other reports?

11 A No.

12 Q To refresh your memory in any way for your testimony
13 here today that you have in your folder?

14 A Just these here.

15 MR. ALBERT: Okay. Your witness.

16 CROSS-EXAMINATION

17 BY MS. FOLEY:

18 Q Ms. Gilechrist, if I may, you used these reports you have
19 pulled out here to refresh your memory in Court today; is
20 that correct?

21 A Yes.

22 Q I'd like to get copies of those.

23 While I'm looking at those, if you would, please, draw
24 a diagram for me of where the items of evidence were taken
25 from in the house, or do you need the reports to do that?

1 A Draw a diagram for you?

2 Q Yes, of the house just on this pad. On this pad, ma'am.

3 A I don't know that I can remember the total layout.

4 Q Do you have it listed in your report?

5 A No, I don't.

6 MR. ALBERT: Judge, I'm going to object. I think
7 the witness has verbally described where every item she
8 collected was found. And, I don't know counsel's purpose
9 and I don't want to restrict counsel and if the Court thinks
10 that it has any probative value, then I would ask you to
11 overrule me. But, I would object to this because I submit,
12 Your Honor, that the witness has been very specific and
13 certain about where each of the items she collected was found
14 and I don't see any need for this.

15 THE COURT: Did you indicate that you couldn't
16 remember, ma'am?

17 THE WITNESS: I can't remember the total layout
18 of the house. Approximate areas I could, probably, yeah.

19 MS. FOLEY: Well, that's all I'm asking is the
20 approximate areas just as a guide. There are so many
21 different samples she took from the home that it would
22 greatly help me to have the approximate areas where she
23 took them.

24 THE COURT: Do you feel like you can comply with
25 what she's asking you to do?

MEW 8484

1 THE WITNESS: Not totally. I'll make an effort
2 to.

3 MR. ALBERT: Judge, I'm going to object then because
4 it would not be fair to the witness to be harassed with it
5 later before a jury. If something was not drawn accurately
6 or something was omitted then she would be harassed and they
7 would attempt to impeach her, try to show that she omitted
8 something. And, I'm going to object to it unless the witness
9 can do it totally, I'm going to object to her being required
10 to make a diagram.

11 MS. FOLEY: Your Honor, we would have her do it
12 with the understanding as she stated and it would be on the
13 record that she will attempt to comply with it but she's not
14 certain if she can do it totally.

15 THE COURT: All right, ma'am, I will permit you to
16 make the attempt if you think you can comply with what she's
17 asked you to do.

18 Q (By Ms. Foley) Do you need those notes to make a
19 diagram.

20 A This is an itemized list of every ounce of evidence that
21 was collected or submitted to our laboratory in reference to
22 this case and that's what I'm using to refer to. You will
23 also get a copy of this when I am through with my analysis.

24 Q Yes, I will need my notes to tell you this because I
25 can't remember.

MEW 8485

1
2 MS. FOLEY: If I may, Your Honor, while she's doing
that, I could begin looking at the others.

3 THE COURT: How long do you think it would take you
4 to do that?

5 THE WITNESS: It would take a while because I have
6 various pieces of evidence.

7 THE COURT: What do you mean by a while? How long?
8 You said a while, I don't know what you mean.

9 THE WITNESS: It may take me thirty minutes,
10 forty-five minutes, even an hour.

11 THE COURT: We are not going to stay here that long,
12 then. You will have to get it verbally, Ms. Foley.

13 MS. FOLEY: Your Honor, --

14 MR. ALBERT: Judge; --

15 THE WITNESS: These are my notes that I use in
16 part of the case file. When I get my report, my report will
17 be thorough. It will tell you exactly where every item of
18 evidence came from, as always, you know, and you will have a
19 copy of that.

20 MS. FOLEY: Your Honor, the notes that she has
21 refreshed her memory from I'm going to need a little time to
22 go over right now in Court anyway before I can cross-
23 examine her. It looks like she's got a whole pile of them.
24 I may need --

25 THE COURT: Well, start reading them, then. We'll

1 give you some time to go over them.

2 MR. ALBERT: Judge, if it would help, may I talk
3 to the witness off the record just a moment?

4 THE COURT: Yes.

5 (Thereupon, an off the record discussion is had, after
6 which the following proceedings are had in open Court.)

7 THE COURT: We're going to recess while counsel
8 reviews the reports.

9 (Thereupon, a recess is had, after which the following
10 proceedings are had in open Court, all counsel and the
11 Defendant present:)

12 Q (By Ms. Foley) Ms. Gilchrist, you were asked about
13 physical evidence you collected in this case. How many
14 different -- I'm sorry, I believe you stated how many
15 different persons you took hair samples and body samples
from.

16 A I have got samples from a total of about forty people.
17 But, one of those persons I have samples from is like a
18 cigarette butts, and that's it.

19 Q I'm sorry?

20 A Cigarette butts are the only thing I got from this one
individual.

21 Q You got cigarette butts from an individual?

22 A That's it.

23 Q Who was that?

24 A A guy by the name of Mr. Langston from Norman.

1 Q. Who did you get hair samples from?

2 A. Do you want me to read the names off, everybody I got
3 body samples from?

4 Q. Yes, ma'am.

5 MR. ALBERT: Judge, if she's entitled to it I don't
6 want to object, but that's forty names. What probative
7 value is it going to have.

8 MS. FOLEY: Your Honor, she made comparisons of
9 these hair samples? I believe that was covered on direct
10 examination. She compared some of these and eliminated some
11 of them for one reason or the other. I believe we're
12 entitled to that so I can properly cross-examine her.

13 THE COURT: If they were all inconsistent, what
14 probative value will it be?

15 MS. FOLEY: Your Honor, she said some of them were
16 inconsistent and she ruled them out because the hairs didn't
17 match. She didn't say all of them were totally all
18 inconsistent.

19 THE COURT: What is your question. What do you
20 want her to do?

21 MS. FOLEY: I want to know who she received hair
22 samples from and who she received body samples from.

23 MR. ALBERT: Judge, I object. I think it's
24 irrelevant. I don't think there's any probative value for
25 it. And, I think it would be burdensome on the Court and

1 the witness.

2 MS. FOLEY: Judge, as I said, I don't have any basis
3 for cross-examining her on what tests she did and analysis
4 she made on the different hairs if I don't know who she got
5 the hairs from or the body samples from.

6 THE COURT: What I don't understand, Ms. Foley, if
7 they were inconsistent, of what value would it be to you?

8 MS. FOLEY: Well, let me ask her about that, because
9 the way I understood her answer it wasn't that they were all
10 inconsistent.

11 Q (By Ms. Foley) Didn't you state that some of these
12 samples were -- you didn't go any further because the hairs
13 were inconsistent or the body samples?

14 Q I was talking only about those people who were type "A"
15 secretors. I didn't go any further as far as genetic marking
16 information goes.

17 Q Because the hair samples were inconsistent, is that
18 correct?

19 A Yes, or they were proved by the detectives not to be
20 possibly involved in this case.

21 MS. FOLEY: Your Honor, I believe I have a right
22 to cross-examine her on that.

23 MR. ALBERT: I still object, Your Honor, it's a
24 fishing expedition. There's no reason for the discovery
25 even if one takes the attitude that a preliminary hearing

1 is -- that a Defendant at preliminary hearing is entitled to
2 some discovery, which I don't say. I think a preliminary
3 hearing is for the purpose of proving that a crime is
4 committed and a probable cause to believe the Defendant
5 committed it, period.

6 Even if the Defendant is entitled to some latitude
7 on those two issues, I submit, Your Honor, that they're not
8 entitled to go into a fishing expedition and just take the
9 witness' deposition and see what they can turn up. That's
10 what she's trying to do.

11 MS. FOLEY: Your Honor, I'm not going on a fishing
12 expedition. However, I believe that contrary to Mr. Albert's
13 opinion the case law shows that preliminary hearing is also
14 for discovery purposes. And, I believe to adequately cross-
15 examine her in a serious case, a murder case, I need to ask
16 the names of the other donors. He opened it on direct exam,
17 Your Honor.

18 MR. ALBERT: I withdraw my objection, Your Honor.

19 THE COURT: Are all those names going to be
20 included in your final report or just what you found with
21 respect to this Defendant.

22 THE WITNESS: Everything that I have examined will
23 be included in my final report, Your Honor.

24 THE COURT: Including those people who --

25 THE WITNESS: Including those people whom I, you

1 know, have not gone any further, their blood types, you know,
2 and that sort of thing.

3 THE COURT: All right. I'm going to sustain the
4 objection. You're going to get it.

5 MS. FOLEY: Your Honor, he withdrew the objection.

6 THE COURT: Pardon me?

7 MR. ALBERT: We renew the objection, Your Honor.

8 THE COURT: Well, at any rate, you're going to get
9 it and I see no reason to cross-examine her on all those
10 that were inconsistent. You're going to get all the names
11 that were inconsistent. So, I will sustain the objection.

12 MS. FOLEY: Your Honor, I'd like the record to be
13 clear that, as Ms. Gilchrist said, that that will be in her
14 report. But I would also like the record to show that the
15 District Attorney will allow me access to that report and
16 give me a copy of it.

17 MR. ALBERT: Oh, Judge, there's no question,
18 they're entitled to the scientific report in this case. Now,
19 I have seen a hundred or more of them and they always include
20 everything regardless of who it is. Anything that has been
21 analyzed is included in the report.

22 THE COURT: I'm convinced you're entitled to the
23 report. I don't know what's going to be in it, but she's
24 stated that everything will be in it. So, you will get it.

25 MR. ALBERT: Mr. Evans is concerned because I

1 didn't make some categorical statement on the record that I
2 would give them a copy of the forensic report. Let the
3 record show that I will absolutely, without reservation, give
4 the defense a copy of the forensic report once that it is
5 finished by Ms. Gilchrist and submitted to our office. I
6 will give them a copy.

7 MS. FOLEY: Thank you.

8 Q (By Ms. Foley) Ms. Gilchrist, if you would, please,
9 because I was not able to take notes that quickly, could you
10 go back through where the physical evidence that you
11 collected was collected?

12 A Okay.

13 Q Go a little bit more slowly.

14 A All right. And, again, this will be included in my
15 report.

16 I took some paint chips from a red and black sleeping
17 bag. And, I will be specific with you. It was found at
18 the foot of the bed which faces the, I think it was the
19 southeast window or the south window.

20 I took some hairs from a teddy bear that was found at
21 the head of the bed also.

22 Q How many hairs were taken from that teddy bear?

23 A I don't remember how many hairs there were.

24 Q Continue please.

25 A I took some hairs from the bedspread itself.

1 Q Okay.

2 A I took a hair from the window curtain. It was a blue
3 curtain.

4 Q Was that one hair, or do you know?

5 A One hair.

6 Q Do you know how many were taken from the bedspread?

7 A No, I don't.

8 Q Continue please.

9 A I took some hairs from the pillow that was on the bed
10 itself.

11 Q Do you know how many hairs were taken from the pillow?

12 A I don't know.

13 Q Continue please.

14 A I took hair and fibers from the window's bottom frame.
15 And, that is one hair fragment.

16 Q Okay.

17 A I took some hairs that were lying loose on the victim's
18 chest at the crime scene.

19 Q Do you know how many hairs those were?

20 A No, I don't.

21 Q Okay.

22 A I also collected a plastic bag containing seeds that
23 were found underneath the victim's right hip.

24 Q Did you determine what type of seeds those were?

25 A No, I'm not a drug chemist.

MEW 8493

1 Q All right.

2 A I also collected a swabbing from a stain taken from the
3 kitchen floor tiles just at the foot of the victim.

4 Q Was that a blood stain?

5 A No, it was not a blood stain, it was a clear stain.

6 Q Okay.

7 A Also later I collected the yellow plastic sheet that the
8 body had been wrapped in to be transported to the morgue.

9 Q Okay. Was that it?

10 A That's it.

11 Q What other evidence was collected that you didn't collect?

12 I believe you mentioned cigarette butts by Officer Goforth?

13 A Yes.

14 Q Was there anything else?

15 A He collected a number of items of evidence.

16 Q That you came into possession of?

17 A That was submitted to our laboratory later on, yes.

18 Q Okay. What items were those, Mr. Goforth?

19 A One green robe. One white sweater.

20 Q Okay.

21 A I'll slow down.

22 Q Thank you.

23 A One pair of blue jeans.

24 Q Okay.

25 A One knife with a bent blade and apparent blood stains

1 on it?

2 Q Okay.

3 A Okay. There were four kitchen knives taken from the
4 residence.

5 Q Okay.

6 A Eight brown filtered cigarette butts, two with a
7 Marlboro label on them, taken from the ashtray.

8 Q Were there not labels on the others, or do you not know
9 that?

10 A I did not know the names of them.

11 Q Okay.

12 A Ready?

13 Q Yes.

14 A One pair of pajama rompers.

15 Q Okay.

16 A One pair of panties.

17 Q Okay.

18 A One bedspread. One sleeping bag.

19 Q Okay.

20 Q A cutting taken from the kitchen floor tile.

21 Q Are you aware, was this cutting from the same place
22 that the clear substance was?

23 A It was in that same general location, yes. I asked
24 him to cut it out so I could take it back to the laboratory
25 and examine it more thoroughly.

MEW 8495

1 Q Was there anything else?

2 A No.

3 Q There was a process that you testified to that you
4 used to try to develop fingerprints on the body. What was
5 the name of that process?

6 A Ortho-Tolidine.

7 Q Could you spell that, please.

8 A Yes. Abbreviated, it's called OT test.

9 Capital O-r-t-h-o, capital T-o-l-i-d-i-n-e.

10 Q That's some type of dusting or some type of spraying?

11 A It's a chemical spray that we use.

12 Q Ms. Gilchrist, as far as the ABO grouping "A" secretor,
13 let me break it down. As far as ABO grouping type "A", what
14 percent of the population is type "A"?

15 A I'd have to narrow it down for you, first of all, to the
16 white population, because basically that's what we're dealing
17 with here.

18 Q Okay.

19 A Approximately, I think it's thirty-six percent of the
20 white population is type "A" blood.

21 Q And what about type "A" secretor, white?

22 A Eighty percent of the thirty-six percent of the
23 population is type "A" and I guess that would go down to
24 probably around about thirty-three percent.

25 Q Would be the type "A" secretor?

MEW 8496

1 A Yes.

2 Q Of the white population?

3 A Uh-huh.

4 Q In fact, some of these other known samples you had from
5 other persons were type "A" secretors?

6 A Yes.

7 Q How many did you say, fifteen?

8 A I said approximately fifteen. I had some that were
9 "A" nonsecretors, some whose secretor status I didn't know.
10 Then I had others who were different blood types and secretor
11 status.

12 Q You did not -- I believe you said you did not know the
13 secretor status. You did not do a test at the time or were
14 you not able to determine it?

15 A As a rule -- well, some of them I was not able to
16 determine. Some of them their blood Lewis was "A" negative,
17 "B" negative. And some I just didn't examine.

18 Q When did you first come in contact with the samples
19 from Mr. Garty?

20 A As I stated earlier, it was 3-15-83.

21 Q And when did you analyze those pieces of evidence you
22 took from the crime scene?

23 A Sometime later. I couldn't give you an exact date. I
24 was not -- obviously was not around when he was there to
offer his samples up, otherwise I would have collected them

1 myself

2 I would have examined them sometime thereafter. I
3 couldn't give you the exact date.

4 Q Well, would it have been within a month or two months.

5 A It would have been within a month, one and a half months.
6 yes.

7 Q Do you normally, once you examine known hairs to crime
8 scene hairs, do you make a report or give information to the
9 detective that's working on the case?

10 A Yes, I do. I will give them information. I don't make
11 a report or anything because I will just verbally tell them
12 something. My analysis is not completed at that time.

13 Q When did you make any information available to detectives
14 with regard to analysis you did on Mr. McCarty's hair and
15 body samples?

16 A Again, it would have to be an approximate date and
17 that's going to be the latter part of April.

18 Q Of 1983?

19 A '83, yes.

20 Q And do you recall what detective you would have given
21 that information to?

22 A I would have given that information to Detective Roy
23 Sellers.

24 Q Do you recall when you analyzed hair and known body
25 samples from a Mr. Rick Terry?

MEW 8498

1 A Yes, I do. Rick Terry submitted some body samples
2 were submitted to us on March 8th of 1985. I would have
3 examined his hairs, I stayed late at the lab that night to
4 examine the blood and determine his blood type secretor
5 status. Also, to make my hair slides so that I'd have time
6 to be able to examine them the next morning.

7 Q So, did you in fact analyze and compare those the next
8 morning?

9 A Yes, I did.

10 Q And when did you inform the Oklahoma City Police
11 detectives as to the results of that analysis?

12 A Shortly after I finished my analysis.

13 Q Within a couple of days?

14 A Yes, within a couple of days.

15 Q And who was that that you informed?

16 A Again, it would have been Detective Sellers. There may
17 have been some other guys around.

18 Q Ms. Gilchrist, are you aware that this case was filed
19 against Mr. McCarty and also filed against a John Doe?

20 A Yes, I am.

21 Q Do you have any knowledge or do you know any reason why
22 this is filed against a John Doe, anything from forensic
23 that you know?

24 A From the forensic standpoint, there are -- well, I think
25 there are two hairs, at least two pubic hairs and pubic

1 combings that I cannot match up to the victim. I haven't
2 examined everything in reference to Mr. McCarty at this
3 point in time. I can't match them up to the victim.

4 Q And you also have Mr. McCarty's pubic hair samples?

5 A Yes.

6 Q And you cannot match those to Mr. McCarty's samples?

7 A I haven't examined all of his slides, no, that I have
8 made on him. But those that I have looked at, no, they
9 aren't consistent with him.

10 Q And these hairs that you're talking about are from a
11 pubic hair combing of Miss Willis?

12 A Yes.

13 Q And how many hairs is that, you said two?

14 A So far there are two. I can't remember exactly. I
15 would have to go back and count them on the slide.

16 Q Do you have that knowledge?

17 A No, I don't have that knowledge here.

18 Q Is there anything else forensic that would cause you to
19 believe that there was another person or a John Doe involved?

20 A I've got some long blonde hair that I took off the
21 window, that blue curtain. You know, I don't know who that
22 could have come from.

23 Q Did you take hair samples from a Melanie Hill, Melanie
24 Queen, Melanie Coffman.

25 Q I took samples, or samples were collected from Melanie

1 Coffman, yes.

2 Q Hair samples?

3 A Scalp and pubic samples, pubic hairs. And then I
4 believe later on she came back in and I got blood and saliva
5 from her.

6 Q Did the long blonde hairs on the curtain, were they
7 consistent or inconsistent with Miss Melanie Coffman?

8 A They're inconsistent with Miss Coffman. She bleaches
9 her hair out and these hairs are not from a bleached
10 individual.

11 Q And when you say long, what do you mean by long?

12 A They were longer than six inches. If I remember
13 correctly, I think it was about seven or eight inches long,
14 maybe ten inches. I don't remember.

15 Q Isn't it true, Ms. Gilchrist, that you cannot determine
16 the age of a hair or how long a hair has been laying somewhere?

17 A That's correct.

18 Q Hair doesn't rot or destroy, I'm not sure of the
19 word, but it could be there for years and the hair would still
20 be there; is that correct?

21 A Not necessarily speaking. It depends on the environment
22 Insects will eat on hair and destroy it.

23 Q But a hair could be there for a long period of time and
24 you would not be able to determine the hair was left there
25 on a certain date or if it was left there three months before

1 that; is that correct?

2 A Well, I could make an attempt to determine how fresh
3 that hair is by making an effort to recover any enzyme
4 activity from the roots of that hair if it was intact. And
5 if I did get some, it would give me an indication of some
6 relatively recent occurrence.

7 Q Did you do a test on any of these hairs you found to
8 determine enzyme activity?

9 A No, I did not.

10 Q So, as far as the hairs that were collected, at this
11 time, then, you don't know the age of the hairs?

12 A No, I don't.

13 Q Let me go through the evidence that you have stated you
14 took. What, if anything, did you determine from the paint
15 chips that were found on the sleeping bag?

16 A I have not analyzed the paint chips. We don't have the
17 ability to do this in our laboratory. That would have to be
18 done by someone else.

19 Q Is the FBI examining those or have you turned that over
20 to the FBI?

21 A I still have that in my possession.

22 Q Did the FBI at any time examine any of the hairs in the
23 case?

24 A No.

25 Q The FBI never examined any of the hairs?

MEW 8502

1 A The evidence is here in my laboratory right now.

2 Q Did they ever examine any of Mr. McCarty's hairs?

3 A Here in our laboratory or --

4 Q To your knowledge, did the FBI examine any of the hairs
5 that you collected or that Mr. McCarty gave or any of the
6 other persons gave? Did they analyze those?

7 A No, I gave -- Mr. Deadman was here in May of 1985 early
8 1985, and I did have him look at Mr. McCarty's hair because
9 it seemed so unusual.

10 Q Mr. Deadman?

11 A Hal Deadman.

12 Q From the FBI?

13 A Yes.

14 Q He looked at Mr. McCarty's hair?

15 A Yes.

16 Q Which hairs of Mr. McCarty?

17 A Mr. McCarty's scalp hairs.

18 Q What was so unusual about Mr. McCarty's scalp hair?

19 A Mr. McCarty has what we classify as looped cuticles.

20 You see that usually in a woman's hair, a woman who has a
21 tendency to back-comb her hair. You don't see that as a rule
22 in a man's hair.

23 Q Was there some test or some other technology that he had
24 that you did not have?

25 A Thirteen, fourteen years of experience doing hair

1 examinations. He is also my instructor.

2 Q So, you basically wanted him to look at that hair to
3 get his opinion on it?

4 A Just to get his opinion on what he thought about it.

5 Q Did he compare that hair with any of the other hairs
6 you had?

7 A Yes, he did.

8 Q What hairs?

9 A I let him look at two of the hairs that fell from the
10 victim's body, scalp hairs, and then the hair from the
11 victim's wound in her chest.

12 Q What did he determine from that analysis?

13 A He agreed with me that, first of all, that those two
14 hairs that fell from her body and the hair from the wound,
15 the chest wound, could have in fact come from the same
16 individual. And, that the hairs were consistent with Mr.
17 Curtis Edward McCarty's hairs.

18 Q Ms. Gilchrist, isn't it true that there was a hair that
19 was found and analyzed initially that came, I believe, from
20 the rectal area of Miss [REDACTED] that you initially determined
21 to be a Negroid hair?

22 A No, that is not true.

23 Q Was there any hair found on Miss [REDACTED] body in the
24 vaginal or rectal region that you initially determined to be
25 a Negroid hair?

MEW 8504

1 A There are no Negroid hairs in this case.

2 MR. ALBERT: Judge, I would ask counsel that if
3 she has information to that nature I would ask her to put it
4 on the record where she got it.

5 THE COURT: I'll deny that.

6 Q (By Ms. Foley) The hairs that were taken from the
7 teddy bear, what, if anything, did you do with those hairs?

8 A I compared those to the hairs that I have in this case
9 with the hairs of the victim.

10 Q Okay. What conclusion did you reach from the hairs on
11 the teddy bear?

12 A The teddy bear had two scalp hairs and one pubic hair,
13 both considered foreign to the victim.

14 Q Were these hairs consistent with anyone?

15 A I don't know yet, I haven't finished my analysis.

16 Q How did you analyze this hair to determine it was
17 foreign to the victim?

18 A Put them on a microscopic slide and let them dry and
19 made a permanent mount that way and put them on the comparison
20 microscope which is a side by side comparison comparing the
21 known scalp hairs of the victim, [REDACTED] to what I
22 determined to be a scalp hair taken from the teddy bear. I
23 did the same thing with the pubic hair.

24 Q Did you examine those two hairs for color?

25 A I examined those two hairs for pigmentation.

1 Q Okay. And what was the results of that?

2 A I don't recall those. In my notes I have not referred
3 to that. My basic summary is those hairs are not consistent
4 with those of the victim.

5 Q Did you examine those for reflectivity?

6 A What do you mean by reflectivity?

7 Q Whether it's opaque gray, translucent, transparent.

8 A What was opaque gray translucent, what portion of the
9 hair?

10 Ms. Foley, I'm examining, making an examination using
11 transparent light. So, I'm going to be able to look through.
12 Now, what particular aspects of a hair or characteristics
13 therein are you referring to?

14 Q Well, which aspects of the hair did you compare?

15 A I looked at everything. Now, which ones do you want to
16 know about?

17 Q Did you compare everything from the medulla to the
18 cortex, the tip?

19 A I looked at everything.

20 Q Well, why don't you just tell me, Ms. Gilchrist, what
21 you looked at and what you base your opinion on.

22 A In a basic hair comparison, Ms. Foley, I look at the
23 cuticles and everything that's contained in the medulla and
24 everything that's contained in the cortex?

25 Okay. Now, I don't have any notes here that I can refer

1 to at this point in time to tell you just what I saw in
2 every one of those hairs I've looked at. My basic overall
3 conclusion is those hairs are not consistent with the hairs
4 of [REDACTED], and that's all I can tell you right now.

5 Q At this point, from the hairs that you have from the
6 Defendant, are they consistent or inconsistent?

7 A I have not made any comparison of those hairs with
8 Mr. McCarty's hair. I have only compared these hairs with
9 those of [REDACTED] at this time, as I stated earlier.

10 Q What about the hairs found on the bedspread?

11 A Again, compared them with Miss [REDACTED]. They are not
12 consistent with hers.

13 Q How many hairs were found on the bedspread?

14 A There were a number of hairs found on the bedspread.
15 There are three that I have found so far that are not
16 consistent with hers. They are three scalp hairs.

17 Q The hairs found on the window curtain?

18 A One scalp hair fragment.

19 Q And that was inconsistent with the victim's?

20 A Yes.

21 Q Is that consistent or inconsistent with the Defendant?

22 A I have done no further comparison analysis at this time.

23 Q The hair found on the pillow on the bed, the hairs
24 found on the pillow on the bed.

25 A Four scalp hairs inconsistent with the victim.

1 Q What about with the Defendant?

2 A Again, Ms. Foley, I haven't compared any of this stuff
3 with his hairs yet.

4 Q The hairs and fibers that were found on the bottom frame
5 of the window, what analysis did you make of those, what
6 comparison?

7 A We just went over that. That's a scalp hair fragment
8 and it's not consistent with the victim. I have made no
9 further comparisons.

10 Q Have you made any comparisons or any testing of those
11 fibers?

12 A No, I have not.

13 Q The loose hairs that were found on the victim's chest.

14 A One scalp hair from the victim's chest that I have here.
15 It's not consistent with hers.

16 Q Did you test to see if that was consistent or inconsistent
17 with the Defendant?

18 A Not yet I haven't. Not that item, no.

19 Q All right. I believe you stated the next item was the
20 plastic bag with seeds. You did not do any analysis of that;
21 is that correct?

22 A That's correct.

23 Q The next item was a swab from the clear substance on the
24 kitchen floor tile.

25 A Uh-huh.

MEW 8508

1 Q What tests, what analysis and conclusions did you make
2 on that?

3 A I tested it for the presence of spermatozoa, semen. I
4 did find semen. I detected the ABO type "A" antigen. And,
5 I don't know if I got any further results from that. My
6 electrophoresis was also negative.

7 Q Could you pick up whether that was a secretor or
8 nonsecretor?

9 A The fact that I picked up type "A" antigen, it proves
10 it came from a secretor person.

11 Q The next item is the yellow plastic sheet that the body
12 was wrapped in. What did you determine from that? What
13 pieces of evidence did you find and analyze?

14 A Okay. From the plastic sheet there are two scalp hairs,
15 Caucasian; two Caucasian pubic hairs, two Caucasian body
16 hairs and some fibers.

17 Q Did you do any analysis on those?

18 A Yes, I did.

19 Q And what did that analysis show?

20 A First of all, the two scalp hairs and pubic hairs were
21 not consistent with the scalp and pubic hairs from Pamela
22 Willis. Therefore, they could not have come from her. And,
23 the two head hairs I have looked at thus far are consistent
24 with Curtis Edward McCarty's scalp hairs.

25 Q The two scalp hairs are consistent with his?

1 A Yes.

2 Q Okay. What did you base that determination on?

3 A It's based on what I saw when I did my microscopic side
4 by side comparison and also my years of experience in dealing
5 with hairs.

6 Q What did you see when you did your side by side
7 microscopic comparison?

8 A Similarities that allowed me to reach my conclusions.

9 Q What are those similarities?

10 A I don't have those notes before me at this time. I have
11 not reviewed those.

12 Q What do you normally -- what type of comparisons do you
13 normally do when you're analyzing hairs to determine if it's
14 consistent or inconsistent?

15 A As I just stated to you five minutes ago, I looked at
16 everything. The cuticle, the cortex, the medulla, and
17 arrangement of the pigmentation in those hairs and everything.
18 The overall shape of the hair, the thickness of the cuticle,
19 whether it stands out or lays down closer. There are a
20 number of things I look at. There are a wide range of things
21 we look at in those hairs. I couldn't begin to sit here and
22 name all of those things.

23 Q When you speak of the pigment, is that pigment granules
24 or is that something different than just pigment?

25 A Pigmentation granules which gives us our hair color,

1 allows us to have hair color.

2 Q Is that the same thing as pigmentation granules or is
3 that a different thing that you compared?

4 A Pigmentation granules are those things I have compared,
5 that I looked at. The different size and shape and special
6 arrangement. The pigmentation granule allows me to make
7 my determination.

8 Q And you stated that you compared the diameter of the
9 hair?

10 A I don't compare the diameter. I said the overall shape
11 of it. I have no way of comparing the diameter of the hairs.

12 Q Did you compare on these hairs the tip of the hair to
13 see if it was tapered, round, cut, uncut?

14 A We look at the whole hair. We look at it from the root
15 end completely out to the tip end of that hair. I make
16 notations accordingly.

17 Q Did you compare the base of the hair?

18 A Did I compare what?

19 Q The base of the hair to see if it was cut, damaged?

20 A The base of the hair?

21 Q Yes, ma'am.

22 A What are you referring to as the base of the hair? What
23 portion of that hair are you referring to?

24 Q Well, is there not a tip and a base?

25 A There's a tip and a root end.

MEW 8511

1 Q Is there always a root end, though?

2 Q Unless the root has been broken off, yes, there's always
3 a root end.

4 Q Did these hairs have a root end?

5 A Some of them did.

6 Q Did you compare the root end for -- I believe you stated
7 earlier some test you can use to compare the root end of
8 hair.

9 A I don't know what you're referring to.

10 Q Just a minute.

11 When you have a -- I can't find it in my notes -- when
12 you have a root of a hair, is there some type of testing
13 you can do to determine more factors from that root than you
14 could just from the hair itself?

15 A Yes, there are.

16 Q What are those tests?

17 A I just came back from about four or five months ago from
18 the FBI Academy and they were teaching us a new technique,
19 advances in hair comparison analysis. They now have the
20 ability to determine the sex of a hair based on the root and
21 the sheath is still attached to it.

22 Some hairs can be ABO typed and it gives genetic marking
23 information from those hairs.

24 Q Did you type any of these hairs?

25 A I was not aware of those advances at that time, so, no,

1 I did not.

2 Q For either the sex or the ABO typing?

3 A I was not aware of those techniques at that time, the
4 time we had those hairs. No, I did not.

5 Q Did you do any test or is there a test called neutron
6 activation analysis you can do on these?

7 A There is a test called neutron activation.

8 Q And did you do that on any of these hairs?

9 A No, I did not.

10 Q What analysis did you make from the cigarette butts that
11 were collected?

12 A I determined the blood type secretor status of the
13 person who may have smoked, person or persons who may have
14 smoked those cigarettes.

15 Q And those were consistent with the victim; is that
16 correct?

17 A And Eddie McCarty, yes.

18 Q You stated that some of those cigarettes, I believe two
19 of them had a Marlboro label and the others did not have a
20 label, or you did not know what label they were?

21 A That is correct.

22 Q What, if anything, did you determine from the one green
23 robe?

24 A I determined that there were some hairs on there that I
25 pulled off. There were eight scalp hairs and one pubic hair,

1 Caucasian. Some animal hair, also.

2 Q What was the last thing?

3 A Animal hair.

4 Q Animal hair?

5 A Yes.

6 Q Were you able, with the technology you have, to
7 determine what kind of animal an animal hair comes from?

8 A If we have a whole hair we can give you, you know, a
9 general idea as to what it's going to be, a cat or a dog.

10 Q Were you able to tell what this animal hair was?

11 A I haven't made --

12 MR. ALBERT: Your Honor, I'm going to object to
13 this cross-examination on the animal hair. It's irrelevant.
14 It has no probative value. There's no issue about animal
15 hair.

16 THE COURT: Sustained.

17 Q (By Ms. Foley) You said from that robe there were eight
18 scalp hairs taken and one pubic hair; is that correct?

19 A Yes.

20 Q What did your analysis show in regard to those eight
21 scalp hairs?

22 A They are not consistent with the scalp hairs of [REDACTED]

23 [REDACTED]
24 Q And what about the one pubic hair?

25 A It is not consistent with [REDACTED] pubic hair.

1 Q And have you analyzed those to the Defendant's hair?

2 A No, I have not.

3 Q The next item is one white sweater. What, if anything,
4 did you find from that and what analysis, what conclusions
5 did you draw?

6 A What I found were two Caucasian body hairs, four
7 Caucasian scalp hairs.

8 My conclusions are that those four scalp hairs are not
9 consistent with [REDACTED].

10 Q Is that the only conclusion you have drawn on those?

11 A That is correct.

12 Q The next item is one pair of jeans. What conclusions
13 and what analysis did you do with that?

14 A First of all, I determined that it was a scalp hair.

15 Q One scalp hair?

16 A One scalp hair fragment from a Caucasian. It is not
17 consistent with [REDACTED] scalp hairs.

18 Q Is that the only analysis or conclusions you have on
19 that particular item?

20 A There was a blood stain or some sort of stain on the
21 blue jeans. I picked up the A and H antigens which is
22 consistent with the blood type of the victim.

23 Q The next item is one knife with a bent blade and blood
24 stains. What, if anything, were you able to determine from
that and what conclusions did you reach?

25 MEW 8515

1 A I determined that there was human -- or blood on the
2 knife which had type "A" antigen consistent with the blood
3 type of the victim.

4 Q You don't do fingerprint analysis?

5 A No, I do not.

6 Q So, that's the only analysis you did with that
7 particular item?

8 A That is correct.

9 Q The next item is four kitchen knives. What evidence or
10 analysis or conclusions did you draw from those?

11 A I did no analysis on those four knives.

12 Q Do you know if any analysis on those was done by
13 anyone?

14 A No.

15 Q The next item, I believe you listed as eight brown
16 filtered cigarette butts. I believe we have already
17 discussed those. Are these different cigarette butts or the
18 same ones I have already asked you about?

19 A They're the same ones you've already asked me about.

20 Q The next item is one pair of pajama rompers. What
21 evidence did you collect from those and what analysis and
22 conclusions did you reach?

23 A I identified semen. I also detected the ABO type "A"
24 blood group substance. I also detected urine, the presence
25 of urine on there.

MEW 8516

1 Q From urine, are you able to type that into the ABO
2 blood group?

3 A No, ma'am, we are not able to.

4 Q Let me ask you this. Are you able to tell the age or
5 how long semen has been on a particular item?

6 A No, we cannot age a semen stain or a blood stain.

7 Q And what blood type did you type that semen?

8 A Type "A".

9 Q Were antigens present or did you type that? Could you
10 tell?

11 A I said type "A".

12 Q Could you tell if it was from a secretor or nonsecretor?

13 A Yes.

14 Q What did you say?

15 A Type "A" secretor. I can tell you that it's a secretor
16 because I'm picking up antigen activity and they just kind
17 of go hand in hand.

18 Q The next item is one pair of panties. What evidence
19 did you collect from that and what analysis and conclusions
20 did you reach?

21 A Oh, also from the rompers I got some hairs that we
22 didn't discuss.

23 Q Okay. Why don't you tell me what analysis and
24 conclusions you reached from those hairs.

25 A Okay. From the PJ rompers I had six Caucasian scalp

1 hairs, two pubic hairs, four body hairs, a number of fibers
2 and some wood fragments.

3 Q What conclusions did you reach on those six scalp hairs?

4 A The six scalp hairs and two pubic hairs are not
5 consistent with those of [REDACTED].

6 Q How about the four body hairs?

7 A I don't have any body hairs from Pam to make a
8 comparison with, so I can't say anything about those.

9 Q Did you make any conclusions in regard to the fibers?

10 A No.

11 Q The wood fragments?

12 A No, I have not.

13 Q On any of these items of clothing, did you test or
14 analysis any of these hairs on the items of clothing with
15 hairs from Melanie Coffman?

16 A I'm sure I did.

17 Q Do you have the conclusions of those analyses?

18 A No, I don't, not with me. I have not referred to those.

19 Those notes I think are still in the laboratory.

20 Q I believe I was asking you next about one pair of
21 panties.

22 A Okay. From the panties, first of all, I took one scalp
23 hair, Caucasian scalp hair from the panties. It is not
24 consistent with [REDACTED]. I identified semen and ABO
25 blood group "A".

MEW 8518

1 Q The next item is one bedspread. What items, analysis
2 and conclusions did you draw?

3 A First of all, I took from that bedspread three scalp
4 hairs and three pubic hairs which are not consistent with [REDACTED]

5 [REDACTED] Three scalp hairs were also taken from the bedspread
6 when I was at the scene on the morning of the tenth. Those
7 are not consistent with [REDACTED]

8 I have identified spermatozoa. From the blood stains on
9 the bedspread, I detected the "A" antigen which is consistent
10 with the victim.

11 Q Were you able to determine anything from the semen found
12 on the bedspread?

13 A No.

14 Q And you didn't do any further analysis of these hairs to
15 determine if they were consistent with the Defendant?

16 A No, not yet.

17 Q The next item is one sleeping bag. What did you find on
18 that and what analysis and conclusions did you reach?

19 A From the sleeping bag, in addition to the paint chips
20 that I took off the bag when I was at the scene earlier, I
21 found fourteen scalp hairs, one body hair, some animal hairs
22 and fibers.

23 Q And what analysis and conclusions did you reach?

24 A My conclusion was that those fourteen scalp hairs were
25 not consistent with those of [REDACTED]

MEW 8519

1 Q The next item, the cutting taken from the kitchen floor
2 tile, what did you determine from that?

3 A I identified semen, blood group "A".

4 Q Is that the only determination you made from that piece
5 of evidence?

6 A All my other results that I attempted were negative.
7 The electrophoresis results were negative.

8 Q You stated either on direct examination or in your
9 report that there were two swabs taken from a stain on the
10 inner thigh of Miss [REDACTED]. Did you determine anything from
11 those swabs?

12 A From the thigh swabs I identified semen, blood group "A".

13 Q I believe the next group of evidence you testified to
14 was items taken from the victim's body. Could you go through
15 those please?

16 A You want the items that was collected by the morgue and
17 submitted to our laboratory?

18 Q Yes, please.

19 A Okay. One vial of blood, two oral swabs, two vaginal
20 swabs, two rectal swabs, two swabs from stains on the inner
21 thigh, a rope approximately ninety inches long.

22 Q Approximately ninety?

23 A Ninety, nine zero inches long, with a knot tied in it
24 and a metal latch attached to the end of it.

25 Okay. Hairs from the chest that were lying loose, hair

1 from the chest wound, scalp hairs, pubic hair combing, pubic
2 hairs, a knife with a four and one-half inch blade.

3 Q Where was that knife? Was that the knife taken from the
4 wound in the body?

5 A Yes.

6 Q Okay.

7 A Fingernail clippings from the left and right hand.

8 Q Okay.

9 A One flat and one fitted sheet.

10 Q Okay.

11 A That's it.

12 THE COURT: I take it you'll want to go through each
13 one individually?

14 MS. FOLEY: Yes, I will, Your Honor

15 THE COURT: We're going to recess.

16 Are you available at 1:30 Friday, Mr. Albert?

17 MR. ALBERT: I will be, Your Honor, yes.

18 THE COURT: And you, Ms. Foley?

19 MR. ALBERT: To get this case finally concluded,
20 I'll be available anytime, Your Honor.

21 MS. FOLEY: Yes, Your Honor. Will that be
22 November 1st?

23 THE COURT: Pardon me?

24 MS. FOLEY: November 1st?

25 THE COURT: Yes.

MEW 8521

1 IN THE DISTRICT COURT OF OKLAHOMA COUNTY,

2 STATE OF OKLAHOMA.

3 THE STATE OF OKLAHOMA,

)

4 Plaintiff,

)

5 vs.

) CASE NO. CRF-85-02637

6 CURTIS EDWARD MC CARTY,

)

7 Defendant.

)

8 * * * * *

9 TRANSCRIPT OF PROCEEDINGS

10 PRELIMINARY HEARING

11 NOVEMBER 1, 1985

12 BEFORE THE HONORABLE MAJOR WILSON,

13 SPECIAL JUDGE.

14 * * * * *

15 APPEARANCES:

16 MR. BARRY ALBERT, Assistant District Attorney, Oklahoma
17 County Courthouse, Oklahoma City, Oklahoma, appeared on
behalf of the Plaintiff.

18 MS. CINDY FOLEY and MR. RON EVANS, Assistant Public
19 Defenders, Oklahoma County Courthouse, Oklahoma City,
Oklahoma, appeared on behalf of the Defendant.

20 * * * * *

21 REPORTED BY:

22 DENNIS SWINEHART, C.S.R.
23 OFFICIAL COURT REPORTER
Oklahoma County Courthouse
Oklahoma City, Oklahoma

24 MEW 8523

1 (Thereupon, and on the 1st day of November, 1985, the
2 following proceedings are had in open Court, all counsel
and the Defendant present:)

3 THE COURT: State of Oklahoma versus Curtis Edward
4 McCarty.

5 (Thereupon, the witness, Joyce Gilchrist, resumes the
6 stand.)

7 CROSS-EXAMINATION (Continued)

8 BY MS. FOLEY:

9 Q Ms. Gilchrist, I believe when we stopped the other day
10 you had just gone over the items you had taken from the
11 victim's body. That's what I was getting ready to question
12 you about.

13 A I didn't hear whose body.

14 Q The victim's body.

15 A Okay.

16 Q The list began with one vial of blood.

17 A Okay.

18 Q What did you do? What did you analyze and what
conclusions did you make regarding the one vial of blood?

19 A All right. The vial of blood I typed and determined the
20 blood type of the victim, secretor status, and also her
21 genetic marking information.

22 Q And what were those?

23 A Pam Willis was type "A" blood. She was a Lewis secretor
24 She was GLO (2-1), ESD (1), PGM (1). I also subtyped and she

1 is PGM subtype (1+1-).

2 Q Was there any other testing and conclusions reached from
3 that one vial of blood?

4 A No.

5 Q The next item was two oral swabs. Did you do any
6 testing on those and what conclusions did you reach?

7 A I tested those for the presence of semen. My results
8 were negative. I then tried to pick up a blood type from
9 any body fluids that might have been on the swabs. I
10 detected the ABO secretor blood group substance "A". And
11 that was it.

12 Q Which was consistent with the victim; is that correct?

13 A That is correct.

14 Q Was there anything further done in regard to those oral
15 swabs?

16 A No.

17 Q The next item is two vaginal swabs.

18 A I checked that for the presence of spermatozoa. I found
19 semen. I also tested for the blood type of the semen donor.
20 I detected the blood group secretor substance "A".

21 Q Did you do any further testing to narrow that down on the
22 semen such as an Acid Phosphatase test?

23 A Acid Phosphatase was the first thing I did. I also
24 conducted a P-30 test to see if I could determine the
25 quantity, you know, the semen there, approximately. I was

1 able to get approximate information by the P-30 test which
2 were positive.

3 I also did an electrophoresis on that swab.

4 Q What were the results of the electrophoresis test?

5 A I picked up PGM (1).

6 Q Does the electrophoresis in fact do the PGM typing or
7 is that another test?

8 A Yes. The PGM is the electrophoresis.

9 Q Did you do any further tests with regard to the semen
10 that you found on the vaginal swabs?

11 A No.

12 Q Are there further tests that could be done on semen to
13 narrow the genetic markers?

14 A Well, on the swab subtyping probably could have been
15 done.

16 Q Of the body samples you got from other persons, how
17 many of the persons did you have that this information would
18 have been consistent with that could have been that semen
19 donor type "A" secretor?

20 A I believe I had -- I don't know, I think I had about
21 fifteen people out of all thirty-seven people who we got
22 body samples from were classified as type "A" secretors.

23 Q Was Kevin Bowser one of those fifteen persons that was
24 a type "A" secretor? If not, what type was he?

25 A Kevin Bowser was a type "A" secretor.

MEW 8526

1 Q The next item we have is two rectal swabs. What testing
2 and what results did you reach on those?

3 A Again, I checked for spermatozoa. I did find semen, I
4 did identify semen. The secretor type antigens were not
5 detected from that sample. I picked up ESD (1) and PGM (1).

6 Q But you could not get the ABO grouping from that semen;
7 is that correct?

8 A No antigen was detected, that is correct.

9 Q Is it true that there are ways that you can detect semen
10 in the rectal canal other than by anal intercourse or anal
11 sodomy, other ways semen could have been detected in the rectal
12 cavity?

13 A Not to my knowledge there isn't.

14 Q Were there any further tests or any other findings on
15 those rectal swabs?

16 A No, there wasn't.

17 Q The next item is two swabs taken from the inner thigh.
18 What analysis did you do on those and what conclusions did
19 you reach?

20 A I checked those for the presence of semen. My results
21 were positive. I detected blood group substance "A".

22 Q Did you do any further testing, the electrophoresis?

23 A The electrophoresis was negative.

24 Q On the rectal swabs did you do an electrophoresis?

25 A Yes. I gave you those. I think I gave you those.

MEW 8527

1 Q Okay. You did.

2 Is there also a test that can be done on semen called
3 Kholine, K-h-o-l-i-n-e, kholine?

4 A Yes, ma'am.

5 Q Did you do that type of test on any of those?

6 A That's an antiquated one. The ones I am doing are more
7 up-to-date. I did the P-30 or the one I did check for
8 Acid Phosphatase and spermatozoa.

9 Q Is there also a test, I am not sure of the proper
10 pronunciation, Spermine, S-p-e-r-m-i-n-e, that can be done?

11 A I am not familiar with that test.

12 Q The next item you had listed was a rope ninety inches
13 long with a knot and a metal latch attached to it. Did you
14 do any analysis or testing on that item?

15 A No, I didn't.

16 Q To your knowledge, has anyone?

17 A No one has to my knowledge.

18 Q The next item was hairs loose on the chest.

19 A Okay.

20 Q I need to know how many and what testing and conclusions
21 you reached on those.

22 MR. ALBERT: Judge, she's already testified on
23 direct examination about how many hairs, where they were
24 found, what tests she made, what her results all were. Going
25 over and reiterating this testimony on the record, I object

1 to it. It's repetitious, cumulative.

2 MS. FOLEY: On direct examination she went through
3 these quickly. She went through it quickly and I didn't get
4 it down. I need to go over it.

5 THE COURT: Overruled.

6 Q (By Ms. Foley) Item Number 39.

7 A Yes, Item 39, hairs taken from the victim's chest at the
8 morgue was one pubic hair, four body hairs.

9 Q And did you do testing and reach any conclusions on
10 those hairs?

11 A Those hairs are not consistent with those of [REDACTED]

12 As far as conclusions made, the one pubic hair taken
13 from the victim's chest from the morgue is consistent with
14 the pubic hairs of Curtis Eddie McCarty.

15 Q And the four body hairs?

16 A I have not finished my analysis on that.

17 Q Let me ask you what you mean, Ms. Gilchrist, when you
18 say it is consistent or is not consistent with?

19 A Simply that they are consistent with the characteristics
20 I see in my unknown hairs I also see in my reference hairs,
21 which are considered to be known hairs.

22 When I say that something is not consistent, I mean that
23 the characteristics that I see in my unknown hairs I don't
24 see those same characteristics in my reference hairs.

25 Q When you say it's consistent, what you are doing is

1 narrowing the origin to a group that could include the
2 Defendant. When you say something is consistent with the
3 Defendant's hair, that basically is what you are saying?

4 A Somewhat.

5 Q Okay. What do you mean by somewhat?

6 A It's different if it's perfectly plain to me.

7 What I am saying is, those characteristics that I see
8 in the unknown hair, I also see the same characteristics
9 in the reference hairs which came from the Defendant.

10 Q Do you mean you are not saying this necessarily came
11 from the Defendant, it could have been? Hair examination
12 is not a positive ID?

13 A I can say that it could have come from him, it did
14 not come from him, or no conclusion could be made.

15 Q On the pubic hair that you found, I believe you are
16 calling that a reference sample. Is that the one you are
17 calling a reference sample?

18 A The reference samples are those samples that were taken
19 directly from the person's body.

20 Q In regard to the reference sample pubic hair you
21 took from Mr. McCarty and that loose pubic hair you found
22 on the chest, did you compare the colors of those hairs?

23 A I compared everything microscopically to the hairs.
24 I don't look at the color, per se.

25 Q Did you compare the shape of the hair?

MEW 8530

1 A Microscopically, millimeterly, micrometers. By
2 micrometers I looked at everything under the microscope.

3 Q Do you have a result of that comparison?

4 A I do. They are consistent with those hairs of Eddie
5 McCarty.

6 Q Did you make specific notes on how those hairs are
7 consistent?

8 A I made notes on what I saw on those hairs. My
9 conclusion notes basically are refresher information. My
10 conclusion is based on what I actually saw.

11 Q Did you compare the texture of those hairs?

12 A How do you mean texture?

13 Q Just textures, whether coarse or fine or medium?

14 A No, I didn't do that.

15 Q Did you compare the cuticle of the hair to determine
16 if the margins were present or absent?

17 A Yes, I did. As I stated last Monday, I looked at
18 everything included in the cuticle. I would see those
19 things.

20 Q Were margins present or absent in those hairs?

21 A I have to refer back to my notes. What do you mean by
22 margins, first of all?

23 Q The margins of the cuticles.

24 A The margins of the cuticles?

25 Q Yes, whether the margins were present or absent.

1 Something inside the cuticle or something outside the
2 cuticle.

3 A The cuticle itself is nothing but a scale on the outer
4 surface of the hair. Now, I make no notation as to thickness
5 or the thinness or the shape of the cuticle. I haven't done
6 all those things yet.

7 Q Made results?

8 A I don't know, I haven't look at my notes.

9 Q Did you determine as far as the shape how many of the
10 hairs had smooth surfaces or damaged?

11 A In the hairs or cuticles?

12 Q I'm sorry, cuticles.

13 A I don't remember.

14 Q Did you examine the cortex of the reference hair and the
15 hair you found?

16 A That is one of the examinations I do, yes.

17 Q What was the result of that?

18 A Again, my hair is consistent with Eddie McCarty. I
19 haven't looked at my notes so I couldn't tell you definitely
20 the details about that.

21 Q Could you determine if there was any cortical damage
22 to either of those hairs by exam, disease, crush, broken,
23 burned, et cetera?

24 A I can't answer that question at this time.

25 Q Did you determine if there was any -- I'm sorry,

1 the shape and size of the cortical fiber.

2 A Again, I don't remember.

3 Q Did you determine the pigment granule, PG size?

4 A I don't remember the results of that. I haven't
5 referred to any of my notes on my hairs, so I can't really
6 answer any questions about definite details about the hairs
7 at this time.

8 Q Do you have those notes?

9 A No, I don't have those notes with me.

10 Q Do you have them back at your laboratory?

11 A They're on my desk at work, yes.

12 Q You knew you were going to testify this afternoon; is
13 that correct?

14 A That's correct.

15 Q But you didn't bring those notes with you?

16 A I haven't referred to them. I didn't see any need to
17 bring them with me.

18 Q Did you determine as far as the -- did you compare the
19 medullae of the reference hairs and the --

20 A Again, Ms. Foley, that's another test -- determination
21 I make with my microscopic examination.

22 Q Did you determine if the medulla is present, absent,
23 thick, thin or medium?

24 A I'm sure I did.

25 Q Did you determine the medulla configuration as far as

1 whether -- as far as a more opaque continuation or discon-
2 tinuation or whether it was translucent?

3 A I'm sure I did.

4 Q But you don't have those with you?

5 A Again, I don't have those with me. They are -- the
6 bottom line, the hair is consistent with Mr. McCarty.

7 Q All right. The next item is -- let me stop. You said
8 the hair is consistent with, but can you give us the basis
9 for how that is consistent?

10 A It is my basis on my opinion what I saw by microscope,
11 those hairs are consistent with -- that hair is consistent
12 with the reference hair of Eddie McCarty, in my opinion.

13 Q The next item is the hairs that were found in the chest
14 wound of Miss [REDACTED]. Could you tell me how many hairs and
15 what testing and analysis did you do to those hairs?

16 A As I stated Monday, there was one hair fragment taken
17 from the chest wound after apparently the knife was removed.
18 I did the same microscopic hair comparison with that hair as
19 I did with all. That hair was found to be consistent with
20 the reference scalp hair of Curtis Edward McCarty.

21 Q If I understand, were you asked every one of these
22 questions on that particular item I just ask you on the last
23 as far as specific comparisons, do you have the results of
24 any of those specific comparisons?

25 A My result is the hair is consistent.

MEW 8534

1 Q But as far as any specifics, do you have those with you?

2 A No, I don't.

3 Q If I asked you each one separately, would your answer
4 be the same?

5 A My answer would be the same.

6 Q The next item is scalp hairs. Could you tell me how
7 many of those, what testing and analysis and what conclusion
8 you reached on those?

9 A Those are reference scalp hairs taken from the head of

10 [REDACTED] And, first of all, I can't tell you how many
11 hairs the doctor removed. I took a random sample of those
12 hairs. I mounted those hairs, conducted the same microscopic
13 hair comparison that I do on all hairs. And, compared her
14 reference hairs to any of those hairs I found on or about her
15 body to see if they were consistent or inconsistent with the
16 reference hairs of Pamela Willis?

17 Q And you were comparing these with perhaps hairs you
18 received to other hairs found different places? Is that
19 correct?

20 A That's just what I stated, yes.

21 Q The next item, pubic hair combing, was that -- that was
22 from the victim's body, I assume?

23 A That's from the victim's pubic hair.

24 Q What did you find, what analysis and testing and
25 conclusions did you reach on that particular item?

1 A From the pubic hair combing I identified foreign hairs
2 there. I am not sure how many.

3 Okay. In the victim's pubic hair combing, first of all,
4 I found four pubic hairs.

5 Q When you say four, do you mean four foreign?

6 A These are four foreign pubic hairs. Five hairs and four
7 of those are foreign to the victim. I found four body hairs.

8 Q In addition to the four foreign hairs, are four of them
9 body hairs, four of them pubic hairs; is that what you're
10 saying?

11 A Foreign hairs taken from the body of Pamela, pubic
12 hairs foreign to her. And, there are four body hairs. I
13 also found some fibers.

14 Q Okay. Let's talk about the fibers first. Did you do
15 any analysis?

16 A My analysis is not complete. You know, I think I looked
17 at them. I know they are blue fibers but that's about all
18 I can tell you at this time.

19 Q Let me ask you generally what are you looking for when
20 you are doing an analysis on those fibers?

21 A To see if I can identify the type of fiber it is.

22 Q Do you have any reference samples that you are trying
23 to match those with or are you just trying to identify the
24 type of fibers?

25 A I am generally trying first before I try to go back and

1 match it with anything.

2 Q And you haven't done that yet, you haven't tried to
3 match it with anything?

4 A No.

5 Q As far as the four pubic hairs, what analysis, testing
6 and conclusions did you reach in regard to those?

7 A I am not finished with those yet.

8 Q Are you comparing those to reference samples you have?

9 A That's what I have to do, yes.

10 Q And are you comparing them to reference samples from
11 more than one person or only one person?

12 A I am comparing them to everybody I looked at in this
13 case.

14 Q The thirty-nine?

15 A I compared them to quite a few people, yes.

16 Q Have you ever compared them to Curtis McCarty's?

17 A No, I haven't yet.

18 Q Have you compared them to Kevin Bowser's?

19 A Yes.

20 Q Were they consistent or inconsistent?

21 A They were inconsistent with Kevin Bowser.

22 Q As far as the four body hairs found in the pubic hair
23 combing, what analysis, testing and conclusions did you
reach?

24 A I haven't finished any results. Finished my testing,

1 I should say.

2 Q Have you compared them to any reference samples as of
3 yet?

4 A No.

5 Q Are you going to compare those to all of the thirty-nine
6 different persons' reference samples?

7 A Possibly.

8 Q Well, let me ask you, if you start comparing them and
9 they match to one person, do you stop at that point or do
10 you continue to compare?

11 A If they match to a certain person there's, I don't think
12 any need to continue on. If there is someone I need to
13 continue looking at, I will continue on.

14 Q So, if you get to the point in those comparisons those
15 hairs are consistent with Curtis McCarty, would you stop at
16 that point?

17 A I probably would stop at that point.

18 Q In regard to those hairs, those eight hairs, if I ask
19 you the questions about the specific tests that I asked you
20 about previously, in the interest of time I will not go
21 through that again, would your answers be the same?

22 A Yes, they would be.

23 Q There was a couple of other specific questions I forgot
24 to ask. On any of these hairs, were roots present?

25 A On some of the hairs, yes. On most of the hairs the

1 roots were present, yes.

2 Q Were you able to -- have you yet tested those to get
3 any specifics on the roots such as antigen present to
4 be able to further narrow down the antigen or the growth
5 phases of the hairs?

6 A Okay. I can look at the root of a hair and tell you
7 whether it's going to be mature or immature, you know,
8 fairly new hair. But, as far as determining what state the
9 hair is in when it fell out or came out, no, I haven't done
10 that.

11 Q Is there further specific testing that can be done in
12 regard to the roots of the hairs?

13 A There are other tests that possibly could be done.

14 Q What are those tests?

15 A Antigen typing, genetic marking information, if the
16 hairs is in good enough shape.

17 Q Did you do any antigen --

18 A I wasn't aware, as I told you, I wasn't aware of that
19 procedure until this past June. This happened almost three
20 years ago.

21 Q Can you, at this point, go back and perform that test?

22 A No. The hairs are mounted on permanent plates and
23 it would be futile. The enzyme activity most likely would
24 have gone.

1 Q Was any other tests other than antigen that you perform
2 on the roots of the hairs?

3 A No.

4 Q Did you notice any of the hairs, anything, I'm going
5 to term "bad gapping" of any of the hairs?

6 A My answer is going to be the same. I don't remember.

7 Q Did you note any, I believe it's ovoid, o-v-o-i-d,
8 on any of the hairs?

9 A I don't remember at this time.

10 Q Did you, in doing your comparisons, did you use a
11 scanning electron microscope?

12 A I use the comparison microscope.

13 Q Did you, in doing your tests, did you do a scale index
14 or a medullary index?

15 A No, I did not.

16 Q Did you do an ABO blood grouping?

17 A No.

18 Q Did you do a refractive index?

19 A From a hair?

20 Q Yes.

21 A A refractive index is usually done on fibers.

22 Q Did you do a sex determination?

23 A No.

24 Q Did you do an EON microscopic analysis?

25 A No.

MEW 8540

1 Q The next item you have listed was the knife with a four
2 and a half inch blade. What testing did you do on that and
3 what conclusions did you reach?

4 A I didn't do any testing on that knife.

5 Q Has anyone to your knowledge done any testing on that
6 knife?

7 A To my knowledge, no.

8 Q Is that knife in your possession with the other items
9 taken off of the victim's body or has that been taken by a
10 detective or another police officer?

11 A The knife is in my possession.

12 Q The next item would be the fingernail clippings from
13 the left and right hand of Miss [REDACTED]. Did you do any
14 testing on those items?

15 A I looked at them under a scope. I didn't find any
16 evidentiary value at that time.

17 Q What were you looking for under the fingernail
18 clippings?

19 A Traces of hairs, fibers or anything that might have been
20 under there.

21 Q You haven't found anything?

22 A I did not find anything at that time.

23 Q Are you still in the process of analyzing those or do
24 more to those?

25 A There was nothing there, so --

MEW 8541

1 Q. There's nothing more you can do on those?

2 A. No.

3 Q. The next item was one flat sheet. What testing did you
4 do and what conclusions did you reach on that item?

5 A. The flat sheet, I noticed that there was -- there are
6 some blood and possibly semen or unknown stains on it. I
7 have not analyzed it at this time. I did take hairs from
8 the sheet.

9 Q. How many hairs did you take from the sheet?

10 A. From the flat sheet I got two scalp hairs, one pubic
11 hair, four body hairs and some fibers.

12 Q. In relation to the two scalp hairs, what testing did you
13 do on those and what conclusions have you reached?

14 A. Those hairs that I just called off to you are hairs that
15 were found to be foreign to [REDACTED]. And, I have
16 done no further tests at this time.

17 Q. Will you be comparing them with reference samples?

18 A. The only comparison I can make, yes.

19 Q. And, in that comparison, if those hairs are found to be
20 what you term consistent with Curtis McCarty, will you
21 continue to compare those with other reference samples?

22 A. No.

23 Q. The next item is one pubic hair found on the flat sheet.
24 What testing did you do and what conclusions did you reach on
25 that?

MEW 8542

1 A It is inconsistent to the known hairs of Pamela Willis.

2 The same is foreign to Pam Willis.

3 Q Have you done any further testing?

4 A No, I haven't.

5 Q With regard to that hair that you in fact find in your
6 opinion could be consistent with Mr. McCarty, will you do any
7 further analysis on that hair?

8 A No.

9 Q The next item, four body hairs, what testing did you do
10 and what conclusions did you reach?

11 Q Other than they don't appear to be consistent with any
12 hairs I have from [REDACTED], I have done no further tests
13 on those.

14 Q If those hairs are found to be consistent with Mr.
15 McCarty, will you do any further testing?

16 A No.

17 Q In regard to the fiber, have you done any tests or
18 reached any conclusion on the fiber?

19 A I have done no testing on the fiber.

20 I need to make a correction. I just found something
21 here.

22 The question you asked me earlier, the knife with a
23 four and a half inch blade on it.

24 Q Yes, ma'am.

25 A That was checked by the FBI for the presence of latent

1 fingerprints and none were found.

2 Q Was the knife sent to the FBI lab?

3 A Yes, it was.

4 Q On the flat sheet you said -- Ms. Gilchrist, were any
5 other items besides that knife sent to the FBI lab?

6 A Yes.

7 Q What items were those?

8 A One bent knife, the knife with a bent blade on it. One
9 bedspread. Okay. The knife from the victim's chest wound.
10 The flat sheet and the fitted sheet were both sent. And,
11 also, the lower portion of the wooden part of the window
12 frame was sent to the FBI.

13 Q Why were those sent to the FBI?

14 A The possibility of latent prints on them.

15 Q Why the lower part of the window frame?

16 A That was sent for that reason, to check for latent
17 prints.

18 Q Do you know the results of any of that testing?

19 A Yes, I do.

20 Q Okay. What are the results?

21 A No usable prints were found.

22 Q On any of those things?

23 A On any of those things.

24 Q Where are those items now, back in your possession

25 or does the FBI have them?

MEW 8544

1 A They are in my possession.

2 Q We were talking about the flat sheet. You said there
3 was also blood stains found. Did you do any testing on the
4 blood stain?

5 A I haven't tested that yet.

6 Q You said there is also semen or an unidentified stain.
7 Have you done any testing on that stain?

8 A No.

9 Q You don't know in fact it's semen or if it's not semen?

10 A I don't know yet.

11 Q The next item is one fitted sheet. What testing did you
12 do and what conclusions did you reach?

13 A The fitted sheet, I also removed hairs and these are
14 foreign hairs, four scalp hairs, five pubic hairs, and four
15 body hairs.

16 Q On any of those hairs have you done any further testing
17 to determine to who those hairs might be consistent with?

18 A So far they are inconsistent with the victim and that's
19 about all I can say right now.

20 Q If, when you do an analysis on those hair, your opinion
21 is it is consistent with Mr. McCarty, will you do any further
22 testing or comparison on those hairs?

23 A No.

24 Q From my notes it appears that there is, as far as hairs.
25 you found consistent with Mr. McCarty's, there was one pubic

1 hair that was found loose on the chest, is that correct?

2 A Uh-huh.

3 Q And one hair, head hair fragment found in the chest
4 wound?

5 A Correct.

6 Q And in the pubic hair combing, how many hairs did you
7 find that were consistent with Mr. McCarty?

8 A I haven't yet.

9 Q So, as far as hairs that you have consistent with Mr.
10 McCarty's, am I understanding that there was one pubic hair,
11 one head hair fragment?

12 A Yes.

13 Q Are there any others that I am missing?

14 A Yeah, there are. I have a total of eleven scalp hairs
15 that are consistent with Eddie McCarty.

16 Q Okay. I have got the one pubic hair loose on the chest
17 and the one head hair fragment from the chest wound. Where
18 are the other hairs that I am missing?

19 A We talked about this Monday. First of all, there is a
20 scalp hair taken from the sweater that is consistent with
21 Eddie McCarty.

22 Q Okay.

23 A There are six scalp hairs taken from the victim's PJ
24 rompers that is consistent with Eddie McCarty.

25 Q Okay.

MEW 8546

1 A . There is one scalp hair taken from the bedspread that
2 is consistent with Eddie McCarty.

3 Q Any others?

4 A Yeah, I'm just giving you time to write.

5 One scalp hair taken from the sleeping bag.

6 Q Okay.

7 A Two scalp hairs taken from the plastic sheet that the
8 victim's body had been placed on to transport it.

9 Q Ms. Gilchrist, you have no knowledge where on the
10 victim's body those would have been, they were just on the
11 sheet she was wrapped in?

12 A They did fall off her body, but I have no idea.

13 Q You don't know where on the body?

14 A No.

15 Q Are there any others?

16 A No, that's it.

17 Q Is that a total of thirteen hairs you found to be
18 consistent with Mr. McCarty?

19 A Thus far, yes.

20 Q Ms. Gilchrist, Janis Davis is also listed on the
21 information in the case. Did she have anything to do with
22 any analysis or comparison on any of it?

23 A I did all analysis and comparison. She merely collected
24 body samples from someone along the way when I was not
25 available. The same goes for Melissa Hughes.

MEW 8547

1 Q As far as you know, that's the only reason Mrs. Davis
2 has been listed on the information.

3 A That's the only reason. When I get my report finished,
4 she is involved in it only as far as evidence collection.

5 Q As far as thirteen hairs you thus far found consistent,
6 was there ever a time one of these hairs that you mis-identi-
7 fied the hair, for example, it was not consistent with Mr.
8 McCarty, the FBI person looked at that?

9 A I never mis-identified a hair.

10 Q Did you have questions as to one of the hairs because
11 of the way it was perhaps folded or something that you were
12 not sure it was Mr. McCarty's hair?

13 A I had -- I had points, noticed points of similarity
14 in Mr. McCarty's hair when I did an examination back in
15 March, late March, I believe, of 1983. I told our Detective
16 Sellers that I had points of similarity. But at the time,

17 I didn't feel like I had enough to confirm. I needed other
18 body samples. Apparently Mr. McCarty had chemically altered

19 his hair so that it was curled -- curled or curly. He had
20 exhibited hair damage. Basically what had happened was
21 that the -- or the hair on that slide was such that it caused
22 it to twist over and curve around. When I did my examination,
23 I didn't see very much of the interior portion. I felt like I
24 needed more. I was not going with -- even though his hair
25 was the only one in my opinion was consistent with those

1 hairs that I found that were foreign to the victim, I didn't
2 feel like I had enough to confirm. I asked them for more
3 samples. No further samples were given to me. And, of course,
4 I never seen Mr. McCarty. I did not see him until March of
5 this year when he came into our office.

6 But, I felt like I needed more before I point the finger
7 at someone. I didn't feel like at that time I had enough.

8 Q This is the hair you had someone from the FBI look at;
9 is that correct?

10 A Yes.

11 Q Was there something about the way it was twisted or
12 laid that caused you to think that perhaps a Caucasian hair
13 did not normally appear that way?

14 A Yeah, I just said he done something to his hair to
15 change the appearance. The hairs at the crime scene were
16 basically straight. You expect Caucasian hairs to be. The
17 hairs that were collected from Mr. McCarty in March, I
18 believe, of '83, were in fact curled. As I see now, his hair
19 is straight and it was straight when I saw him in March of
20 this year. His hair is darker now than it was.

21 Q Would it be your opinion the hair as -- had something
22 associated with Negroid hair rather than --

23 A Negroid hairs do have a tendency to slide, this is in
24 fact what was happening. Mr. McCarty's hair, on this slide,
25 his hair was in fact turning.

MEW 8549

1 Q Ms. Gilchrist, does the usage of drugs or ingestion of
2 chemicals and different drugs, can that alter the examination
3 basically of the hair in any way?

4 A I am sure it probably could. I have no way of testing
5 that, though.

6 Q But, it's possible the ingestion of many drugs and
7 chemical items could alter the examination of hair?

8 A Yes, it could, it's possible.

9 Q You testified some time back on direct examination that
10 there were, I believe you said, fifteen persons that could
11 have been the semen donor as far as ABO blood grouping.

12 A Yes.

13 Q But, that because the hairs were not consistent with
14 those persons, you ruled those persons out, or something to
15 that effect. Do you remember testifying to that?

16 A Yes, I do.

17 Q My question is, in your opinion, why do you feel that
18 the person that was the semen donor must be the same person
19 that left the hairs?

20 A I am just saying there could have been one person. I
21 never ruled out that possibility. The information I am pick-
22 ing from my analysis, the evidence as collected there, the
23 blood typing of the semen donor is type "A" secretor. The hair
24 there, also I can't say, you know, definitely, that the semen
25 came from the same person who left the hairs or it came from

1 someone else. I am just telling you my opinion. These
2 type "A" secretors, the hairs that I found, you know, are
3 consistent with the "A" secretor status of Curtis McCarty,
4 as are some of those hairs I found consistent.

5 Q Of the thirteen hairs that you have found to be
6 consistent with Curtis McCarty, can you actually visualize
7 those hairs and say, those are his hairs?

8 A No, I can't. I can only say they are consistent with.
9 The hair examinations are not positive ID. And, they either
10 came from Mr. McCarty or someone who had exactly the same
11 characteristics. And, they also had to have been at the
12 crime scene.

13 Q Do you know why, you may not know this, but
14 forensically, do you have an opinion or know why this case
15 was filed against Mr. McCarty and a John Doe?

16 MR. ALBERT: Judge, I object to that. I don't

17 think Joyce Gilchrist has any --

18 THE COURT: Sustained.

19 Q (By Ms. Foley) Forensically, what would cause you to
20 think there were two persons involved in this murder?

21 MR. ALBERT: That assumes facts not in evidence.

22 THE COURT: Sustained.

23 Q (By Ms. Foley) Ms. Gilchrist, forensically speaking,
24 from the evidence you got in this case, the evidence from
25 Pam Willis' body, could two persons have been involved?

MEW 8551

1 A I just answer that it's possible two people could have
2 been involved, three people could have been involved. I
3 don't know.

4 Q Or four or five or any number, is that what you are
5 saying?

6 A Any number. I have no knowledge. I am just telling
7 what my evidence is showing me thus far.

8 Q Did you do the forensic analysis on items taken from
9 Rick Terry?

10 A Yes, I did.

11 Q What was it you said that Rick Terry, I can't remember
12 the words, something like he was cleared forensically, he
13 was cleared or something to that effect. Why was that?

14 A Well, his hairs are not consistent with the foreign
15 hairs I found at the crime scene. He is "O" nonsecretor.
16 I can really eliminate being possibly the semen donor or his
17 hairs consistent with those found at the crime scene.

18 Q Give me just a moment. I'm going through my notes.

19 Are you aware of a test called pyrolysis gas
20 chromatography to use in the laboratory examination of hairs?

21 A I am aware of an instrument that's used in pyrolysis
22 analysis. We don't have such an instrument in our
23 laboratory.

24 Q You did not use that particular test on any of the items
25 you had?

MEW 8552

1 A It would consume, you wouldn't have any evidence left
2 over. It's not very wise to do.

3 Q I understand when you take reference samples from a
4 particular person you take enough -- a number of reference
5 samples. What is the accepted number of reference samples
6 taken from a particular individual?

7 A There is a debate about that right now. At the FBI they
8 need to get more than what we have been getting in the past.
9 One state will use that one, one state will use another.
10 On scalp hairs, I take twenty-four scalp hairs.

11 Q And you are comfortable with that figure?

12 A I like to have more. I would like to have more.

13 Q At what point would you say you had a small amount you
14 could not make a comparison?

15 A Small amount of what?

16 Q Reference hairs that you had too few to make a
17 comparison on?

18 A Anything less than, I think, fifteen hairs would be too
19 few for me to examine, to be fair to that person whose hairs
20 I am looking at.

21 Q Did you do any ION enzyme work-up on any of the hairs
22 you found?

23 A As I said, I didn't, no.

24 Q I believe I did ask you if you had any scale count or
25 scale index on any of the hairs, or did you?

MEW 8553

1 A You asked me that and I said no.

2 Q I believe that you testified on direct examination that
3 you first received hairs from Mr. McCarty on or around
4 3-15-83; is that correct?

5 A Yes. Let me look to be sure, but I do believe that's
6 the date. It was submitted to our laboratory on 3-15-83.

7 Q I believe you testified you analyzed those sometime last
8 perhaps mid to late April; is that correct?

9 A Yes.

10 Q And when did you tell the Oklahoma City police
11 detective the results of that testing?

12 A Sometime after I done -- started my examination. I
13 couldn't give you an exact date.

14 Q Would it have been shortly after? Is that the normal
15 course you follow?

16 A As soon as I got to the point where I could say
17 something, I would. I can't tell you the exact date. It
18 may take a day, it may take a week or two weeks. It just
19 depends how much time I have to allot to that examination.

20 Q Do you recall when you analyzed hair samples belonging
21 to Mr. Rick Terry and blood and saliva belonging to Rick
22 Terry?

23 A As I stated, you asked me that question and I told you
24 then I examined his blood and samples the same night his
25 samples were collected by me. I also mounted his hairs that

1 same night so that the next morning I could look at them.

2 Now, if you want to know when I got those samples --

3 MR. ALBERT: Judge, I object. It's irrelevant.

4 Rick Terry is not on trial here. It's irrelevant.

5 THE COURT: Did you get your entire answer?

6 MS. FOLEY: Pardon?

7 THE COURT: Did you get the answer to the question
8 you asked?

9 MS. FOLEY: She's looking for it, Your Honor. I
10 think she's found it now.

11 THE COURT: All right. I will let her complete
12 the answer.

13 THE WITNESS: His evidence was submitted to us
14 March 8, 1985.

15 Q (By Ms. Foley) You would have analyzed that shortly
16 after that; is that correct?

17 A I just stated I did, yes.

18 Q You would have given a report to the police detective?

19 A Yes, the same results I just gave you a few minutes ago.

20 Q You stated that you examined these hairs through a
21 microscope. What kind of microscope did you use to examine
22 these hairs?

23 MR. ALBERT: She's answered that.

24 MS. FOLEY: She answered that one?

25 THE COURT: A comparison microscope I think is

MEW 8555

1 what she said.

2 Q (By Ms. Foley) Do you use a stereoscopic microscope?

3 A I use a comparison microscope in my analysis of hairs.

4 Q Is that a -- do you use the transmitted light comparison
5 microscope?

6 A That's what a comparison microscope is.

7 Q Would you agree with this statement that human hair
8 does not possess a sufficient amount of uniqueness
9 microscopically to be positively associated with a particular
10 individual?

11 MR. ALBERT: Just a minute. I object to this. It
12 is obviously an attempt to cross-examine this witness from
13 some kind of learned treatise. Until she presents it to the
14 witness and the witness can tell her she's familiar with it,
15 knows its contents, she is not permitted to just go down some
16 line and pick some part and start reading out of them. I
17 object to this.

18 THE COURT: I sustain the objection. The preliminary
19 hearing is to find out what this lady did during the test,
20 Ms. Foley.

21 MS. FOLEY: Okay. If I could have just a minute,
22 Your Honor.

23 Q (By Ms. Foley) Ms. Gilchrist, you state on several
24 items that you are not finished with the testing of these
25 items. Why are you not finished with the testing of these

1 items?

2 A. As I stated, I think off the record, to you and Mr.
3 Evans Monday evening after I got off the stand, I do need a
4 better representation of hair samples from Mr. McCarty to do
5 him justice and to do justice to this case.

6 Q. Are you talking about any particular area, scalp, pubic?

7 A. I would specifically like another scalp hair, possibly
8 even another pubic hair sample.

9 Q. Do you know how many reference hairs you got from him
10 initially on your scalp hairs?

11 A. No, I didn't collect those samples so I don't know how
12 many were taken.

13 Q. You don't know how many pubic hair samples?

14 A. Same answer.

15 Q. Ms. Gilchrist, on several of the hairs you stated they
16 are inconsistent with the victim. Does inconsistent, this
17 means there is no way that those hairs could have come from
18 the victim?

19 A. That is correct.

20 Q. Not under any circumstances?

21 A. They are inconsistent.

22 Q. Ms. Gilchrist, what particular training have you had in
23 hair comparison?

24 MR. ALBERT: We stipulated on this lady's
25 qualification when we started.

MEW 8557

1 THE COURT: I'll sustain that objection.

2 MS. FOLEY: Pardon?

3 THE COURT: I will sustain the objection.

4 Q (By Ms. Foley) Ms. Gilchrist, on hair are you able to,
5 as you can with blood typing, include or exclude a certain
6 percentage of the population and say this is consistent or
7 inconsistent with?

8 A We don't use percentage when we are dealing with hair
9 compairson.

10 Q It's different from --

11 A It's different.

12 Q Is there any basis for that percentage?

13 A No.

14 Q Ms. Gilchrist, is the FBI saying they want more hair
15 samples to test?

16 A I want more hair samples to test.

17 Q Does the FBI want more hair samples?

18 A The FBI is not involved in this case at this point in
19 time.

20 Q This is in relation to the question I asked you about
21 what do you feel comfortable with, the minimum number of
22 samples, and you said there was a debate with what the FBI
23 is saying. Is that the reason you need --

24 A There is a debate as far as guidelines to forensic
25 technicians all over the United States, Canada and, you know,
all over Japan, China.

Basically, they are saying you may need to increase the number. They are trying to establish guidelines. I am needing more hairs for me to finish my analysis in this case.

Q Do you know where there is this debate as to --

MR. ALBERT: Objection, Your Honor.

THE COURT: Sustained.

Q (By Ms. Foley) Ms. Gilchrist, when was the first day you realized, according to forensics, that Mr. McCarty could have been the one that committed this homicide?

A The first day I realized I had points of similarities in the hairs, which would have been sometime after I began my analysis of the hairs in mid to late March of 1983. I answered that question before.

Q And that was around the time you would have indicated that to the police detective; is that correct?

A I stated that earlier.

Q Is there, and I know we covered this very thoroughly,
is there any other tests or comparisons or conclusions you
have reached that I have not questioned you about at this
point?

MR. ALBERT: Judge, that's too general. I object to that question.

THE COURT: Sustained.

MS. FOLEY: Your Honor, I have been trying to ask

1 specifics and Mr. Albert objects to even specifics.

2 MR. ALBERT: I haven't made two objections.

3 THE COURT: If you have any more specific questions
4 ask her.

5 MS. FOLEY: No further questions.

6 MR. ALBERT: I have no further questions, Your
7 Honor.

8 THE COURT: You are excused, ma'am.

9 THE WITNESS: Thank you, Your Honor.

10 MS. FOLEY: Thank you, Ms. Gilchrist.

11 Could I step outside just a minute.

12 MR. ALBERT: Okay. Your Honor, the State would
13 offer the following stipulation. That if Dr. James Dibdon
14 were called to testify, he would testify that on or about the
15 10th day of December of 1982, he was an Assistant State
16 Medical Examiner with the offices of the State Medical
17 Examiner. That he conducted an autopsy on a person identified
18 as Pamela Kaya Willis. He made certain visual observations
19 of her body prior to opening the body for formal autopsy
20 examination.

21 And, after having made his visual observation and
22 after having opened her body for autopsy examination, he
23 reached the conclusion that her manner of death was homicide.
24 And, that the cause of death was stab wounds and asphyxiation.

25 He would further testify that he is licensed to

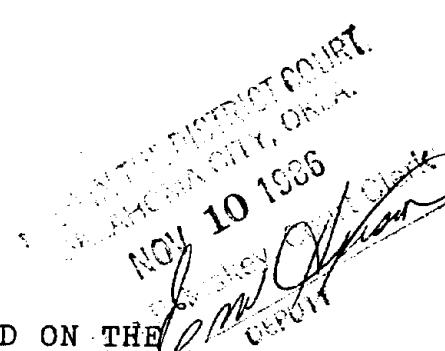
MEW 8560

FF 86 343

1 IN THE DISTRICT COURT OF OKLAHOMA COUNTY
2 STATE OF OKLAHOMA
3

4 THE STATE OF OKLAHOMA,)
5 Plaintiff,)
6 vs.) No. CRF 85-2637
7 CURTIS EDWARD McCARTY,)
8 Defendant.)

ORIGINAL



1 PROCEEDINGS HAD ON THE
1 24TH DAY OF MARCH, 1986

BEFORE JUDGE WILLIAM R.

SAYED FILED
IN COURT OF CRIMINAL APPEALS
STATE OF OKLAHOMA

NOV 17 1986

JAMES W. PATTERSON
CLERK

FOR THE STATE: MR. ROBERT MACY, DISTRICT ATTORNEY, AND
MR. BARRY ALBERT, ASSISTANT DISTRICT ATTORNEY, OKLAHOMA
COUNTY COURTHOUSE, OKLAHOMA CITY, OKLAHOMA 73102.

FOR THE DEFENDANT: MR. CLAUDE SUMNER, ATTORNEY AT LAW,
1420 GATEWAY PLAZA, MIDWEST CITY, OKLAHOMA 73110.

REPORTED BY: KEN SHARPE, C.S.R.

1 MR. SUMNER: I have no further questions.

2 THE COURT: Anything, Mr. Macy?

3 MR. MACY: No, further questions.

4 THE COURT: You may step down. Call your next
5 witness please.

6 MR. ALBERT: At this time we will call Joyce
7 Gilchrist.

8 JOYCE GILCHRIST,

9 Having been first duly sworn by the Court, Joyce
10 Gilchrist testified on her oath as follows:

11 DIRECT EXAMINATION

12 BY MR. ALBERT:

13 Q. Will you state your name to the Court and Jury
14 please?

15 A. My name is Joyce A. Gilchrist.

16 Q. And how are you employed?

17 A. As a forensic serologist with the Oklahoma City
18 Police Department.

19 Q. How long have you been employed in the forensic
20 laboratory at the Oklahoma City Police Department?

21 A. For six years.

22 Q. Prior to your employment with the Oklahoma City
23 Police Department forensic lab, did you have prior law
24 enforcement experience in forensic techniques?

25 A. No, I did not.

1 Q. Tell the ladies and gentlemen of the Jury what your
2 education and your training and your experience has been.

3 A. I have a Bachelor of Science in Forensic Science
4 which I received from Central State University in Edmond,
5 Oklahoma. I have attended the FBI Academy in Quantico,
6 Virginia on two separate occasions where I received
7 specialized training in forensic serology and in the
8 examination and identification of hairs, fibers and other
9 types of textile materials.

10 Also I attended an International Hair Symposium
11 where we learned about the updates and the new technology
12 of hair examination. I have attended the Serological
13 Institute in California, where I received advanced
14 training techniques in semen analysis and blood stain
15 analysis and forensic serology. I have attended the
16 Southwest Homicide Investigators Seminar held in Norman,
17 Oklahoma and Oklahoma City, and I have been instructing
18 those same seminars.

19 I have attended the Central U. S. Police Institute
20 held in Oklahoma City, where I received training in the
21 geometric interpretation of blood stains and the flight
22 patterns. I have conducted my forensic practice at the
23 Oklahoma City Police Department and I have been certified
24 by the counsel of law enforcement education and training
25 as a police instructor for the State of Oklahoma.

1 Q. Now Ms. Gilchrist, let me ask you this. You told
2 the ladies and gentlemen of the Jury that you have twice
3 attended the FBI academy in Quantico, Virginia, is that
4 correct?

5 A. That is correct.

6 Q. When approximately was the first time that you
7 attended the FBI academy when you went to their forensic
8 program.

9 A. It was January of 1981.

10 Q. What is the length of that FBI program that you
11 attended?

12 A. I was there an entire month.

13 Q. And you testified that you have attended the FBI
14 academy on a second occasion, is that correct?

15 A. That is correct.

16 Q. And when was your second study made at the FBI
17 academy in Quantico, Virginia.

18 A. It was June of 1985.

19 Q. And for what period of time were you at the FBI
20 academy during that period of study?

21 A. The seminar lasted for one week.

22 Q. Okay. And will you explain to the ladies and
23 gentlemen of the Jury what exactly is taught during those
24 FBI academy schools that you testified about.

25 A. In reference to the blood stain analysis, we are

1 taught the basics of identifying blood types as
2 forensically speaking, all of the methods that can be
3 employed and how we can relate that back to law
4 enforcement. As far as hairs go, hair and fibers, we are
5 taught how to examine hairs and how to identify hairs
6 from different parts of the body, and different races,
7 and taught how to actually do a comparison and how it
8 relates back to law enforcement.

9 Q. Now Ms. Gilchrist, are you a member of any
10 professional organizations.

11 A. Yes, I am.

12 Q. What are they?

13 A I am a member of the American Academy of Forensic
14 Scientist, I am a member of the Southwest Association of
15 Forensic Science, and I am also president of the
16 International Association for identification, the
17 Oklahoma division.

18 Q. Okay. Ms. Gilchrist, have you testified as an
19 expert witness on matters of forensic science in the
20 courts of Oklahoma on prior occasions?

21 A. Yes, I have.

22 Q. And how many times approximately have you appeared
23 and testified as an expert witness in the courts?

24 A. Well --

25 Q. A rough approximation.

1 A. Well over a hundred times.

2 Q. And during the six years that you have been employed
3 as a forensic chemist with the Oklahoma City Police
4 Department Forensic laboratory, how many times
5 approximately have you done microscopic hair comparisons
6 of known reference hairs against unknown hairs taken from
7 a crime scene or from the body of a victim?

8 A. Again, quite a few times. I do not keep a running
9 tally of that, but a rough estimate would be well over
10 three hundred times or more.

11 Q. And as to your serological analysis, the examination
12 of biological fluids, how many occasions, approximately,
13 and all I am asking for is a rough approximation, have
14 you had an occasion to do forensic examinations to
15 determine ABO blood type, electrophoresic subtyping and
16 secretor status, those things that you deal with and
17 biological fluids.

18 A. Oh, again, hundreds and hundreds of times. It could
19 be six or eight hundred or a thousand times.

20 Q. Many, many times?

21 A. Quite a few times.

22 Q. Over the years?

23 A. Yes.

24 Q. Ms. Gilchrist, I want you if you will, and I think
25 you may have done this in the explanation of your

1 education training and experience, but I want you to tell
2 the ladies and gentlemen of the Jury briefly if you will
3 in a nut shell the nature of your duties as a forensic
4 chemist with the Oklahoma City Police Department. What
5 your lab consists of, the equipment that you have at your
6 disposal, how you use it and what your duties are.

7 A. Okay. First of all I analyze the evidence that is
8 submitted to our laboratory in cases of rapes, homicides,
9 and other types of sexual assaults, indecent liberties,
10 hit-and-runs and manslaughters. The type of evidence
11 includes liquid blood and dried blood stains, saliva and
12 other body fluids, hairs and fibers.

13 Now, the type of equipment that exists in our
14 laboratory would be electrophoresis equipment, standard
15 microscopes that we use on a daily basis for hair
16 comparison, and a hair microscope that we use to do hair,
17 and basic centrifuges.

18 Q. Now, were you assigned to do the forensic
19 investigation in this case now before this Court?

20 A. Yes, I was called to the crime scene.

21 Q. Let me hand you what has been marked for
22 identification purposes as State's Exhibit No. 4, can you
23 tell the Court and Jury what that is?

24 A. Yes, I can.

25 Q. What is it?

1 A. It is a morgue evidence envelope that contains the
2 body samples and foreign evidence obtained from the body
3 of [REDACTED].

4 Q. And when did you receive that envelope in your
5 laboratory?

6 A. The evidence was submitted to our laboratory on the
7 13th of December, 1981.

8 Q. Was it submitted in a closed and sealed condition at
9 that time?

10 A. Yes, it was.

11 Q. When did you first come into contact with State's
12 Exhibit No. 4 for the purpose of your forensic analysis?

13 A. I opened the evidence envelope on the 15th of
14 December, 1982.

15 Q. And was it in a closed and sealed condition when you
16 took possession of it to open it?

17 A. Yes, it was.

18 Q. Did you have inside that envelope the known
19 referenced samples of [REDACTED] blood and
20 saliva and her known referenced samples, scalp, body and
21 pubic hair?

22 A. Yes, I did.

23 Q. As well as other items?

24 A. Will you just tell the Jury what was in that
25 envelope when you opened it, all of the items contained

1 in that envelope?

2 A. There was a tube of blood, a tube containing oral
3 swabs, a tube containing a vaginal swab, a tube rectal
4 swabs, a tube containing swabs taken from the inner thigh
5 areas. There was also a rope contained inside here. An
6 envelope that had loose hair taken from the chest, scalp
7 hair, victim's scalp hair and victim's pubic hair,
8 victim's pubic combing, hair taken from the victim's
9 chest wound, fingernail clippings of the right and left
10 hands, and there was a knife in here also, and then a
11 second sheet, two sheets.

12 Q. Now, all of those items were contained in State's
13 Exhibit No. 4 in a closed and sealed condition when you
14 opened it, is that correct?

15 A. That is correct.

16 Q. Your Honor, we would offer into evidence what has
17 been marked and identified as State's Exhibit No. 4.

18 MR. SUMNER: I would like to approach the
19 bench.

20 (Whereupon, the following record was made outside
21 the hearing of the Jury.)

22 MR. SUMNER: From what I heard of the testimony
23 earlier, I know for sure that the rope was supposed to be
24 put in one separate individual package and that a hole
25 was made and the testimony was that it was pulled out
 horizontally. Other testimony said it was pulled

1 straight up and dropped back in, presumably to save
2 hairs. I believe that this identification and this
3 testimony is inconsistent because of the fact of proper
4 chain of custody, and I feel that this is not competent
5 to be entered as evidence for the deficiencies named.

6 THE COURT: What are you talking about, this
7 rope No. 6 here, is that what you are talking about?

8 MR. SUMNER: That is one, she identified a rope
9 and there is only one rope that I heard about in this
10 case.

11 MR. ALBERT: Judge, if I may see the envelope.
12 The testimony is that it was opened and the rope was
13 taken out and it was looked at and put back in. Your
14 Honor, I will state to the Court that after the envelope
15 was opened, the testimony was that it was opened, the
16 rope was put back in the envelope and stapled as sealed.
17 I submit at most, Your Honor, it only goes to the weight
18 and credibility and not to the admissibility, and we have
19 established the chain of custody and the integrity of the
20 exhibit, that we have established its authenticity for
21 the purposes of admissibility, and we would again move
22 that State's Exhibit No. 4 be admitted into evidence.

23 THE COURT: What do you say?

24 MR. SUMNER: I need to remind the Court of the
25 testimony of the detective that said that he tore the

1 package open and pulled that rope out. He indicated it
2 was in a horizontal fashion.

3 THE COURT: Tore one part of it loose.

4 MR. SUMNER: And I see no rope on here --

5 THE COURT: I heard the testimony of the
6 officer that he took the rope, I heard the testimony.
7 State's Exhibit No. 4 will be admitted.

8 (Whereupon, the following record was had back in the
9 hearing of the Jury with all parties present.)

10 THE COURT: You may proceed, Mr. Albert.

11 Q. (By Mr. Albert) Ms. Gilchrist, let me hand you what
12 has been marked for identification separately as State's
13 Exhibit No. 33 and I would ask you to look at that if you
14 would, can you identify that and tell the Court and Jury
15 what it is?

16 A. Yes, I can identify it. The rope that was submitted
17 to our laboratory by specialist Sam Sealy, in addition to
18 other items of evidence, this rope is approximately
19 ninety inches long and it had a knot tied in it. Also
20 this metal latch attached to it.

21 Q. Is State's Exhibit No. 33 the same rope that you
22 referred to as having been inside State's Exhibit No. 4
23 when you opened it?

24 A. That is correct.

25 Q. And do your initials appear on that rope?

A. Yes, they do, right here.

1 Q. Your Honor, we would move to admit even though I
2 submit the rope is admitted with such Exhibit No. 4,
3 because it was removed and separately marked so there
4 will be no confusion on the record, we would move to
5 admit what has been marked and identified as State's
6 Exhibit No. 33.

7 MR. SUMNER: I would object to its admission.

8 THE COURT: Go ahead, I will hear from you.

9 (Whereupon, the following record was made outside
10 the hearing of the Jury.)

11 MR. SUMNER: The Court is aware of this being
12 submitted separately and distinctly, and I also believe
13 that from the testimony that we have heard in this case
14 that this rope was told by one detective of having been
15 pulled out of a sack by a hole torn in the sack, and that
16 he demonstrated that it was pulled horizontally.

17 There are other indications that people
18 indicated that it was pulled straight out and dropped
19 back into the sack. This hole in the sack according to
20 what I see is State's Exhibit No. 4, is not observed.
21 The rope comes to us separately and distinctly by itself.
22 The chain of custody on this particular item is not clear
23 and not comprehensive, therefore we feel that this is an
24 item with no specific identification being laid out,
25 brought by who knows who, and certainly it was not in the
package itself, that there is no specific identifier and

1 therefore it should be excluded.

2 MR. ALBERT: Judge, he made misstatement on the
3 record, and I don't want to let it go. In open Court, I
4 am the person that -- in open Court, Your Honor, I am the
5 person who opened State's Exhibit No. 4 and removed that
6 rope in the presence of the Court and the Jury from the
7 envelope marked State's Exhibit No. 4 and had it
8 separately marked, and it did come to the Court in this
9 envelope State's Exhibit No. 4, and counsel's
10 representation that it did not is a misstatement, and I
11 submit, Your Honor, that we have established the
12 authenticity of the rope.

13 THE COURT: Mr. Albert, I have heard enough.
14 Exhibit No. 33 will be admitted.

15 (Whereupon, the following record was made back in
16 the hearing of the Jury with all parties present.)

17 THE COURT: You may proceed.

18 Q. (By Mr. Albert) Ms. Gilchrist, let me hand you what
19 has been marked for identification State's Exhibit No. 5,
20 can you tell the Court and the Jury what that is?

21 A. Yes, I can. These are the two sheets that were
22 taken from the body of [REDACTED] at the morgue.

23 Q. Who submitted those items to your laboratory?

24 A. Specialist Sam Sealy.

25 Q. And were they submitted in a closed and sealed
condition?

1 A. Yes, they were.

2 Q. And when did you come into direct contact with
3 State's Exhibit No. 5?

4 A. The evidence was submitted on the 13th of December,
5 1982, and I began looking at those shortly thereafter.

6 Q. Was it in a sealed and closed condition when you
7 first opened it to look at it?

8 A. Yes, it was.

9 Q. Your Honor, we would offer into evidence what has
10 been marked and identified as State's Exhibit No. 5.

11 MR. SUMNER: May I approach the bench.

12 (Whereupon, the following record was made outside the
13 hearing of the Jury.)

14 MR. SUMNER: Your Honor, I submit that the only
15 sack that I know that has a hole similar to the one that
16 they have described this rope being pulled out of and
17 looked at, is State's Exhibit No. 5. I know of no other
18 information that would otherwise make the chain of
19 custody, and this particular item has not been satisfied.

20 THE COURT: Let the record show that there is a
21 small hole in one side of the bag, but it is much, much
22 too small to put in and remove a sheet from it. The
23 exhibit will be admitted.

24 (Whereupon, the following proceedings were had back
25 in the hearing of the Jury with all parties
present.)

THE COURT: You may proceed, Mr. Albert.

1 Q. (By Mr. Albert) Ms. Gilchrist, let me hand to you
2 what has been marked for identification as State's
3 Exhibit No. 6, can you tell the Court and Jury what that
4 is?

5 A. Yes, this is my item No. 21, this is a yellow
6 plastic sheet that I collected from the morgue that was
7 used to transport [REDACTED] body.

8 Q. Did you collect that item yourself?

9 A. Yes, I did.

10 Q. Did you place it in that sack?

11 A. Yes, I did.

12 Q. Did you seal it at the morgue?

13 A. Yes.

14 Q. And submitted it to your laboratory?

15 A. Yes, I did.

16 Q. What date?

17 A. I collected it on the 10th of December, 1982, and it
18 was also submitted that same day.

19 Q. Did you at some point come into possession of what
20 has been marked as State's Exhibit No. 6 for the purpose
21 of inspecting, analyzing and examining it?

22 A. Yes, I did.

23 Q. Was it in a closed and sealed condition when you
24 took possession of it for the purpose of analysis in your
25 laboratory?

1 A. Yes, it was.

2 Q. Your Honor, we would offer what has been marked and
3 identified as State's Exhibit No. 6.

4 (Whereupon, the following record was made outside
5 the hearing of the Jury.)

6 MR. SUMNER: I would object to its admission as
7 not being kept in the chain of custody.

8 THE COURT: It will be overruled and it will be
9 admitted.

10 (Whereupon, the following record was made back in
11 the hearing of the Jury with all parties present.)

12 THE COURT: Go ahead Mr. Albert.

13 Q. (By Mr. Albert) Ms. Gilchrist, let me hand you what
14 has been marked for identification purposes as State's
15 Exhibit No. 25, can you tell the Court and Jury what that
16 is?

17 A. Yes, I can.

18 Q. What is it?

19 A. It is a large sack containing various items of
20 evidence that was collected from the crime scene by
21 specialist Charlie Goforth and submitted to our
22 laboratory.

23 Q. Okay. And did you receive those items in a closed
24 and sealed condition at your laboratory?

25 A. Yes, I did.

Q. Now, were you present on the crime scene at the time

1 that these items were being collected?

2 A. Yes, I was.

3 Q. Did you assist in any way in the collection and the
4 gathering and the sealing and the submittal of those
5 items shown on State's Exhibit No. 25?

6 A. No, Charlie collected these things and submitted
7 them.

8 Q. You were present and you saw the collection of
9 evidence as it was being made.

10 A. I helped him get some into the sack, he actually
11 submitted them to the laboratory.

12 Q. The sacks were sealed and closed?

13 A. Yes.

14 Q. When did you first come into possession of those
15 items for the purpose of your analysis?

16 A. The evidence was submitted to our laboratory again
17 on the 10th of December, 1982, and I opened up this bag
18 on the 13th of December, 1982.

19 Q. Was it in a closed and sealed condition and
20 untampered with when you opened it for analysis?

21 A. Yes, it was.

22 Q. Now, you have been reading from this envelope, is
23 that the submittal envelope?

24 A. Yes, it is.

25 Q. Let me hand you what has been marked for

1 identification as State's Exhibit No. 27, can you tell
2 the Court and the Jury what that is?

3 A. This contains one bedspread that was collected at
4 the crime scene.

5 Q. Was that bedspread shown on the submittal envelope
6 that you referred to on State's Exhibit No. 25?

7 A. Yes, it is.

8 Q. But it was submitted in a separate sack?

9 A. That is correct.

10 Q. Was it submitted in a closed and sealed condition?

11 A. Yes, it was.

12 Q. And was it in a closed and sealed condition when you
13 opened it for analysis?

14 A. Yes, it was.

15 Q. Let me hand you what has been marked for
16 identification as State's Exhibit No. 26, can you tell
17 the Court and Jury what that is?

18 A. Yes, I can. A sack containing the cutting of a
19 floor tile taken out of the kitchen of that residence.

20 Q. At 427 S.W. 39th Street?

21 A. That is correct.

22 Q. Were you present when that cutting was made?

23 A. Yes, I was.

24 Q. Did you see them make the cutting?

25 A. I requested that they make the cutting, yes I did, I

1 was there.

2 Q. Was that item submitted to your laboratory in a
3 closed and sealed condition?

4 A. Yes, it was.

5 Q. And was it in a closed and sealed condition when you
6 opened it for analysis?

7 A. Yes, it was.

8 Q. Is this item State's Exhibit No. 26, also reflected
9 on the submittal envelope that is attached to State's
10 Exhibit No. 25?

11 A. Yes, it is.

12 Q. Ms. Gilchrist, let me hand you what has been marked
13 for identification as State's Exhibit No. 28, and I will
14 ask you if you would tell the Court and Jury what that
15 is.

16 A. This contains basically a red and black sleeping bag
17 that was taken from the foot of the bed of that
18 residence.

19 Q. Okay. And were you present when it was collected?

20 A. Yes, I was.

21 Q. And was it submitted to your laboratory in a closed
22 and sealed condition?

23 A. Yes, it was.

24 Q. And did you at some point open it for analysis and
25 examination?

1 A. Yes, I did.

2 Q. When did you do that?

3 A. It was submitted on the 10th of December, 1982, and
4 I opened it probably that same day or a day later.

5 Q. Was it in a sealed and closed condition when you
6 opened it for examination and analysis?

7 A. Yes, it was.

8 Q. Ms. Gilchrist, all of the items that you have
9 identified, State's Exhibit No. 25, 26, 27 and 28, did
10 all of those items come from the premises at 427 S.W.
11 39th Street in Oklahoma City?

12 A. Yes, they did.

13 Q. And submitted to your lab in a closed and sealed and
14 untampered condition?

15 A. That is correct.

16 Q. Your Honor, we would move to admit to evidence what
17 has been now marked and identified as State's Exhibit No.
18 25, 26, 27 and 28.

19 (Whereupon, the following record was made
20 outside the hearing of the Jury.)

21 MR. SUMNER: Your Honor, we would object to the
22 admission of these, she can testify on the chain of
23 custody as to what she personally did. She has indicated
24 that she can surmise that there is certain information to
25 show that there were proper submission of these records,
but she does not know as she is incompetent to give

1 testimony on that particular chain. She says she opened
2 these as sealed them, and we do not believe the chain of
3 custody has been properly shown and this evidence should
4 be excluded and not admitted.

5 MR. ALBERT: I was just going to say that
6 Officer Goforth previously testified in this case and
7 identified these items and testified under oath that he
8 collected and sealed and submitted them.

9 THE COURT: I know what you are getting ready
10 to say. Exhibits No. 25, 26, 27 and 28 will all be
11 admitted.

12 (Whereupon, the following record was made back in
13 the hearing of the Jury with all parties present.)

14 THE COURT: Proceed, Mr. Albert.

15 Q. (By Mr. Albert) Ms. Gilchrist, let me hand you what
16 has been marked for identification purposes as State's
17 Exhibit No. 44, can you tell the Court and Jury what that
18 is?

19 A. Yes, I can. It's an evidence envelope containing
20 reference scalp hairs from Curtis Edward McCarty.

21 Q. Who took those scalp hairs?

22 A. I did.

23 Q. Do you see the person Curtis Edward McCarty in the
24 courtroom today that you took those samples of scalp hair
25 from?

A. Yes, I do.

1 Q. Where is he seated and how is he dressed?

2 A. He is seated at the defense table and he is wearing
3 glasses and a brown jacket and a tie and a beige shirt.

4 THE COURT: Let the record show she has
5 identified the defendant.

6 Q. (By Mr. Albert) When did you take those samples
7 from Mr. McCarty?

8 A. The 16th of January, 1986.

9 Q. And where did you take them?

10 A. At the Oklahoma County jail.

11 Q. And did you place them in an envelope and seal them
12 at that time?

13 A. I placed them in the envelope and sealed it, yes.

14 Q. Did you submit those to your laboratory with the
15 other evidence in this case in a closed and sealed
16 condition?

17 A. Yes, I did.

18 Q. Did you at some point have an occasion to open the
19 envelope to make the microscopic analysis of his known
20 scalp hairs with other unknown hairs in this case?

21 A. Yes, I did.

22 Q. When did you do that?

23 A. I opened this envelope on the 4th of February, 1986.

24 Q. And was the envelope at that time still in a sealed
25 and closed condition as you have submitted it to your

1 laboratory?

2 A. Yes, it was.

3 Q. Was there any indication on the envelope that it had
4 been tampered with or in any way interfered with when you
5 opened it?

6 A. I sealed it and put my initials across here and
7 taped it shut. I opened it from the opposite end.

8 Q. Okay. Let me hand you what has been marked for
9 identification as State's Exhibit No. 45, can you tell
10 the Court and Jury what that is?

11 A. Yes.

12 Q. What is it?

13 A. An evidence envelope containing twelve items of
14 evidence which I collected from the crime scene.

15 Q. What address.

16 A. 427 Southwest 39th.

17 Q. On what date?

18 A. It was the 10th of December, 1982.

19 Q. You say you personally collected all of those items?

20 A. Yes.

21 Q. And what is contained inside that envelope?

22 A. Okay. The envelope contains some paint chips taken
23 off of a red and black blanket. Hairs taken from a Teddy
24 bear on the bed. Hairs taken from a multi-colored
25 bedspread. Hair taken from a window curtain. Hairs

1 taken from pillows on the bed. A hair and fibers taken
2 from the window's bottom frame. Hairs taken from
3 victim's chest, one clear plastic bag containing seeds
4 found underneath the victim's right hip, and a swab from
5 a stain on the kitchen floor tile.

6 Q. All right. Now, you personally collected all of
7 those items?

8 A. Yes.

9 Q. And put them in that envelope?

10 A. Yes.

11 Q. And sealed it?

12 A. Yes.

13 Q. Did you submit it to your laboratory in a sealed and
14 closed condition?

15 A. Yes.

16 Q. Did you at some later date open that envelope for
17 the purpose of analysis and examination?

18 A. Yes, I did.

19 Q. When did you do that?

20 A. The 15th of December, 1982.

21 Q. At that time was the envelope still in a closed and
22 sealed condition?

23 A. Yes, it was.

24 Q. And was there anything about the seal to indicate
25 that it had been broken or tampered with in any way?

1 A. No.

2 Q. How did you open the envelope on that occasion for
3 the removal of those items for analysis?

4 A. Again, I opened it from the opposite end.

5 Q. Ms. Gilchrist, I want to hand you what has been
6 marked for identification purposes, and so I do not spill
7 these, I am going to put the rubber band back on. I will
8 hand you what has been marked for identification purposes
9 as State's Exhibits No. 46, 47, 48 and 49. Can you tell
10 the Court and Jury what those items are?

11 A. Yes, I can.

12 Q. What are they?

13 A. 46, 47, and 48 are my hair slides that I made from
14 the trace evidence that was collected from the crime
15 scene and or the victim's body, and 49 contains reference
16 hairs obtained from Curtis Edward McCarty.

17 Q. 49 contains the known reference scalp and body and
18 pubic hairs of the defendant Mr. McCarty?

19 A. And there is some inside State's Exhibit No. 48, I
20 did not have enough room to put them all in there.

21 Q. The other slide folders contain the other hair
22 evidence that you referred to from the various envelopes
23 and packages that have been admitted into evidence?

24 A. That is correct.

25 Q. That you mounted for microscopic examination?

1 A. Yes.

2 Q. And you have labeled each one of those so you can
3 identify those, is that correct?

4 A. That is correct. They are sealed, they are not
5 going to fall, Mr. Albert.

6 Q. Your Honor, the State at this time would offer what
7 has been marked and identified as State's Exhibits No. 44
8 through and including State's Exhibit No. 49 inclusive.
9 We would offer all of those exhibits. Six separate
10 exhibits.

11 (Whereupon, the following record was made outside
12 the hearing of the Jury.)

13 MR. SUMNER: For the record, Your Honor, we
14 would object to the admission of any of these items on
15 the basis of the sample taken on 44, would be obtained
16 improperly and not a true representation of his hairs.
17 On 45 --

18 THE COURT: She collected these at the scene
19 here--

20 MR. SUMNER: But there is no proper chain of
21 custody. 46 through 49 I have checked on the basis of
22 not being an accurate representation of the true facts.
23 She is incompetent to provide testimony, to provide
24 evidence from which testimony can be given in this case.

25 MR. ALBERT: Judge, I might ask one further
question as to Exhibit No. 44 in view of the fact that he

1 said it was taken -- I can't remember, what was your
2 objection?

3 THE COURT: He said improper.

4 MR. ALBERT: I will ask.

5 (Whereupon, the following record was made back in
6 the hearing of the Jury with all parties present.)

7 THE COURT: Go ahead, Mr. Albert.

8 Q. (By Mr. Albert) Ms. Gilchrist, you said that 44,
9 the additional scalp hairs sample taken from the
10 defendant Mr. McCarty by you in the Oklahoma County jail,
11 and at the time that you took that scalp hair sample from
12 Mr. McCarty, did you have a Court order authorizing you
13 to take that sample?

14 A. Yes, I did.

15 Q. And did you have it in your possession at that time?

16 A. Yes, I did.

17 MR. ALBERT: Your Honor, I have no further
18 questions on the authenticity of these exhibits and I
19 would again move that State's Exhibits No. 44 through 49
inclusive be admitted to evidence.

20 MR. SUMNER: Nothing further. We would like a
21 continuing objection.

22 THE COURT: All right. Exhibits No. 44 through
23 49 will all be admitted.

24 MR. ALBERT: Your Honor, at this time we would
25 move to admit into evidence State's Exhibit No. 31, and

1 we would submit, Your Honor, that with the testimony of
2 Melissa Hughes, which the Court heard last week, the
3 testimony of detective Roy Sellers today, as to the
4 taking of the pubic hair samples, that we have
5 established the authenticity and the proper chain of
6 custody for this exhibit. Maybe I am premature, Your
7 Honor.

8 Q. (By Mr. Albert) Ms. Gilchrist, let me hand you what
9 has been marked for identification as State's Exhibit No.
10 31, have you seen that exhibit before?

11 A. Yes, I have.

12 Q. What is it?

13 A. It is an evidence envelope containing reference body
14 samples obtained from Curtis Edward McCarty.

15 Q. Was this submitted to your laboratory?

16 A. Yes, it was.

17 Q. And did you come into possession of it at some
18 point?

19 A. Yes, I did.

20 Q. And was it in a closed and sealed condition when you
21 came into possession of State's Exhibit No. 31?

22 A. Yes, it was.

23 Q. And did you open that exhibit at some point for
24 analysis and examination?

25 A. Yes.

1 Q. And do you show the date of when you opened the
2 exhibit?

3 A. Yes, I do.

4 Q. What was that date?

5 A. The 17th of March, 1983.

6 Q. Was it in a closed and sealed and untampered
7 condition at that time?

8 A. Yes, it was.

9 Q. Will you explain to the Court and Jury how you
10 opened it?

11 A. It was in a sealed condition and I put my initials
12 and the date here and I opened from the opposite end.

13 Q. Your Honor, we would now offer again State's Exhibit
14 No. 31 in evidence.

15 (Whereupon, the following record was made outside
16 the hearing of the Jury.)

17 MR. SUMNER: Your Honor, we would object to the
18 admission of this State's Exhibit No. 31 for the reason
19 that it is not authentic and that the chain of custody
20 has not been properly shown and therefore it is
21 incompetent evidence in this case.

22 THE COURT: It will be overruled. It will be
23 admitted.

24 (Whereupon, the following record was made back in
25 the hearing of the Jury with all parties present.)

26 THE COURT: Exhibit No. 31 will be admitted.

1 Go ahead, Mr. Albert.

2 Q. (By Mr. Albert) Thank you, Your Honor. Now Ms.
3 Gilchrist, if I might, I would like to go back to State's
4 Exhibit No. 4. The envelope submitted to you by Officer
5 Sam Sealy, the morgue evidence. I would ask you if you
6 had an occasion to remove the vial of blood, the known
7 blood sample taken from the victim Pamela Kaye Willis by
8 the medical examiner?

9 A. Yes, I did.

10 Q. And did you make an analysis of that blood to
11 determine her ABO blood type?

12 A. Yes, I did.

13 Q. And her secretor status?

14 A. Yes.

15 Q. Now, will you explain for the ladies and gentlemen
16 of the Jury what being a secretor or a non-secretor
17 means?

18 A. Basically being a secretor means your blood type can
19 be identified in other body fluids like your saliva, your
20 vagina secretions, and being a non-secretor, simply means
21 that your blood type cannot be identified in appreciable
22 quantities in other body fluids.

23 Q. Did you determine her ABO blood grouping?

24 A. Yes, I did.

25 Q. And what did you determine her blood type to be?

1 A. She is type A.

2 Q. And will you explain briefly if you will the method
3 and technique used to determine her ABO blood
4 classification?

5 A. Okay. We have got a known anti-serum that we use in
6 our laboratory that let's us know if we have got a
7 matched set for the blood type a person is, you know,
8 especially if the blood cells are still viable. We use a
9 known anti-A and anti-B, and an anti-A, B, anti-serum and
10 a drop of that is placed on a clean microscopic slide and
11 a drop of blood is mixed in with it and we look for the
12 presence of agglutination in either one of those three
13 anti-serums and that tells us what the blood type is.

14 And in order to cross-check that we do a test called
15 anti-body typing, looking for the presence of anti-bodies
16 in the serum, we spin the blood down, separating the
17 fluid portion from the cellular portion, taking this
18 serum off and mixing that with known indicated cells and
19 look for the presence of agglutination tells me whether
20 or not those anti-bodies are there and also confirms my
21 forward test, it confirms that a person is a particular
22 blood type. If a person is Type A, I look for the
23 agglutination in the B serum, the B anti-bodies have to
24 be present in order to confirm that person is Type A.

25 Q. Did you use both of those methods in determining

1 that Pamela Kaye Willis was an A Type person in the ABO
2 classification?

3 A. Yes, I did.

4 Q. Did you determine her secretor status?

5 A. Yes.

6 Q. And what did you determine that to be?

7 A. She is classified as a Lewis secretor.

8 Q. Does that mean that she would secret her ABO blood
9 group in her other body fluids?

10 A. Yes, it does.

11 Q. Sweat, tears, vaginal secretions?

12 A. Yes.

13 Q. Things of that kind?

14 A. Right.

15 Q. Saliva?

16 A. Especially saliva.

17 Q. What method did you use to determine her secretor
18 status?

19 A. We have a test we call a Lewis test, you use a
20 micro-capillary tube in order to run this procedure. The
21 Lewis checks for the presence of certain secretor
22 antigens that are found on the surface of the red blood
23 cells, the secretor antigens are things that we inherit
24 and they never change, they are going to be there
25 constantly until we die. The Lewis secretor antigens tell

1 us the presence, it tells me whether or not I can
2 identify a person's secretor type in their blood, and if
3 I can't identify the secretor status using the blood, I
4 would use the saliva to try to determine the secretor
5 status.

6 Q. You did determine that she was a secretor?

7 A. Yes.

8 Q. So you know that [REDACTED] was a Type A
9 secretor?

10 A. Yes.

11 Q. Now did you at that time, Ms. Gilchrist, do an
12 electrophoretic analysis in an attempt to sub-type her
13 blood?

14 A. I did an electrophoretic analysis first of all to
15 identify genetic markings. I then proceeded to subtype
16 it.

17 Q. Now, explain to the ladies and gentlemen of the Jury
18 what electrophoresis is, the method, and what it does for
19 you.

20 A. Quite simply, electrophoresis allows us to identify
21 the genetic markers, enzymes and proteins that are going
22 to be particularly for an individual. Not that they are
23 identifiable characteristics, but that they are in
24 particular to a particular individual.

25 Electrophoresis can be likened to me spreading a

1 thin layer of jelly on a flat sheet, very thinly, and
2 then applying a small cuts of blood stain threads or
3 threads of stain, any kind of body fluids, it has to be a
4 half-inch long, and then I apply electricity, and as
5 electricity is hitting this plate, it is going to cause a
6 band to move out along the plate to a certain point,
7 depending on the asymmetric points. Okay.

8 Now, it only moves out so far, depending on the
9 charge. I can't see those things with the naked eye so I
10 have to apply chemicals to do it so I can identify them.
11 The main thing we are looking for is either one or
12 two-one or two in regular electrophoresis, and in
13 sub-typing, I can identify eight genetic markers. So
14 depending on what type of pattern I find, I can determine
15 a person's genetic markings.

16 Q. When you refer to genetic markers, are you talking
17 about the identification of blood enzymes and proteins?

18 A. Yes.

19 Q. Okay. And did you do that now with the blood of
20 [REDACTED]

21 A. Yes, I did.

22 Q. And were you able to identify specific blood enzymes
23 and proteins contained in her blood?

24 A. Yes, I was.

25 Q. And will you tell the Jury what genetic markers in

1 that respect that you were able to identify by this
2 process?

3 A. I identified peptidase A 1, glyoxalase 1, 2 1,
4 esterase D 1, phosphoglucomutase 1, and PGM sub-type 1
5 plus 1 minus.

6 Q. Now the PGM subtype, was that also the result of
7 your electrophoretic analysis?

8 A. Yes.

9 Q. So this told you more about [REDACTED],
10 blood than the ABO blood grouping test itself?

11 A. That is correct, it narrows it down, the information
12 that I can receive from it to tell a person's blood.

13 Q. Now, you had submitted to your laboratory in a
14 sealed and closed condition the known blood sample and
15 known saliva sample of the defendant, Eddie McCarty, is
16 that correct?

17 A. That is correct.

18 Q. And did you make a determination using the same
19 method and techniques that you have described to the
20 ladies and gentlemen of the Jury that you've used in the
21 analysis of [REDACTED] blood?

22 A. Yes, I did.

23 Q. Did you make a determination of the defendant's ABO
24 blood classification?

25 A. Yes.

1 Q. And what did you determine his ABO blood
2 classification to be?

3 A. He has Type A blood.

4 Q. And did you determine his secretor status?

5 A. Yes.

6 Q. What did you determine his secretor status to be?

7 A. He is a Lewis secretor.

8 Q. So is an A secretor?

9 A. Correct.

10 Q. The same as [REDACTED]?

11 A. Yes.

12 Q. All right. Did you do an electrophoretic analysis
13 of Mr. McCarty's blood to determine what if any genetic
14 markers, blood proteins and enzymes were present?

15 A. Yes, I did.

16 Q. Did you use the same method and technique in doing
17 that that you used in making the analysis on the blood of
18 [REDACTED]?

19 A. Yes.

20 Q. Okay. What did you determine Mr. McCarty's genetic
21 markers to be?

22 A. He is a glyoxalase 1-2, PEPA 1, ESD 1, PGM 1, PGM
23 sub-type 1 plus.

24 Q. Now, you completed the electrophoretic analysis of
25 [REDACTED] known blood sample and the known

1 blood sample of Mr. Eddie McCarty, is that correct?

2 A. That is correct.

3 Q. Did you identify any genetic markers present in the
4 defendant's blood, blood enzymes or proteins, that were
5 not present in the blood of [REDACTED]

6 A. Yes.

7 Q. What were they?

8 A. Like I said, he's a glyoxalase 1-2, and [REDACTED]
9 is a glyoxalase 2-1, there is a difference there.

10 Q. Okay.

11 A. The others are pretty well consistent. Pam is a PGM
12 sub-type 1 plus 1 minus, and he is a PGM sub-type 1 plus.
13 There is a difference there.

14 Q. So have you carried then the analysis of the victim
15 [REDACTED] blood and the known blood sample of Mr.
16 McCarty, as low in the identifying process as you are
17 capable of doing at this time, considering the state of
18 that art, is that correct?

19 A. That is correct.

20 Q. Okay. Now if you will, I would like for you to
21 refer to Exhibit No. 4, the evidence envelope submitted
22 to you by the Medical Examiner, and I will ask you if
23 contained in that envelope were two oral swabs taken from
24 [REDACTED].

25 A. Yes, there was.

1 Q. And did you analyze the saliva present on those
2 swabs for blood type or for the presence of other foreign
3 materials?

4 A. Yes, I did.

5 Q. And what were your findings?

6 A. I identified the ABO secretor blood group substance
7 A, no semen was present.

8 Q. So that was consistent with your known blood type of
9 [REDACTED] and her secretor status.

10 A. Correct.

11 Q. Did you expect to find the presence of semen or
12 spermatozoa in an oral swab absent some means of oral
13 sodomy having been committed on her?

14 A. Would you restate that, I did not hear it.

15 Q. Would you normally expect to find the presence of
16 semen spermatozoa on an oral swab where the victim had
17 not been subjected to oral sodomy?

18 A. No, I wouldn't.

19 Q. Now, as a part of that evidence envelope, State's
20 Exhibit No. 4, did you have two vaginal swabs that were
21 taken from the victim and submitted to you by the Medical
22 Examiner?

23 A. Yes.

24 Q. And did you examine those swabs for the presence of
25 any biological fluids?

1 A. Yes, I did.

2 Q. Tell the ladies and gentlemen what you did and how
3 you did it and what your conclusions and findings were as
4 to the two vaginal swabs taken from [REDACTED].

5 A. First of all I checked the swab for the presence of
6 phosphatase, my reaction was positive.

7 Q. What did that mean to you?

8 A. That it indicated the presence of seminal fluids.

9 Q. Is that an absolute test for semen?

10 A. No, it is not.

11 Q. But it is an indicator?

12 A. Yes.

13 Q. When you find the presence of acid phosphatase in
14 great quantities, does that make the test more reliable
15 for the indication of semen than if you find the presence
16 of acid phosphatase in small quantities?

17 A. No.

18 Q. So you were able to say then that semen was present
19 on the swab from your determination that the enzyme acid
20 phosphatase was present there?

21 A. Not only that, there are two other additional tests,
22 Mr. Albert.

23 Q. What are they?

24 A. Acid phosphatase test is merely a screening
25 technique, it only gives me an indication that seminal

1 fluid is there. I then did an additional test.
2 Q. What is that?

3 A I made a liquid from the swab; I took a cutting of
4 the swab and put it in a small tube and add on hundred
5 microliters of distilled water to it and soaked out
6 whatever substances might have been on that swab and then
7 I put a drop on a slide and heat-fixed it and stained it
8 and did a microscopic search for the presence of
9 spermatozoa.

10 From that same eluate, I took ten microliters, this
11 time, so that I could do a semi-quantitative test. I run
12 a test called a P 30 that allows me to identify semen
13 with or without the presence of seminal fluid or
14 spermatozoa. I have to have one or the other, not
15 necessarily both. I did my screening procedure, my
16 microscopic search, and the P 30 to confirm the presence
17 of the semen.

18 Q. Okay. Now, is the P 30 test that you refer to, is
19 that an electrophoretic?

20 A. It is an electrophoretic test; it is also a
21 semi-quantitative that allows me to identify or pretty
22 much say if that's from a recent ejaculate or whatever.

23 Q. Did you determine from that test and from the other
24 tests that you made, to determine the presence of semen
25 whether or not that semen was from a recent ejaculate?

1 A. I made a determination that it was not from a recent
2 ejaculate.

3 Q. That was not?

4 A. That was not.

5 Q. Now by recent ejaculate what do you mean?

6 A. We are talking about within the previous six to
7 eight hours.

8 Q. All right. Do you know what time it was that the
9 Medical Examiner did the autopsy on this young lady?

10 A. No, I don't.

11 Q. If it was as late as ten o'clock a. m. on December
12 the 10th, 1982, would the semen that you were able to
13 identify have been consistent with the act of forcible
14 sexual intercourse committed on her as late as or as
15 early as 1:00

16 a. m. or 2:00 a. m. in the morning?

17 A. It could have been, yes.

18 Q. Now, did you do an electrophoretic analysis to
19 determine what, if any, genetic markers, proteins, or
20 blood enzymes were present in the semen that you found on
21 the vaginal swabs?

22 A. Yes, I identified the ABL secretor, blood group
23 substance A, ESD 1 and PGM 1.

24 Q. Now, are all of those determinations and conclusions
25 consistent with the known blood type, secretor status and

1 genetic markers of the defendant Mr. McCarty?

2 A. Yes, they are.

3 Q. All right. Ms. Gilchrist, semen as a liquid
4 substance -- this may sound like a dumb question -- but
5 is semen something that can be produced by a woman in her
6 own body?

7 A. No.

8 Q. So the presence of semen on the vaginal swab would
9 be a positive indication of sexual intercourse and a male
10 donor of that liquid substance?

11 A. Correct.

12 Q. Okay. Now Ms. Gilchrist, I would like to ask you
13 concerning the two rectal swabs submitted to you by the
14 State Medical Examiner. Did you submit the two rectal
15 swabs to the same analysis that you did the vaginal
16 swabs?

17 A. Yes, I did.

18 Q. So if I were to ask you all of those processes and
19 methods again, it would be the same answer?

20 A. That is correct.

21 Q. Did you make a determination of whether on the two
22 rectal swabs, semen was present, the two rectal swabs
23 taken from [REDACTED] by the Medical Examiner?

24 A. Yes.

25 Q. Did you make a determination of the blood type of

1 the donor of the semen that you found on the two rectal
2 swabs?

3 A. I could not identify the blood type.

4 Q. All right. Was there a reason why you could not do
5 that?

6 A. In my opinion, the amount of semen there was pretty
7 low, strained out pretty much so.

8 Q. Let me rephrase this. Based on your training and
9 experience of the hundreds of cases where you have made
10 an analysis of biological fluids from swabs taken from
11 victims of crime, are you able to give the Court and Jury
12 an opinion as to why you were unable to make an ABO
13 blood classification of the semen that was found on the
14 rectal swab taken from [REDACTED]?

15 A. There are two possibilities. The first possibility
16 is that most of the semen had drained out. The other
17 possibility is that the semen came from a non-secretor
18 semen donor. It is my opinion that most of the seminal
19 fluid had drained out when I conducted a P 30 test on the
20 swabs, and my results were negative.

21 Q. So you did an electrophoretic analysis?

22 A. Yes.

23 Q. On the rectal swabs?

24 A. Correct.

25 Q. Did you find one or more of the genetic markers,

1 blood enzymes, or proteins during that electrophoretic
2 analysis?

3 A. Yes.

4 Q. And what blood proteins or enzymes did you find on
5 the anal swab taken from [REDACTED]?

6 A. I found ESD 1 and PGM 1.

7 Q. Now, are those two genetic markers consistent with
8 the genetic markers found in the blood of the defendant,
9 Mr. Edward Curtis McCarty?

10 A. Yes, they are.

11 Q. Now Ms. Gilchrist, the State Medical Examiner, at
12 the time he took the vaginal swabs, and there has been
13 testimony in this case, that he found, under microscopic
14 examination the presence of spermatozoa on the vaginal
15 swabs. That he took a wet slide and examined it under
16 magnification. Did you find the presence of spermatozoa
17 itself, those things that move in the liquid semen on the
18 vaginal swabs when you examined them at the forensic
19 laboratory of the Oklahoma City Police Department?

20 A. Yes, I did.

21 Q. So your findings of the presence of spermatozoa is
22 consistent with what the Medical Examiner saw under the
23 microscope when he made a wet slide of those vaginal
24 swabs?

25 A. Correct.

1 Q. Now, there has been testimony by the Medical
2 Examiner's office that he also made a wet slide and
3 looked at the two rectal swabs under magnification, that
4 he did not find the presence of spermatozoa on the rectal
5 swabs. His conclusion that no semen was present was
6 based on the absence of his being able to see spermatozoa
7 on the rectal swab

8 MR. SUMNER: Objection, Your Honor. That calls
9 for speculation and she is completely incompetent to
10 answer that question.

11 MR. ALBERT: Well the autopsy report is in
12 evidence, Your Honor.

13 THE COURT: Overruled. Go ahead.

14 Q. (By Mr. Albert) Can you explain taking into
15 consideration your training and your experience and your
16 expertise, can you explain why the Medical Examiner was
17 unable to find spermatozoa on the rectal swabs under
18 magnification, but that you were able to determine the
19 presence of semen on the rectal swabs?

20 MR. SUMNER: Your Honor, the basis and the
21 foundation for that answer, she would have to know what
22 they did at the Medical Examiner's office and the only
23 man who was responsible cannot testify to those facts --
24 this is an improper question.

25 THE COURT: Overruled.

1 MR. ALBERT: Let me rephrase it.

2 THE COURT: Overruled. Go ahead.

3 MR. ALBERT: Maybe I can avoid counsel's
4 objection by rephrasing it. Did you overrule the
5 objection?

6 THE COURT: Yes, I did.

7 Q. (By Mr. Albert) You may answer, Ms. Gilchrist.

8 A. There could be two possibilities, one that the
9 Medical Examiner was not looking for semen in rectal
10 swabs and you have to be able to see through all the
11 debris on the rectal swab, and the slide also must be
12 properly stained so that you can visualize the
13 spermatozoa that may or may not be there. The amount of
14 time used to examine the slide is another factor that
15 should be taken into consideration. And also the amount
16 of spermatozoa that may be present. If my memory serves
17 me correctly, there was not that many spermatozoas seen
18 microscopically by me on examining the swabs, but I did
19 in fact identify spermatozoa.

20 Q. Did you find the presence of other foreign on the
21 rectal swabs?

22 A. What do you mean?

23 Q. Fecal material.

24 A. Fecal material was there, yes.

25 Q. Okay. So the rectal swab was contaminated, is that

1 correct?

2 A. It had fecal material on it, yes.

3 Q. Now, when you made your microscopic examination of
4 the vaginal and the rectal swabs, were you looking at a
5 wet slide at that time?

6 A. I am looking at a dry slide.

7 Q. The slide was dry?

8 A. Yes.

9 Q. Did you do anything else to it before your
10 microscopic examination?

11 A. Heat fix it or stain it, add a drop of oil and I
12 look at a thousand power oil immersion.

13 Q. By drying it and heat fixing it and staining it,
14 does that enhance your ability to see what is under the
15 microscope?

16 A. Yes, it does.

17 Q. Now, if the Medical Examiner did not do those
18 things, he would have been looking at the slide in a
19 different perspective.

20 MR. SUMNER: I object to this entire line of
21 questioning as incompetent.

22 THE COURT: The last question will be
23 sustained.

24 MR. ALBERT: That is correct.

25 THE COURT: Excuse me, ma'am. The Jury is

1 admonished to disregard the answer. I sustain the
2 objection.

3 A. I am sorry.

4 Q. (By Mr. Albert) Ms. Gilchrist, did you have as a
5 part of that evidence submitted to you from the Medical
6 Examiner's office, State's Exhibit No. 4, two swabs taken
7 of stains from the inner thigh of [REDACTED]?

8 A. Yes.

9 Q. And let me show you what has been marked and
10 introduced into evidence as State's Exhibit No. 7. This
11 was a photograph taken at the crime scene itself. Will
12 that photograph help you in any way of demonstrating that
13 portion of the body that is referred to as the inner
14 thigh?

15 A. Yes, it would.

16 Q. Okay. Where are we referring to then when they
17 submit to you swabs taken from the inner thigh?

18 A. We are talking about this area here.

19 Q. I am going to hold it up and show the Court and Jury
20 what you are talking about.

21 A. This upper area here.

22 Q. You are talking about in the area of where both of
23 her thighs in this area right up in here, is that right?

24 A. Yes.

25 Q. Did you submit those swabs taken from the inner

1 thighs of [REDACTED] to the same test and analysis that
2 you did the vaginal and rectal slides that you have
3 already talked about?

4 A. Yes, I did.

5 Q. Did you find the presence of semen on those slides?

6 A. Yes, I did.

7 Q. Were you able to blood type the ABO blood
8 classification of the donor of that semen?

9 A. Yes, I was.

10 Q. And what did you determine the ABO blood group
11 classification of the donor of that semen to be?

12 A. I identified the ABO secretor blood group substance
13 A.

14 Q. Now, is the ABO type A secretor consistent with the
15 known blood type secretor status of this defendant Mr.
16 McCarty?

17 A. Yes, it is.

18 Q. Now, taking into consideration those swabs taken
19 from the inner thighs of [REDACTED], using your past
20 experience, training and knowledge, do you have an
21 opinion as to whether the semen, the semen found on those
22 swabs from the inner thighs of [REDACTED] would have any
23 way have been -- I use the word contaminated for a lack
24 of a better phrase, it's a wrong word, but would have
25 been contaminated in any way by her own biological

1 fluids, her own vaginal secretions?

2 A. It could have been, yes.

3 Q. You don't know then?

4 A. No.

5 Q. Your testimony is that those analyses are consistent
6 with the known blood type and secretor status of Mr.
7 McCarty?

8 A. Correct.

9 Q. Okay. Now, let me show you and you have already
10 seen State's Exhibit No. 33 this rope, that was taken
11 from the package submitted by the Medical Examiner. Did
12 you examine this rope for any kind of stains or foreign
13 fibers, hairs, or other debris of any kind?

14 A. Yes, I did.

15 Q. Did you find any foreign substances on that rope?

16 A. None that I could identify, no.

17 Q. Okay. So you could not identify foreign hairs or
18 fibers from the rope?

19 A. There were no fibers or foreign hairs, it looked
20 like there was paint or something on it.

21 Q. Okay. Ms. Gilchrist, let me refer you to the hairs
22 that were submitted -- well before I get into the hair
23 evidence, let me refer you to the pubic combing. The
24 pubic combing that was submitted to your lab by the
25 office of the State Medical Examiner, did you make an

1 examination and analysis of the pubic combing taken from
2 the victim [REDACTED]

3 A. Yes, I did.

4 Q. All right. Explain for the ladies and gentlemen of
5 the Jury what this process is, what it is and how it's
6 done.

7 A. My examination of the pubic hair combing?

8 Q. Yes.

9 A. Well --

10 Q. No, what a pubic combing is in a case where the
11 person has been the victim of a homicide or a rape where
12 the pubic hair combing is something that is done, how is
13 that done?

14 A. A clean disposable plastic comb is used and the comb
15 is actually combed through the pubis and any foreign or
16 loose hairs along with some of the victim's reference
17 hairs are going to be pulled through in that combing, and
18 then the combings are collected on a clean piece of paper
19 and folded up and sealed in an envelope.

20 Q. And that was part of what was contained in State's
21 Exhibit No. 4?

22 A. Yes.

23 Q. And did you find a loose hair in that pubic combing?

24 A. Yes, I did.

25 Q. All right. Now, before we get to the microscopic

1 hair analysis, let me ask you, if you did any kind of an
2 analysis or an examination of the pubic combing to
3 determine the presence of semen or spermatozoa?

4 A. Yes, I did.

5 Q. And what did you do, tell the Jury briefly.

6 A. The pubic hair combing appeared to have some white
7 substance that adhered to it, so I soaked the hairs out
8 in a small quantity of distilled water, and I then made a
9 microscopic examination along with an AP spot test to
10 look for the presence of seminal fluids, the indication
11 of seminal fluids. I then made a microscopic search of
12 spermatozoa and I did find it.

13 Q. You found the spermatozoa?

14 A. Yes.

15 Q. Would that also be indicative for the presence of
16 semen?

17 A. Yes.

18 Q. Did you have a sufficient quantity of semen taken
19 from the pubic combing, to do the blood type and to
20 determine the ABO blood classification of that semen?

21 A. Yes, I did.

22 Q. And what did you determine the ABO blood
23 classification and secretor status of the donor of the
24 semen found in the pubic combing of [REDACTED] to be?

25 A. Semen donor is an A secretor.

1 Q. Is that consistent with the defendant Mr. McCarty?

2 A. Yes, it is.

3 Q. Did you do an electrophoretic analysis of the semen
4 that you found in the pubic combing?

5 A. Yes, I did.

6 Q. And were you able to identify one or more genetic
7 markers of blood enzymes or proteins by the use of that
8 process?

9 A. Yes.

10 Q. And what genetic marker did you identify from the
11 seminal fluid found in the pubic combing?

12 A. I identified PGM 1.

13 Q. And is that genetic marker consistent with the known
14 genetic marker PGM 1 of Mr. McCarty?

15 A. Yes, it is.

16 Q. Now, you did not find any other blood enzymes or
17 proteins in that analysis?

18 A. No, I didn't.

19 Q. Is there a reason why they would not be present?

20 A. You don't have ESD first of all in seminal fluid but
21 you do have PGM, and you may or may not be able to pick
22 up peptidase A enzymes.

23 Q. So you picked up the one known genetic marker and
24 was able to determine it was in the blood of Mr. McCarty,
25 that would have been contained in his semen?

1 A. Correct.

2 Q. And consistent with him, is that correct?

3 A. Consistent with him, yes.

4 Q. Now, in regard to the pubic combing and the seminal
5 liquids found in the pubic combing, taking into
6 consideration your education, training and experience and
7 the number of tests that you have made on biological
8 fluids on this semen, do you have an opinion as to
9 whether or not the semen found in the pubic hair of
[REDACTED]

10 [REDACTED] would have been, and again I will use the
11 word contaminated for lack of a better word, contaminated
12 in any way by her own vaginal secretions?

13 A. Do I have an opinion of that, yes.

14 Q. Go ahead.

15 A. My opinion is that the seminal fluid found in [REDACTED]
16 [REDACTED] pubic combings was not mixed with [REDACTED] own body
17 samples.

18 Q. So based on your training and experience and
19 expertise, it is your testimony under oath that the
20 seminal fluid found in the pubic combing of an A
21 Secretor, and an electrophoretic blood enzyme analysis --

22 MR. SUMNER: Your Honor, this has been asked
23 and answered, and he has been repeating what has been
24 testified to.

25 THE COURT: Sustained.

1 Q. (By Mr. Albert) All right. Is your opinion that
2 all of the findings that you made of the pubic hair test,
3 as to the semen, consistent with the known blood and
4 blood enzymes status of the defendant Mr. McCarty?

5 A. Yes, it is.

6 THE COURT: Mr. Albert, before you get started
7 on your next area, I think we will take a recess. Ladies
8 and gentlemen, we are going to take a recess at this time
9 for twenty minutes. You will remember the admonition of
10 the Court, you are not to discuss this matter among
11 yourselves or discuss it with anyone else or let anyone
12 discuss it in your presence. Return to the Jury room in
13 twenty minutes. You are excused.

14 (Whereupon, a short recess was had and the following
15 proceedings were had.)

16 THE COURT: Bring the Jury in please.

17 (Whereupon, the Jury is now in the courtroom with
18 all parties present)

19 THE COURT: Did everybody keep the admonition
20 of the Court? Good. Ms. Gilchrist, do you understand
21 that you are still under oath?

22 THE WITNESS: Yes, sir.

23 THE COURT: Mr. Albert, you may continue.

24 Q. (By Mr. Albert) Ms. Gilchrist, for the record
25 although as we can well see, you are the same Joyce

1 Gilchrist that testified prior to the recess, is that
2 correct?

3 A. That is correct.

4 Q. Now, Ms. Gilchrist, I believe we had finished your
5 testimony concerning the semen found and the pubic hair
6 combing, is that correct?

7 A. Yes.

8 Q. Now, submitted in State's Exhibit No. 4, did you
9 find a knife with a four and a half inch blade?

10 A. I don't remember what State's Exhibit No. 4 is --

11 Q. That is the evidence submitted by the office of the
12 state Medical Examiner.

13 A. Yes, I did.

14 Q. Is that exhibit in there now?

15 A. It should be.

16 Q. That knife?

17 A. Yes, it is here. No. 44.

18 Q. Okay. I have removed what you referred to as item
19 No. 44 from State's Exhibit No. 4, and I will hand that
20 to you. Do you recognize that item?

21 A. Yes, I do.

22 Q. What is it?

23 A. This is the knife that was taken from the chest of
24 the victim.

25 Q. And submitted to your laboratory?

1 A. Yes, sir.

2 Q. Ms. Gilchrist, I want to hand you what has been
3 marked for identification purposes as State's Exhibit No.
4 50, is that the same knife that you referred to as your
5 item No. 44?

6 A. Yes, it is.

7 Q. The same item that was removed from State's Exhibit
8 No. 4 of the evidence that you received from the State
9 Medical Examiner?

10 A. Yes.

11 Q. Did you do any analysis of that exhibit?

12 A. Yes, I did.

13 Q. Before we get into that, Your Honor, the State would
14 move to offer into evidence what has been marked and
15 identified as State's Exhibit No. 50. The record should
16 show that this exhibit has been separately marked, that
17 it was contained in those items in State's Exhibit No. 4
18 which has previously been admitted into evidence, and
19 that we have simply removed it and separately marked it,
20 technically it has already been admitted into evidence,
21 but so there will be no confusion on the record I would
22 move to admit State's Exhibit No. 50.

23 MR. SUMNER: I would like to make a record.

24 (Whereupon, the following record was made outside
25 the hearing of the Jury)

MR. SUMNER: I would object to this being

1 admitted, the information which I have in my hands, does
2 not show that this particular knife has any additional
3 relevant probative evidence in this case.

4 THE COURT: What do you have in your hand?

5 MR. SUMNER: And to provide --

6 THE COURT: Are you talking about the knife --
7 that will be overruled. It will be admitted.

8 (Whereupon, the following proceedings were had back
9 in the hearing of the Jury with all parties
present.)

10 THE COURT: Go ahead, Mr. Albert.

11 Q. (By Mr. Albert) Ms. Gilchrist, did you do any
12 analysis of the knife, State's Exhibit No. 50?

13 A. Yes, I did.

14 Q. And what analysis did you do?

15 A. I did a hemochromogin test, that is a positive
16 identification for the presence of blood, I did not do
17 any blood typing on the knife.

18 Q. You knew where this knife had been taken from?

19 A. As it was reported to be taken from the chest, yes.

20 Q. Let me show you what has been admitted into evidence
21 as State's Exhibit No. 1, did you see a knife embedded in
22 the chest of the victim?

23 A. Yes, I did.

24 Q. Is that knife consistent with State's Exhibit No.
25 50?

1 A. Yes, it is.

2 Q. Okay. What were the results of your hemo what did
3 you call it?

4 A. Hemochromogin.

5 Q. What was the results of that test?

6 A. Positive for the presence of blood.

7 Q. And where did you see the blood, where was it on the
8 knife?

9 A. It was on the blade of the knife.

10 Q. Could you see it with the naked eye?

11 A. Yes.

12 Q. Now, the knife looks like it may have been cleaned
13 at this point. Did you in the process of analyzing it
14 remove any of the blood that was on the blade?

15 A. Yes, I did.

16 Q. You also had submitted as a part of the exhibits
17 from the Medical Examiner, the fingernail clippings of
18 both the right and the left hand of [REDACTED], did you
19 make an analysis of those items?

20 A. Yes, I did.

21 Q. And what were your findings and conclusions?

22 A. That nothing of any evidentiary findings were found
23 on the fingernails.

24 Q. Okay. Now Ms. Gilchrist, if I might at this point,
25 I would like to move to those items of evidence collected

1 from the premises of 427 Southwest 39th Street in
2 Oklahoma City. I would first deal with those items that
3 had biological fluids or evidence on them as opposed to
4 hair evidence. Let me ask you, submitted to your lab
5 from those premises was a knife with a bent blade, is
6 that correct?

7 A. That is correct.

8 Q. Is that item contained in State's Exhibit No. 25, is
9 it in this sack?

10 A. I would have to look at the lab number on it first.
11 Yes, it is.

12 Q. Would you open the top of that and take that knife
13 out?

14 A. Here it is.

15 Q. Ms. Gilchrist, let me hand you what has been marked
16 for identification purposes as State's Exhibit No. 51,
17 can you tell the Court and Jury what that is?

18 A. Yes, I can.

19 Q. What is it.

20 A. It is a knife that was found at the crime scene on
21 the bedspread and later submitted to our laboratory, it
22 has my initials and the case number and the laboratory
23 number on it.

24 Q. Let me show you what has already been admitted into
25 evidence as State's Exhibit No. 9, can you tell what that

1 is?

2 A. This is a picture of the knife laying on the
3 bedspread.

4 Q. Did you see that knife on the bedspread as shown in
5 the photograph, State's Exhibit No. 9, while you were
6 there on the premises during the time that evidence was
7 being collected?

8 A. Yes, I did.

9 Q. Your Honor, we at this time would offer into
10 evidence, although technically this knife that is now
11 marked as State's Exhibit No. 51, was previously admitted
12 with all of those items contained in State's Exhibit No.
13 25. The State has had the knife separately marked as
14 State's Exhibit No. 51, Your Honor, so there will be no
15 confusion on the record, we would offer into evidence
16 what has been separately marked as State's Exhibit No.
17 51.

18 THE COURT: Any objection?

19 MR. SUMNER: I would like to make a record.

20 (Whereupon, the following proceedings were had
21 outside the hearing of the Jury)

22 MR. SUMNER: We would object to its admission
23 on the basis that the prejudicial impact on the Jury
24 versus the probative value of its admission would be
25 overwhelming.

THE COURT: That will be overruled and it will

1 be admitted.

2 (Whereupon, the following record was made back in
3 the hearing of the Jury will all parties present.)

4 THE COURT: Go ahead, Mr. Albert.

5 Q. (By Mr. Albert) Ms. Gilchrist, let me hand you back
6 State's Exhibit No. 51, and I see some red liquid
7 substance on the blade. Do you see that?

8 A. Yes, I do.

9 Q. Did you make an analysis of the red substance on the
10 blade to determine what it was?

11 A. Yes, I did.

12 Q. And what did you determine that to be?

13 A. I determined the substance first of all to be blood.
14 I then went further to determine the ABO blood type, and
15 I identified the ABO blood grouping A, which is
16 indicative of the blood from a type A person.

17 Q. Was the victim in this case [REDACTED] an ABO
18 blood type A person?

19 A. Yes, she was.

20 Q. Did you do any electrophoretic analysis on the
21 blood on that exhibit?

22 A. No, I did not.

23 Q. Again, I would show you what has already been
24 introduced in evidence as State's Exhibit No. 1, how many
25 times have you had an occasion, Ms. Gilchrist, to go on a
 crime scene during the time that evidence was being

1 gathered and during the time that a victim's body would
2 be present, and observe the crime scene as it was left by
3 the perpetrator or perpetrators?

4 A. Numerous times.

5 Q. Are the wounds reflected on [REDACTED] body as
6 shown in State's Exhibit No. 1, consistent with the
7 configuration of the blade of State's Exhibit No. 51, if
8 you know based on your training and your experience and
9 your expertise, if you have an opinion.

10 A. In my opinion they are.

11 Q. Now, you show that also taken from the residence and
12 submitted to your lab was four kitchen knives taken from
13 the residence. Do you know from where they were taken?

14 A. From the kitchen drawer.

15 Q. Did you submit those knives to any kind of test or
16 analysis?

17 A. No, I did not.

18 Q. Okay. To your knowledge, did anyone submit those
19 knives to any kind of processes or investigative
20 techniques of any kind?

21 A. Not to my knowledge.

22 Q. Okay. You also had contained in State's Exhibit No.
23 25, eight filtered cigarette butts, two of them were
24 Marlboro taken from an ash tray, did you do any kind of a
25 test to determine the blood type or secretor status of

1 the person or persons who smoked those cigarettes?

2 A. Yes, I did.

3 Q. Tell the Court and Jury what you did and the method
4 and the technique that you used and what your findings
5 and conclusions were.

6 A. Basically what I did was take a small cutting from
7 the portion of the cigarette butt that would come in
8 contact with the mouth or the tongue, and where you would
9 most likely find saliva stains present. I made a
10 solution of that cutting, soaking it out and I subjected
11 it to a test we call the secretor typing test that allows
12 me to determine the blood type of a donor if that person
13 is a secretor, and it also tells whether or not he is a
14 non-secretor. I conducted that test and I identified the
15 ABO secretor blood group substance type A.

16 Q. Okay. Is that ABO blood classification and secretor
17 status consistent with the known blood type and secretor
18 status of the defendant Mr. McCarty?

19 A. Yes, it is.

20 Q. And did you determine from the Marlboro cigarettes,
21 the blood type and the secretor status of the person that
22 had smoked them?

23 A. All of the cigarette butts that I analyzed I was
24 able to identify the ABO secretor blood group substance A
25 on each one.

1 Q. On all of them?

2 A. All of them.

3 Q. Including the two Marlboro cigarettes?

4 A. All eight cigarettes I examined.

5 Q. Now, I am going to hand you back again what has
6 already been marked and identified as State's Exhibit No.
7 25 and I will set it right here. I am going to ask you
8 if you will Ms. Gilchrist, to find your item No. 7, one
9 pair of romper pajamas contained in the sack marked in
10 State's Exhibit No. 25.

11 A. Right here, this is the item there.

12 Q. Let me give the sack back to you. There are two
13 items there. What are they?

14 A. Item No. 7 is a pair of romper pajamas and No. 8 is
15 a pair of panties.

16 Q. Both are in the same sack?

17 A. Yes.

18 Q. Let me show you this item here. What is this?

19 A. The pajama rompers.

20 Q. Okay. Ms. Gilchrist, I want to hand you what has
21 been separately marked as State's Exhibit No. 52, an item
22 taken from what has already been admitted into evidence
23 as State's Exhibit No. 25, and I will ask you, and you
24 have already identified that as a pair of romper pajamas,
25 is that correct?

1 A. Correct.

2 Q. Did you find any stains on that garment when you
3 examined it in your laboratory?

4 A. Yes, I did.

5 Q. Were you able to identify the stains that you found
6 on that garment?

7 A. Yes.

8 Q. All right. What kind of stains did you find?

9 A. I found --

10 MR. SUMNER: May we approach the bench?

11 THE COURT: Yes.

12 (Whereupon, the following record was made outside
13 the hearing of the Jury)

14 MR. SUMNER: At this point I believe the
15 testimony regarding stains on the pajama rompers should
16 be excluded. We have gone over the forensic report that
17 we have and there is evidence about hairs from the pajama
18 rompers, but no evidence made available to the defendant
19 regarding any kind of stains.

20 MR. ALBERT: Let me show you, counselor. It's
21 one page twelve.

22 THE COURT: That will be overruled. The report
23 clearly shows they did examine it.

24 MR. SUMNER: Okay.

25 (Whereupon the following proceedings were had
back in the hearing of the Jury with all parties
present.)

1 THE COURT: Proceed Mr. Albert.

2 Q. (By Mr. Albert) Ms. Gilchrist, I am going to ask
3 you to take State's Exhibit No. -- what is the number on
4 that tag?

5 THE COURT: 52

6 A. State's Exhibit 52.

7 Q. State's Exhibit No. 52. Your Honor, technically
8 this exhibit was admitted with all of those items
9 contained in State's Exhibit No. 25, but to avoid any
10 confusion on the record, I would now move to admit
11 separately what has been marked as State's Exhibit No.
12 52.

13 THE COURT: Any objections, it has already been
14 admitted as a part of another exhibit.

15 MR. SUMNER: We have an objection to the
16 admission of each item of evidence in this particular
17 case.

18 THE COURT: Come up here a moment, please.

19 (Whereupon, the following record was made outside
20 the hearing of the Jury)

21 THE COURT: Do you have an objection, this has
22 already been admitted as a part of another exhibit.

23 MR. SUMNER: We have an objection to each item.

24 THE COURT: All right, it will be admitted.

25 (Whereupon, the following record was had back in the
 hearing of the Jury with all parties present.)

1 THE COURT: Go ahead.

2 Q. (By Mr. Albert) Ms. Gilchrist, I would like to ask
3 you -- Your Honor, may I have her step down for a moment?

4 THE COURT: Yes, you may step down.

5 Q. (By Mr. Albert) Would you step down right in front
6 of the ladies and gentlemen of the Jury and I would ask
7 you to explain to them where you found the stains, the
8 cuttings that you've made, the reason for the cuttings
9 that you made, and your test and your analysis of those
10 stains and what your conclusions and findings were.

11 A. First of all there were a number of stains on these
12 pajamas. I circled them and made marks on here to
13 isolate them. I also took several combings from each of
14 these stains to try to determine what type of stains
15 these were. Stains included urine and seminal fluid, and
16 I also identified spermatozoa. Sperm was found in these
17 cuttings also. So I made those cuttings, I put them in a
18 solution and did a microscopic search. Hairs and fibers
19 were also taken off of this garment.

20 Q. You found seminal stains on the top portion of the
21 garment?

22 A. Here, and also here.

23 Q. Now this large stain right here, is that a urine
24 stain?

25 A. Yes, it is.

1 Q. Take your seat back on the witness stand again. Ms.
2 Gilchrist, we will find in State's Exhibit No. 25, Ms.
3 Gilchrist, one pair of panties?

4 A. Yes, I did.

5 Q. Would you take those out. Ms. Gilchrist, I will
6 hand you what has been marked separately as State's
7 Exhibit No. 53, can you tell the Court and Jury what that
8 is?

9 A. Yes, I can.

10 Q. What is it?

11 A. It is a pair of panties that I found at the crime
12 scene.

13 Q. Your Honor, we would move to admit State's Exhibit
14 No. 53 which is technically -- well it has been admitted
15 as a part of those items of State's Exhibit No. 25, so
16 there will be no confusion on the record, we have had it
17 separately marked as State's Exhibit No. 53 and we would
18 move to readmit it under that number at this time.

19 THE COURT: Do you have the same objection?

20 MR. SUMNER: Yes, sir.

21 THE COURT: It will be admitted.

22 Q. (By Mr. Albert) Ms. Gilchrist, if you will, I am
23 going to ask you to step back down in front of the Jury
24 and speak loud, and show them what if any stains you
25 found on those panties, the cuttings you made and the

1 analysis that you made, and your findings and
2 conclusions.

3 A. I found a number of stains on these panties
4 especially in the crotch area. I circled those stains
5 and I also made cuttings and I identified semen, and I
6 think the blood type of the semen donor also.

7 Q. Go ahead and take the witness stand again. Let me
8 go back just a moment if I may to the romper pajamas,
9 State's Exhibit No. 52. You told the ladies and
10 gentlemen of the Jury that you were able to find semen
11 present, and you explained the locations and the cuttings
12 you made, and were you able to blood type the donor of
13 the semen found on the romper pajamas, State's Exhibit
14 No. 52?

15 A. Yes, I was.

16 Q. And what was the blood type and secretor status of
17 the donor of the semen found on those romper pajamas?

18 A. An A secretor.

19 Q. Is that consistent with the blood group type and
20 secretor status of the defendant Mr. McCarty?

21 A. Yes, it is.

22 Q. Now, as to the pair of panties, were you able from
23 an analysis of the stains that you found on the panties
24 of Pam Willis, were you able to determine the ABO blood
25 classification group of the donor of the semen on those

1 panties?

2 A. Yes, I was.

3 Q. And what did you determine it to be?

4 A. A type A secretor.

5 Q. Is that consistent with the known blood type and
6 secretor status of the defendant Mr. McCarty?

7 A. Yes, it is.

8 Q. All right. Now, Ms. Gilchrist let me show you what
9 has been marked and introduced into evidence as State's
10 Exhibit No. 27, a bedspread. I am going to open this
11 exhibit in the presence of the Court and the Jury, and I
12 am going to remove from the exhibit one item contained
13 therein. There is just one item in this sack?

14 A. Yes.

15 Q. And I will show it to you and ask you if you
16 recognize it.

17 A. Yes, I do.

18 Q. What is it?

19 A. It is a bedspread taken from the bed of the crime
20 scene.

21 Q. Did you inspect this bedspread for stains?

22 A. Yes, I did.

23 Q. Did you find the presence of any stains on this
24 bedspread?

25 A. Yes.

1 Q. What was the method, how did you do that, what was
2 the process that you used to check the bedspread for
3 stains?

4 A. Visual and chemical search.

5 Q. Okay. When you say chemical search, what do you
6 mean?

7 A. We have some chemicals in our laboratory that we can
8 use, for a screening test of blood and a screening test
9 for spermatozoa and seminal fluid, and I employed those
10 two tests and looking at some of the stains on that
11 spread.

12 Q. Mr. Macy, will you help me hold this. Ms.
13 Gilchrist, again if you would move the microphone and
14 step down here in front of the Jury, and Mr. Macy and I
15 will hold this bedspread up. I will ask you to identify
16 those areas where you found stains, the cuttings that you
17 took and what tests you made and what your findings and
18 conclusions were.

19 A. Okay. I will have to go back to my notes to tell
20 you.

21 A. The stains here, here, and three along here, one
22 here, one here, here, and this is the area. If my memory
23 serves me correctly, three of the stains I found semen
24 on, the rest of them were blood stains.

25 Q. Okay. Go ahead and take your seat back in the

1 witness chair. Ms. Gilchrist, how many stains totally
2 did you find on the bedspread?

3 A. Eleven.

4 Q. How many of those stains were semen stains?

5 A. I would have to go back to my notes, I don't
6 remember. Only two of those stains were positive for
7 semen.

8 Q. Does that mean that the other nine stains were blood
9 stains?

10 A. Appeared to be blood, yes.

11 Q. Now Ms. Gilchrist, is this the same bedspread that
12 is shown in what has been introduced into evidence as
13 State's Exhibit No. 9, where the bent knife was found
14 laying on?

15 A. Yes, it is.

16 Q. You found nine blood stains and two semen stains, is
17 that correct?

18 A. That is correct.

19 Q. Okay. Now, did you do an analysis to determine the
20 ABO blood classification of the donor of the semen stains
21 on this bedspread?

22 A. Yes, I did.

23 Q. Now, did you use the same techniques and methods in
24 making that determination that you explained to the
25 ladies and gentlemen of the Jury in determining the

1 secretor status and the blood classification of the donor
2 of the semen on the vaginal swabs taken from Ms. Willis?

3 A. Yes, the same tests.

4 Q. Okay. And what were your findings?

5 A. The semen donor?

6 Q. Yes, sir.

7 A. I identified the ABO secretor blood group substance
8 A, so the semen donor is an A secretor.

9 Q. Is that consistent with the blood type in the
10 secretor status of the defendant Mr. McCarty?

11 A. Yes, it is.

12 Q. And you say there are nine blood stains on this
13 bedspread?

14 A. Yes.

15 Q. Did you submit all nine of those to a determination
16 of the blood classification and secretor status of the
17 person who bled on this bedspread?

18 A. I submitted it to a blood typing, I can't do a
19 secretor typing from dried stains.

20 Q. Okay. Did you determine the blood type?

21 A. Yes, I did.

22 Q. What did you determine that to be?

23 A. It came from a type A person.

24 Q. Is that consistent with the known blood type of
25 [REDACTED]?

1 A. Yes, it is.

2 Q. Now again I would ask you for the record, [REDACTED]
3 [REDACTED] could not have been the donor of the semen on this
4 bedspread?

5 A. No. She could not.

6 Q. A woman cannot physiologically produce the liquid
7 semen?

8 A. No.

9 Q. She could have been the donor of the blood found on
10 this bedspread?

11 A. That is correct.

12 Q. Let me show you what has been introduced into
13 evidence here as State's Exhibit No. 26. Have you seen
14 this before -- I'm going to remove this item from the
15 sack. Did you see that?

16 A. Do I see that?

17 Q. Do you see this?

18 A. Yes.

19 Q. It has your initials on it?

20 A. Yes.

21 Q. It's a piece of the floor tile from the kitchen
22 floor.

23 Q. Okay. Now, let me hand you what has been marked and
24 introduced into evidence -- well I need to put this sack
25 over here so I will know. Let me show you what has

1 already been introduced into evidence as State's Exhibit
2 No. 1. Do you recognize that?

3 A. Yes, I do.

4 Q. What is it?

5 A. It is a portion of the kitchen floor along with the
6 victim's body.

7 Q. Now the kitchen floor as shown in State's Exhibit
8 No. 1, is that the same tile that has been admitted into
9 evidence as State's Exhibit No. 26?

10 A. Yes, it is.

11 Q. This tile right here?

12 A. Yes.

13 Q. Were you present when that tile was removed from the
14 kitchen of 427 S.W. 39th Street?

15 A. Yes, I was.

16 Q. Ms. Gilchrist, did you see stains on this tile?

17 A. Yes, I did.

18 Q. Did you see the stains on this tile before it was
19 removed from the floor of 427 S.W. 39th?

20 A. Yes.

21 Q. Was this tile removed at your request because of the
22 stains that you observed on the tiles?

23 A. That is correct.

24 Q. Did you at some point submit the stains on that tile
25 to any test or analysis to determine what they were?

1 A. Yes, I did.

2 Q. Did you use the same methods and techniques in
3 determining these stains and making your findings that
4 you did on all of the other biological evidence that you
5 have testified to in this case?

6 A. Yes, I did.

7 Q. What kind of stains did you determine to be on
8 State's Exhibit No. 26?

9 A. I identified the presence of semen on that floor
10 tile.

11 Q. All right. Ms. Gilchrist, I want to ask you if you
12 will to step down here for the ladies and gentlemen of
13 the Jury, and I am going to hold it up and I want you to
14 point to the areas where you found semen stains on the
15 kitchen floor tile on State's Exhibit No. 26.

16 A. I have got the one circled where I found the stains,
17 here, these two areas here, this one, and these two in
18 the area here.

19 Q. Take your seat again please. When you made your
20 observations, Ms. Gilchrist at the home at 427 Southwest
21 39th Street, was there anything peculiar about the nature
22 of the blood stains or the nature of the semen stains
23 that caused you to draw any other conclusions and
24 findings?

25 A. Yes, there was.

1 Q. And what was that?

2 A. One of the stains on the floor tile appeared to be
3 almost completely circular which indicated that it was a
4 direct or a ninety degree drop, so it had to drop
5 directly from an individual or an object.

6 Q. Okay. You have had training and education -- I
7 don't know how to express this, but in the movement of
8 liquids, is that right?

9 A. Yes.

10 Q. And the velocity at which they move and the patterns
11 they leave?

12 A. Yes.

13 Q. Taking into consideration your training and
14 experience and your expertise in splatter patterns of
15 blood and other liquids, you are able to make that
16 determination?

17 A. That is correct.

18 Q. Now, I wanted to show you State's Exhibit No. 1
19 again, Ms. Gilchrist. And also State's Exhibit No. 22,
20 those are photographs as you can tell, of the victim on
21 the kitchen floor before she had been removed by the
22 Medical Examiner. Can you from those photographs
23 indicate where this tile was taken from the floor in
24 relation to the position of the victim's body?

25 A. I would have to use State's Exhibit No. 22 as a

1 basis for that. The floor tile was taken just in front
2 of her feet.

3 Q. Okay. If you would, I would ask you again to step
4 down in front of the ladies and gentlemen of the Jury and
5 using State's Exhibit No. 22, explain where the floor
6 tile, this Exhibit No. 26 was removed.

7 A. It was removed just south from her feet, her foot
8 extended out this way, and the floor tile was moved here
9 -- it was almost directly in front of the refrigerator.

10 Q. Now, while you were there on the scene of the
11 homicide, you took some swabbings from the kitchen floor,
12 from other areas of the linoleum that are not reflected
13 by State's Exhibit No. 26, is that correct?

14 A. No, one of my swabbings is from that area.

15 Q. It is from that area?

16 A. Yes, the same area.

17 Q. Okay. Did you take any swabbings from the kitchen
18 floor anywhere that is not reflected by State's Exhibit
19 No. 26?

20 A. No.

21 Q. Now, Ms. Gilchrist, we have gone through that
22 evidence submitted to you by the State Medical Examiner's
23 office, and that evidence submitted to you from the
24 premise of 427 Southwest 39th Street. Are there any
25 items that I have not asked you about that was concerned

1 with an analysis or examination of body fluids in some
2 respect?

3 MR. SUMNER: Objection, Your Honor, it is not a
4 proper question, it is too general of a question.

5 THE COURT: Overruled.

6 Q. (By Mr. Albert) You may answer.

7 A. Yes, there are three other items that I examined for
8 the presence of other fluids.

9 Q. What are those items?

10 A. My item number three would have been a pair of blue
11 Jeans.

12 Q. Let me find those blue jeans. Do you know your item
13 number?

14 A. Three.

15 Q. Three.

16 MR. ALBERT: Your Honor, let the record show
17 that I have removed from State's Exhibit No. 25, one pair
18 of blue jeans which has now been separately marked as
19 State's Exhibit No. 54. So there will be no confusion on
20 the record, these would be reoffered in this exhibit as
21 State's Exhibit No. 54.

22 MR. SUMNER: Same objection, Your Honor.

23 THE COURT: It will be admitted.

24 Q. (By Mr. Albert) Ms. Gilchrist, did you find the
25 presence of any stains on these jeans?

1 A. Yes, I did.

2 Q. Okay. And where did you find those stains?

3 A. I have to look at that but I believe I examined the
4 crotch area of those jeans, yes, the crotch area.

5 Q. Okay. Did you test those stains to determine what
6 it was?

7 A. I tested it for the presence of spermatozoa or semen
8 and none of it was found.

9 Q. You did not find the presence of spermatozoa or
10 semen?

11 A. Correct, no sperm was found.

12 Q. Did you test for the presence of urine or other body
13 fluids?

14 A. I got a weak reaction for acid phosphatase, which
15 indicated seminal fluid and that's why I went ahead and
16 did my microscopic test, I did not find any spermatozoa.
17 I could not confirm the presence of semen.

18 Q. There is a stain in the crotch area that had some
19 slight indication of acid phosphatase?

20 A. Yes.

21 Q. Is that a natural body secretion of a female as well
22 as a secretion found in seminal fluid?

23 A. Yes, it is.

24 Q. Did you find very low levels of acid phosphatase, is
25 that an indication that it is not, that semen is not the

1 source?

2 A. That is correct. Now, let me show you what has been
3 introduced in evidence as State's Exhibit No. -- well,
4 because you were at the scene, let me show you what has
5 been marked as State's Exhibit No. 12. Do you recognize
6 that photograph?

7 A. Yes, I do.

8 Q. Now, there is a pair of bluejeans shown in State's
9 Exhibit No. 12 that are kind of wrong side out. Do you
10 see that?

11 A. Yes.

12 Q. Is that the same pair of bluejeans that has been
13 separately marked as State's Exhibit No. 54?

14 A. Yes, it is.

15 Q. Is this a fair, true and accurate portrayal of how
16 those jeans were found during the crime scene
17 investigation?

18 A. Yes, it is.

19 Q. Now you said there were two other items that had
20 biological stains on them?

21 A. Yes.

22 Q. What is one of the other items?

23 A. The other item would have been the yellow plastic
24 sheet from the morgue.

25 Q. Okay. And what other item besides that?

1 A. The swabbing from the floor that I took at the crime
2 scene. I did not find any sperm on it.

3 Q. We have already talked about that?

4 A. Yes.

5 Q. Okay. Let me show you the yellow Amcare sheet which
6 has been admitted in evidence as State's Exhibit No. 6,
7 and I am going to leave it in that sack. Do you see it?

8 A. Yes, I do.

9 Q. And is this the sheet that you yourself gathered and
10 packaged and submitted to your own lab?

11 A. Yes.

12 Q. All right. Did you find any biological stains on
13 this sheet?

14 A. There were some blood stains and I was looking for
15 seminal fluids.

16 Q. Did you find the presence of semen on that sheet?

17 A. No, I could not confirm the presence of semen.

18 Q. Let me show you what has been marked and introduced
19 in evidence as State's Exhibit No. 2. Is that sheet
20 shown in that photograph, the white and yellow sheet, the
21 exact same sheet as has been admitted in State's Exhibit
22 No. 6?

23 A. Yes, it is.

24 Q. You did find blood stains on it?

25 A. Yes.

1 Q. Okay. Where did you find the blood stains?

2 A. Oh, basically the position the body is lying now.

3 Q. In the area where the blood is shown on the body of
4 this person?

5 A. And also in the area where the sheet is bloodied
6 also.

7 Q. The red portion of these sheets, is that blood?

8 A. Yes, it is.

9 Q. Then you found blood on the sheet that was wrapped
10 around the head of Miss [REDACTED], is that correct?

11 A. That is correct.

12 Q. These sheets had been admitted into evidence as
13 State's Exhibit No. 5, is that correct?

14 A. Yes.

15 Q. Ms. Gilchrist, do you see any stains on this sheet
16 that I am holding up?

17 A. Yes, I do.

18 Q. From where you are sitting you can see those stains?

19 A. Yes, I can.

20 Q. And did you submit those stains to a test to
21 determine what they were?

22 A. Just my visual test.

23 Q. Pardon me?

24 A. Visual is all.

25 Q. Okay. And from a visual inspection, it was your

1 opinion based upon your training experience and
2 expertise, that the stains on this sheet were blood?

3 A. That is correct.

4 Q. Let me show you the other sheet. Do you see the
5 large stain?

6 A. Yes, I do.

7 Q. Reflected on this sheet here?

8 A. Yes.

9 Q. Do you have an opinion based on your training and
10 your experience and your expertise, as to what that stain
11 is?

12 A. Yes, I do.

13 Q. What is it?

14 A. It is blood.

15 Q. Let me show you again State's Exhibit No. 1, and let
16 me show you State's Exhibit No. 2. Do you see what is
17 shown as red on this photograph on this sheet by the
18 body?

19 A. Yes, I do.

20 Q. Is that the same stain that is shown on this sheet
21 here that is laying in front of the Jury now?

22 A. Yes, it is.

23 Q. And of course this is a color photograph made at the
24 time of the event almost?

25 A. Correct.

1 Q. And were you able to tell from that observation that
2 that was blood?

3 A. Yes, I was.

4 Q. State's Exhibit No. 2 is a fair and accurate
5 representation of what you saw at the time you made your
6 crime scene investigation, is that correct?

7 A. That is correct.

8 Q. All right.

9 THE COURT: Mr. Albert, come here just a
10 minute.

11 (Whereupon, an off the record discussion was had
12 outside the presence of the Jury and the Court
Reporter and then the following proceedings were
had.)

13 THE COURT: Ladies and gentlemen, we are going
14 to recess at this time until 1:15. You will remember the
15 admonition of the Court, that you are not to discuss this
16 matter among yourselves or with anybody else or let
17 anybody discuss it in your presence. Return to the
18 juryroom at 1:15.

19 (Whereupon, the noon recess was taken, and then the
20 following proceedings were had back in open court
with the Jury and all parties present.)

21 THE COURT: Did everybody keep the admonition
22 of the Court? They all say yes. We are ready to
23 continue. Ms. Gilchrist, do you understand that you are
24 still under oath?

25 THE WITNESS: Yes, sir.

THE COURT: You may proceed, Mr. Albert.

Q. (By Mr. Albert) Now, Ms. Gilchrist, for the record only, will you state your name again?

A. My name is Joyce A. Gilchrist.

Q. You are the same Joyce Gilchrist that testified prior to the noon recess?

A. I am.

Q. Mrs. Gilchrist, one further question on the biological fluids. You found semen on many different garments and articles, is that correct?

A. That is correct.

Q. Based on your training and experience and your expertise, based on other cases that you have made a forensic investigation in, do you have an opinion as to whether the quantity of seminal fluids that you found on the garments and other items was of such quantity so as to involve more than one person, do you have an opinion?

MR. SUMNER: Objection, Your Honor, this witness is incompetent on this point.

THE COURT: Overruled. If she has an opinion she can so state.

A. I do have an opinion.

Q. (By Mr. Albert) What is your opinion?

A. My opinion is that the amount of semen indicates that it could come from at least two people.

1 Q. And what is the basis of that opinion, so the record
2 will be clear?

3 A. Based on the amount of semen that I found on the
4 various items of evidence.

5 Q. Okay. Ms. Gilchrist, you have already told the
6 ladies and gentlemen of the Jury that you have had
7 specialized training at the FBI Academy on two occasions
8 on hair analysis and that you have had specialized
9 training in an international symposium on hair and fiber
10 analysis. You have told the ladies and gentlemen of the
11 Jury that you have been involved in literally hundreds of
12 cases involving the microscopic comparison of hairs and
13 fibers, is that correct?

14 A. That is correct.

15 Q. From an examination of hair can you tell whether it
16 is animal or human hair by microscopic examination?

17 A. Yes, you can.

18 Q. Can you tell from the examination of the hair the
19 race of the person that that hair came from?

20 A. Yes, you can.

21 Q. In what catagories of race can you distinguish by a
22 microscopic hair analysis?

23 A. Caucasian, mongoloid and negroid.

24 Q. Those are the three basic classes of race, is that
25 correct?

1 A. Yes, it would.

2 Q. If you would, would you move the microphone and at
3 this point I would ask you to step down. Ms. Gilchrist,
4 would you explain to the ladies and gentlemen of the Jury
5 the structure and the nomenclature of human hair?

6 A. Okay. When I do a microscopic analysis, examination
7 of hairs using a microscope, the examination starts at
8 the root end of the hair and it goes out towards
9 approximately the tip end of the hair, and during the
10 course of a microscopic movement down the length of this
11 hair, I focus up and down and I am able to visualize
12 different characteristics that may be present inside this
13 particular hair. I look for the presence of cortical
14 fusilli, things found inside the middle portion of the hair.

15 Hair can be compared quite simply to an ordinary
16 yellow pencil, where the eraser is like the root end and
17 the yellow paint that surrounds that wood pencil is like
18 a cubicle, and the wood portion inside that pencil is
19 what can be like what we call a cortex, and inside this
20 cortex that a number of characteristics are seen,
21 pigmentation, the amount of pigmentation, the type of
22 pigmentation, the arrangement of pigmentation, those are
23 things that I look at when I am doing my examination.
24 The pigmentation is what gives us each individual hair
25 colors. This little strip down the center of this hair

1 can be likened to the lead portion of this pencil that
2 goes down. This is what we call the medulla.

3 Now, the medulla may or may not be present in all of
4 your hair. Some of your hairs you have and some you
5 want, and some you will have fragmented, some can be
6 interrupted or discontinuous or what we can continuous.

7 Okay.

8 Now, the occurrence and also the size of that
9 medulla aides me also in determining also if that hair is
10 from the scalp or public region or one of the body
11 portions. It's very tell tale. The amount and the
12 arrangement of the pigmentation inside that hair can be
13 streaky, very fine, course, blotchy, sometimes it's going
14 to be unevenly distributed and going out towards the
15 sides of the hair. Sometimes it's going to be in towards
16 the center portion of the hair. But it's these types of
17 things that I look for.

18 There are a number of characteristics that I am
19 looking for, and I know when I am doing my comparison, it
20 allows me to see something that gives me a general idea
21 of what this particular hair looks like, when I compare
22 my known samples to my unknown samples.

23 Also, microscopically I am able to tell whether or
24 not hair is falling out naturally, if it's naturally
25 falling out the bulb is going to be basically round and

1 hard. Very little pigmentation here. If that hair was
2 forcibly removed or pulled out before it was ready to
3 come out, the root will be stretched out of shape or it
4 will have a little tag attached to this, almost formed
5 root end, but the tag is still going to be there. That's
6 how you can tell if the hair did not fall out naturally.
7 Whatever force was used I can't say, but I can just tell
8 you that the hair was forcibly removed.

9 The scales you don't normally see on a microscopic
10 examination. The scales can be seen using SCM, we can
11 look in all arrangements, basically the arrangements of
12 the cuticles, whether they are laying down real nice and
13 flat or if they are protruding because sometimes either
14 chemical or mechanical wear. I can also tell whether or
15 not a hair has been cut or if it has never been cut.

16 This is a natural built hair, it's never been cut.
17 This one is relatively cut, not rounded out. The hair
18 will begin to round out in two to three weeks after it
19 has been cut. This hair has been cut and worn down so it
20 is probably ready for another haircut.

21 This hair has been cut with a razor. This one is
22 the razor. This hair shows split ends, there is a lot of
23 cuticle damage, damage to the shaft of the hair. These
24 are a number of things that I can see with my microscope
25 comparison analysis.

1 Q. Ms. Gilchrist, let me show you another unmarked
2 exhibit, a chart. Can you explain, and I think you have
3 to some extent, but will this help you to explain a
4 little more specifically those things that you look for
5 under the microscope when you are making that comparison
6 of known hair and unknown hair?

7 A. Yes. This again shows you the type of pigmentation
8 that I might see in a hair sample. This would be
9 considered shallow, medium, the pigment is also what I
10 key in on specifically. If it's going to be real course
11 or blotchy, plumpy or streaky, whatever, I make note of
12 that and you go on out the course of that hair.

13 The cortical fusi may or may not be present in the
14 hair, but ovoid bodies are not shown here, but ovoid
15 bodies may or may not be seen here. When they are seen
16 in the hair they are considered very characteristic
17 because the ovoids are normally found in cattle hair.
18 When you see them in human hair, it's another
19 characteristic to key in on. The cortical fusi may be
20 very sparse or absent up to very large. Again, the
21 medulla, absent, fragmented, discontinuous or continuous,
22 can be very thin, medium or thick. Now, whether or not
23 that medulla shows up is another thing. This medulla
24 here is filled with liquid so it's going to look black
25 under the microscope. If it is air filled it is going to

1 be opaque, no color to it at all. If you can visualize
2 that. Now, the shape of the cells of that medulla can
3 either be bowl shaped or elongated, all kinds of shapes,
4 no definite shape.

5 Q. Are these items that are magnified here, is this the
6 smaller dots?

7 A. No, this is magnifying what a medulla may look like
8 magnified.

9 Q. Okay. If you will take your seat in the witness
10 chair again. Ms. Gilchrist, you have previously
11 testified that you have the known hair samples of the
12 Defendant Mr. Curtis Edward McCarty, is that correct?

13 A. That is correct.

14 Q. And you also have as a part of your forensic
15 investigation the known hair samples of the victim Pam
16 Willis taken by the Medical Examiner's office?

17 A. That is correct.

18 Q. Now, as a part of processing the crime scene at 427
19 Southwest 39th Street, did you gather and collect trace
20 evidence hairs of an unknown origin at that location?

21 A. Yes, I did.

22 Q. Okay. Let's start if we may with a green robe. Did
23 you take it into possession at the home at 427 Southwest
24 39th Street, a green robe?

25 A. Yes, I did.

1 Q. And did you find hairs on that robe?

2 A. Yes.

3 Q. Did you compare the unknown hairs taken from the
4 green robe against the known scalp hairs of [REDACTED]?

5 A. Yes, I did.

6 Q. And did you reach any finding or conclusion as to
7 your microscopic hair analysis in that regard?

8 A. Yes.

9 Q. And what was that?

10 A. The one scalp hair taken from the green robe is
11 consistent microscopically with scalp hairs obtained from
12 [REDACTED]. Therefore, this hair could have come from
13 [REDACTED].

14 Q. Now, did you find on the green robe a loose pubic
15 hair, human origin?

16 A. Yes, I did.

17 Q. Did you compare that hair against the known pubic
18 hair of [REDACTED]

19 A. Yes.

20 Q. And did you compare it against the known public hair
21 of the Defendant Mr. McCarty?

22 A. Yes. All right. Tell the ladies and gentlemen of
23 the Jury your findings and conclusions in each respect.

24 Q. One public hair taken from the green robe is not
25 microscopically consistent with the pubic hair obtained

1 from [REDACTED] or Curtis McCarty. Therefore, this
2 hair could not have come from [REDACTED] or McCarty.

3 Q. It had to come from a third party?

4 A. Correct.

5 Q. Okay. Now, let me interject while we are at this
6 point. When you make a microscopic hair comparison, will
7 you tell the ladies and gentlemen of the Jury how you are
8 mechanically doing that?

9 A. Yes. We have a comparison microscope in our
10 laboratory, it is light transmitted microscope. Quite
11 simply it is two microscopes held together by a common
12 bridge, I have two stages on it and binocular eye pieces
13 and it also has a discussion tube on it so someone else,
14 another person can look in it while I am doing my
15 comparisons. It allows me to view two different
16 specimens at the same time. And I can move them up and
17 down mechanically from one end to the other, and that is
18 how we do our comparisons, our analysis.

19 Q. You can take a known human hair that you know from
20 whom it came and compare it against an unknown hair?

21 A. That is correct.

22 Q. And under what power of the microscope do you make
23 this examination?

24 A. My comparison is made at 400 power.

25 Q. That means that you are seeing it 400 times larger

1 than it is in natural life?

2 A. That is correct.

3 Q. Do you ever use different powers of microscope to
4 make a hair analysis?

5 A. I will sometimes use 160 to scan the hair if I am
6 not sure what type of hair I might be working with or how
7 long, but I mean what kind of damage, but my comparisons
8 are at 400.

9 Q. Okay. And it's equipped so you can see both hairs
10 at the same time?

11 A. Yes, I can split the screen or I can have just one
12 screen exposed so I can look at either one or two hairs
13 at the same time.

14 Q. Do you try to match up the consistencies of the
15 hairs as you are examining it under the microscope?

16 A. You try to match up the range of characteristics
17 that can be found. A hair comparison is not like
18 fingerprints, we have to examine the known samples and
19 establish a range and characteristics that can be viewed
20 and maybe found in that sample and make notes of those
21 characteristics and then compare unknowns, to see if the
22 unknown sustains the characteristics of the unknown, see
23 if they fall in the sale range as those in the known
24 hairs.

25 Q. Do you make this comparison from the root end of the

1 hair all the way to the tip end on both hairs?

2 A. Yes, especially if the root end or the tip end is
3 present, but we go to each direction each time.

4 Q. Do you note those areas of consistently as you
5 examine both hairs under the microscope?

6 A. I mentally note them, yes.

7 Q. Okay. Let's go back here. You did find on the
8 crime scene submitted to your lab, and I am talking about
9 the home at 427 Southwest 39th, a white sweater was
10 submitted to your lab, is that correct?

11 A. Yes, it was.

12 Q. What is your item number on the white sweater?

13 A. Item number two.

14 Q. I am going to remove what has already been marked
15 and admitted as State's Exhibit No. 25, a sack containing
16 several items from the home at 427 Southwest 39th Street,
17 a separate sack which I am opening now in the presence of
18 the Court and the Jury. I am going to remove the
19 contents of that sack and I am going to show it to you.
20 And I will ask you to tell the Court and Jury what it is?

21 A. This is my item number two. Here are my initials
22 and my case number and my laboratory item number here.
23 It's a white sweater left at the crime scene.

24 Q. And where was the white sweater at the crime scene
25 if you remember?

1 A. It was either on the couch or the chair in the
2 living room.

3 Q. Let me show you what's been introduced as State's
4 Exhibit No. 16. Do you see the white sweater in that
5 photograph?

6 A. Yes, it's on the couch.

7 MR. ALBERT: Now, Your Honor, the record should
8 reflect that at this time I have had separately marked a
9 white sweater taken from State's Exhibit No. 25, this
10 sack containing several items. I have had it separately
11 marked as State's Exhibit No. 55. So there will be no
12 confusion on the record, I would reoffer this exhibit as
13 State's Exhibit No. 55.

14 MR. SUMNER: Same objection, Your Honor.

15 THE COURT: It will be admitted.

16 Q. (By Mr. Albert) Ms. Gilchrist, when you examine a
17 garment or other item for foreign hairs, explain to the
18 ladies and gentlemen of the Jury how you do that in your
19 lab, the process.

20 A. Okay. The process of looking for trace evidence on
21 the garments, you spread out a clean piece of paper and
22 put it on there and you use an oblique lighting angle, I
23 mainly search with the aide of my fingers or tweezers for
24 any type of hairs or fibers that may be there on that
25 particular item. If I find any I collect this inside

1 this paper bandle and secure that bandle and then
2 subsequently mount those hairs or fibers on slides and do
3 my examination.

4 Q. Okay. Now, on the white sweater did you find any
5 loose hairs, Ms. Gilchrist?

6 A. Yes, I did.

7 Q. How many loose hairs did you find?

8 A. There were a total of seven, I believe.

9 Q. Did you find any --

10 A. I am sorry, a total of nine hairs.

11 Q. All right. Did you find any hairs on the white
12 sweater consistent with the known scalp hairs of Pam
13 [REDACTED]

14 A. Yes, I did.

15 Q. And how many hairs on the white sweater was
16 consistent with her known scalp hairs?

17 A. Seven scalp hairs.

18 Q. Did you find any pubic hairs on the white sweater?

19 A. Yes, I did.

20 Q. And how many pubic hairs did you find?

21 A. I found one pubic hair.

22 Q. Did you compare that against the known pubic hair of
23 [REDACTED] and the known pubic hair of this Defendant,
24 Mr. McCarty?

25 A. Yes, I did.

1 Q. And what were your findings and conclusions based on
2 that analysis?

3 A. The one pubic hair taken from the sweater is not
4 consistent microscopically with the pubic hairs obtained
5 from [REDACTED] or Curtis McCarty. Therefore, this
6 hair could not have come from [REDACTED] or McCarty.

7 Q. Now, Ms. Gilchrist, did you examine the foreign
8 pubic hair or the pubic hair that was foreign to both
9 Miss [REDACTED] and the Defendant Mr. McCarty, found on the
10 white sweater, against the one pubic hair found on the
11 green robe that was foreign to both Miss [REDACTED] and the
12 Defendant Mr. McCarty, found on the white sweater,
13 against the one pubic hair found on the green robe that
14 was foreign to both Miss [REDACTED] and the Defendant
15 McCarty, and if so where those two foreign pubic hairs
16 consistent with each other?

17 A. Yes, they were.

18 Q. You did compare them?

19 A. Yes, I did.

20 Q. Is it your opinion that the two foreign pubic hairs,
21 the one from the green robe and the one from the white
22 sweater, originated from the same person?

23 A. It is.

24 Q. Now, did you find any scalp hairs on the white
25 sweater that did not belong to the victim, Miss [REDACTED]?

1 A. Yes.

2 Q. And what did you find?

3 A. I found one scalp hair taken from the sweater that
4 is consistent microscopically with the scalp hairs
5 obtained from Curtis Edward McCarty. Therefore this hair
6 could have come from McCarty.

7 Q. You found one scalp hair on this sweater at the
8 scene of the crime consistent with the known scalp hair
9 of the Defendant Mr. McCarty?

10 A. That is correct.

11 Q. Now, did you find any loose hairs on the pair of
12 bluejeans that have been separately marked?

13 A. I believe I fund a fragment, yes.

14 Q. Okay. And were you able by microscopic examination
15 to determine if that hair -- what kind of a hair was it?

16 A. A scalp hair fragment.

17 Q. Were you able to determine if that hair was
18 consistent microscopically with either [REDACTED] or the
19 Defendant Mr. McCarty?

20 A. I was able to do a microscopic comparison and my
21 analysis and my results were that this hair is not
22 consistent with the scalp hairs obtained from [REDACTED]
23 or Curtis McCarty. Therefore this hair could not have
24 come from [REDACTED] or McCarty.

25 Q. Okay. Now, I would like to go to the pair of romper

1 pajamas which have been marked separately as State's
2 Exhibit No. 52. Did you examine this garment for any
3 hairs, Ms. Gilchrist?

4 A. Yes, I did.

5 Q. And how many loose hairs did you find on the romper
6 pajamas, Ms. Gilchrist?

7 A. Thirteen hairs.

8 Q. Now, did you find the presence of unknown scalp
9 hairs when you first took the hairs from the pajamas, did
10 you find scalp hair?

11 A. Yes, I did.

12 Q. Human scalp hair?

13 A. Yes, I did.

14 Q. Okay. Did you find pubic and body hairs on the
15 romper pajamas?

16 A. Yes, I did.

17 Q. Now, you testified that you found how many hairs?

18 A. Oh, there are a total of 13 scalp hairs, two pubic
19 hairs and three body hairs.

20 Q. Did you compare the scalp hairs that you removed
21 from the romper pajamas, did you compare all of the scalp
22 hairs that you took off of these pajamas against the
23 known scalp hair of [REDACTED]?

24 A. Yes, I did.

25 Q. Did you find any of the loose hairs from the Romper

1 Pajamas to be consistent microscopically with the known
2 scalp hair of the victim, Miss [REDACTED]?

3 A. Yes, I did.

4 Q. How many scalp hairs microscopically matched hers?

5 A. Six scalp hairs taken from the pj rompers were found
6 to be consistent microscopically with the scalp hairs
7 obtained from [REDACTED]. Therefore these hairs could
8 have come from [REDACTED].

9 Q. All right. Did you compare the remainder of the
10 scalp hairs against known scalp hairs of Curtis McCarty,
11 the Defendant?

12 A. Yes, I did.

13 Q. And what were the results of your microscopic hair
14 comparison of the loose scalp hairs found on the romper
15 pajamas?

16 A. Six scalp hairs taken from the pj rompers are
17 consistent microscopically with the scalp hairs obtained
18 from Curtis McCarty. Therefore, these hairs could have
19 come from McCarty.

20 Q. You found them microscopically consistent with the
21 Defendant Mr. McCarty?

22 A. That is correct.

23 Q. Six scalp hairs from these pajamas?

24 A. Correct.

25 Q. The two pubic hairs, did you examine those against

1 the known pubic hairs of Mr. [REDACTED] and Mr. McCarty?

2 A. Yes, I did.

3 Q. What were your findings?

4 A. That they are not consistent microscopically with
5 the pubic hairs obtained from [REDACTED] or Curtis
6 McCarty. Therefore, these hairs could not have come from
7 [REDACTED] or McCarty.

8 Q. Okay. Did you compare those two foreign pubic
9 hairs, two pubic hairs that did not match microscopically
10 either Miss [REDACTED] or Mr. McCarty, did you compare those
11 two pubic hairs against the foreign pubic hair found on
12 the green robe and the foreign pubic hair found on the
13 white sweater?

14 A. I don't think I made that comparison, I did a side
15 by side comparison of these two pubic hairs to determine
16 they could have come from the same person, but no, I did
17 not go over and compare those to the other times.

18 Q. What were your microscopic findings as to the two
19 pubic hairs found on the romper pajamas, did they
20 originate from the same person?

21 A. In my opinion it did, yes.

22 Q. Okay. Now, I want to go to the panties which have
23 been separately marked and indicated on the record as
24 State's Exhibit No. 53. Did you find any loose hair on
25 these panties?

1 A. Yes, I did.

2 Q. And what kind of hairs did you find?

3 A. I found one scalp hair.

4 Q. Did you compare it to the known scalp hair of Miss
5 [REDACTED]?

6 A. Yes.

7 Q. Did it microscopically match?

8 A. No, it did not.

9 Q. Did you compare it to the known scalp hair of Mr.
10 McCarty?

11 A. Yes.

12 Q. Did it microscopically match?

13 A. No.

14 Q. Did you compare that one scalp hair that you found
15 on the panties, Exhibit No. 53 with the foreign scalp
16 hairs taken from the romper pajamas by chance?

17 A. Yes, I did.

18 Q. And did you find that the scalp hair which did not
19 match microscopically with Mr. McCarty or the victim,
20 from the romper pajamas, was consistent with the scalp
21 hair from the panties that did not match either Mr.
22 McCarty or the victim?

23 A. No, I did not.

24 Q. So it was inconsistent?

25 A. Inconsistent.

1 Q. The scalp hair taken from the romper pajamas was
2 inconsistent microscopically with the scalp hair taken
3 from the panties?

4 A. That is correct.

5 Q. Okay. Now, the bedspread which has already been
6 removed that is here on this chair as State's Exhibit No.
7 27, did you take this bedspread and examine it for
8 foreign and loose hairs?

9 A. Yes, I did.

10 Q. All right. Tell the ladies and gentlemen of the
11 Jury how many hairs you found loose on the bedspread?

12 A. A total of seven scalp hairs.

13 Q. Okay. And did you make a microscopic comparison of
14 those seven scalp hairs with the known scalp hairs of
15 Miss [REDACTED] and the Defendant McCarty?

16 A. Yes, I did.

17 Q. Tell the ladies and gentlemen of the Jury what your
18 findings and conclusions were?

19 A. I found that the six scalp hairs taken from the
20 bedspread are consistent microscopically with the scalp
21 hairs obtained from [REDACTED]. Therefore these hairs
22 could have come [REDACTED]. One scalp hair taken from the
23 bedspread is consistent microscopically with the scalp
24 hairs obtained from Curtis McCarty. Therefore this hair
25 could have come from McCarty.

1 Q. You found one scalp hair on the bedspread consistent
2 in all microscopic characteristics with the known scalp
3 hair of the Defendant Mr. McCarty?

4 A. That is correct.

5 Q. One scalp hair taken from the bedspread is not
6 consistent microscopically with the scalp hairs obtained
7 from [REDACTED] or Curtis McCarty. Therefore this
8 hair could not have come from [REDACTED] or McCarty.

9 Q. Now, did you compare against any other loose and
10 unknown scalp hairs that you analyzed in this case?

11 A. Yes, I did.

12 Q. And did you find any consistency microscopically
13 with that unknown scalp hair with the unknown scalp hair
14 found on the romper pajamas or any other item?

15 A. I found that the unknown scalp hair taken from the
16 bedspread was found consistently microscopically with the
17 unknown scalp hair taken from the rompers.

18 Q. Therefore it could have originated from the same
19 person?

20 A. Correct.

21 Q. Now, Ms. Gilchrist, I want to show you what has been
22 introduced as State's Exhibit No. 28, a sleeping bag. I
23 am going to take it out. It is the only item in this
24 sack. You have seen this item before?

25 A. Yes, I have.

1 Q. At your forensic laboratory did you inspect that
2 item, the sleeping bag for loose hairs?

3 A. Yes, I did.

4 Q. Did you find loose hairs on that item?

5 A. Yes.

6 Q. Tell the ladies and gentlemen of the Jury how many
7 and what kind of hairs you found on State's Exhibit No.
8 28, the sleeping bag?

9 A. I found a total of eight scalp hairs.

10 Q. Did you compare them microscopically with the known
11 scalp hairs of Miss [REDACTED] and the Defendant McCarty?

12 A. Yes, I did.

13 Q. Tell them what your findings and your conclusions
14 were.

15 A. Six scalp hairs taken from the bag are consistent
16 microscopically with the scalp hairs obtained from [REDACTED]
17 [REDACTED]. Therefore these hairs could have come from
18 [REDACTED]. One scalp hair taken from the sleeping bag is
19 consistent microscopically with the scalp hairs obtained
20 from Curtis McCarty. Therefore this hair could have come
21 from McCarty. One scalp hair taken from the sleeping bag
22 is not consistent microscopically with the scalp hairs
23 obtained from [REDACTED] or Curtis McCarty. Therefore
24 this hair could not have come from [REDACTED] or McCarty.

25 Q. Did you compare that unknown scalp hair as to both

1 [REDACTED] and McCarty against the unknown scalp hair taken
2 from the romper pajamas and the unknown scalp hair taken
3 from the pair of bluejeans?

4 A. I believe I compared this hair to the unknown scalp
5 hair taken from the bedspread.

6 Q. From the bedspread?

7 A. Yes.

8 Q. And what were your findings and conclusions?

9 A. That they appeared to be consistent microscopically,
10 therefore they could have come from the same individual.

11 Q. The same person from the bedspread and the sleeping
12 bag --

13 MR. SUMNER: That is a leading question, Your
14 Honor. He is repeating the testimony constantly and I
15 object.

16 THE COURT: That will be sustained. Go ahead.

17 Q. (By Mr. Albert) My question is, they could have
18 originated from the same person?

19 A. That is correct.

20 Q. Give me one second, Your Honor, and maybe I can
21 expedite this. Now, Ms. Gilchrist, you have already
22 testified and there has been introduced into evidence, an
23 envelope containing -- well, introduced as State's
24 Exhibit No. 45, and let me show it to you. It is an
25 envelope containing certain items that you personally

1 gathered and sealed and submitted in your own laboratory
2 as a part of your on the scene investigation at 427
3 Southwest 39th Street, is that correct?

4 A. That is correct.

5 Q. Now, did you find any hairs that matched, and I am
6 just going to expedite this. I am going to ask you this
7 question. Did you find any loose hairs on the Teddy Bear
8 that was on the bed, or hairs that you collected from the
9 bedspread yourself, at the time that you were on the
10 scene, or hairs taken from the window curtain of the
11 bedroom of 427 Southwest 39th, or hairs taken from the
12 pillow of the bed in the bedroom that you personally
13 packaged during your crime scene investigation, did you
14 find any loose hairs that microscopically matched the
15 known scalp, body or pubic hairs of either Miss [REDACTED] or
16 the Defendant McCarty?

17 A. No, I did not.

18 Q. How many hairs did you find? Just add them up real
19 quick. How many of those hairs that were foreign both to
20 Miss [REDACTED] and McCarty, did you find on those items that
21 I just outlined for you?

22 A. There were ten scalp hairs and one pubic hair.

23 Q. Did you examine any of those hairs against each
24 other for microscopic consistency?

25 A. No, I did not.

1 Q. Okay. Now, I want to refer you to a hair, to hairs
2 and fibers that you yourself collected at 427 Southwest
3 39th Street from the bottom window frame of the bedroom
4 window. Did you collect some evidence at that location?

5 A. Yes, I did.

6 Q. What evidence did you collect?

7 A. There was a hair fragment and some fibers that
8 adhered to the screened portion of that window?

9 Q. Let me show you a photograph of that window. Let me
10 show you State's Exhibits No. 20 and 21, and I will ask
11 you if you recognize them. Do you?

12 A. Yes, I do.

13 Q. Is that the window that you took these hair
14 fragments from?

15 A. Yes, it is.

16 Q. That you are referring to now?

17 A. Yes, it is.

18 Q. It is part of State's Exhibit No. 45, is that right?

19 A. Yes, sir.

20 Q. Did you make a microscopic comparison of the hair
21 fragment that you took from the screen of that window
22 against the known hair fragment or against the known
23 scalp, body or pubic hair of the Defendant Mr. McCarty?

24 A. Yes, I did.

25 Q. All right. Were you able to determine from what

1 part of the body the hair fragment taken from the window
2 came from?

3 A. It exhibited some similarities consistent with the
4 scalp hair.

5 Q. Did you compare that hair fragment against the known
6 scalp hair of Mr. McCarty?

7 A. Yes, I did.

8 Q. Using the same method and technique that you have
9 described?

10 A. Correct.

11 Q. And what finding or conclusion did you reach Ms.
12 Gilchrist?

13 A. I found that one hair fragment taken from the window
14 bottom frame exhibits certain similarities with McCarty
15 scalp hairs. However, a meaningful conclusion cannot be
16 made due to the amount of damage observed in this hair.

17 Q. What kind of damage did you observe?

18 A. Split on both ends.

19 Q. Okay. You did not have a root to work with?

20 A. No root or a tip.

21 Q. And how large hair fragment was it approximately?

22 A. Approximately I think it's less than a fourth of an
23 inch long.

24 Q. And was there damage between the two broken ends
25 that you saw?

1 A. Yes, there was.

2 Q. Now, you have said that it exhibited certain
3 similarities to the known scalp hair of Mr. McCarty?

4 A. Correct.

5 Q. Are you testifying that in your opinion based on
6 your microscopic analysis that it is consistent with Mr.
7 McCarty's known scalp hairs?

8 MR. SUMNER: Objection as leading.

9 THE COURT: Overruled. Go ahead, you may
10 answer.

11 Q. (By Mr. Albert) What I want you to do is to explain
12 what you mean by similar.

13 A. Based on what I saw microscopically the cuticle of
14 that hair taken from the windows bottom frame was
15 consistent with the shaped cuticle that Mr. McCarty's
16 hair exhibited, the special arrangement of pigmentation
17 was also similar.

18 Q. But you are not able to make a definite opinion as
19 to whether it matched microscopically?

20 A. There is not enough hair for me to make that
21 statement.

22 Q. Okay. Now, at the scene did you remove certain
23 loose hairs from the chest of Miss [REDACTED] before her body
24 was taken to the Medical Examiner's office?

25 A. Yes, I did.

1 Q. How many hairs did you remove?

2 A. Nine.

3 Q. Okay. What kind of hairs were they?

4 A. Scalp hairs.

5 Q. Did you compare those nine scalp hairs against the
6 known scalp hair of [REDACTED]

7 A. Yes, I did.

8 Q. And what were your findings?

9 A. That eight scalp hairs taken from the victim's chest
10 at the crime scene are consistently microscopically with
11 the scalp hairs obtained from [REDACTED]. Therefore
12 these hairs could have come from [REDACTED]. One scalp hair
13 taken from the victim's chest at the crime scene is not
14 consistent microscopically with the scalp hairs obtained
15 from [REDACTED] or Curtis McCarty. Therefore this
16 hair could not have come from [REDACTED] or McCarty.

17 Q. Did you make a microscopic examination of that
18 foreign scalp hair taken from Miss [REDACTED] chest with the
19 foreign scalp hair that you removed form the bedspread,
20 that you removed from the romper pajamas, that you
21 removed from the bluejeans or that you removed from the
22 -- that may be all of them. Did you compare the foreign
23 scalp hair that you took from her chest against the other
24 unknown scalp hairs that you found during your
25 investigation of the crime scene?

1 A. Yes, I did.

2 Q. And did you form an opinion as to whether the
3 foreign scalp hair taken from her chest originated from
4 the same person as the foreign scalp hair that you found
5 on the bedspread, or the romper pajamas and on the
6 bluejeans?

7 A. Yes, I did.

8 Q. What is your opinion?

9 A. That it could have come from the same individual.

10 Q. The same person?

11 A. Yes, sir.

12 Q. Okay. Now, you have already told the ladies and
13 gentlemen of the Jury and it has already been admitted in
14 State's Exhibit No. 6, which is the yellow sheet used by
15 Amcare during the time they transported Miss [REDACTED] body
16 to the Medical Examiner's office, and that you collected
17 that item yourself?

18 A. Yes.

19 Q. Did you at some point in your forensic investigation
20 determine if there were any loose hairs on the yellow
21 sheet upon which Miss [REDACTED] body was transferred to the
22 Medical Examiner's office?

23 A. Yes.

24 Q. How many hairs did you find?

25 A. There were a total of 27 scalp hairs and two pubic

1 hairs.

2 Q. Okay. Now, did you make a microscopic comparison of
3 the scalp hairs that you removed from what I am going to
4 refer to as the morgue sheet to the known scalp hairs of
5 [REDACTED]?

6 A. Yes, I did.

7 Q. And did you find any microscopic consistency among
8 those hairs?

9 A. Yes.

10 Q. How many?

11 A. I found 25 scalp hairs taken from the plastic sheet
12 to be consistently microscopically with the scalp hairs
13 obtained from [REDACTED] and therefore could have come
14 from [REDACTED]

15 Q. Did you compare the balance of the scalp hairs
16 removed from the morgue sheet against the known scalp
17 hairs of the Defendant Mr. Curtis McCarty?

18 A. Yes, I did.

19 Q. And what were your findings?

20 A. That two scalp hairs taken from the plastic sheet
21 are consistent microscopically with the scalp hairs
22 obtained from Curtis McCarty. Therefore these hairs
23 could have come from McCarty.

24 Q. Now, did you find any other foreign hairs on the
25 plastic sheet?

1 A. Yes, I did.

2 Q. What did you find?

3 A. I found two pubic hairs.

4 Q. Did you compare those against the known pubic hairs
5 of [REDACTED] and the Defendant McCarty?

6 A. Yes. I did.

7 Q. Did they match microscopically to either person?

8 A. No, they did not.

9 Q. Did you compare those foreign pubic hairs that did
10 not match Miss [REDACTED] and Mr. McCarty, against the two
11 foreign pubic hairs that matched either of those people
12 that was taken from the romper pajamas?

13 A. Yes, I did.

14 Q. Did you find that there was microscopic consistency
15 between those hairs?

16 A. Yes.

17 Q. And could have originated from the same person?

18 MR. SUMNER: May I approach the Bench?

19 THE COURT: Come on up.

20 (Whereupon, the following record was made outside
21 the hearing of the Jury.)

22 MR. SUMNER: Repeatedly questions have been
23 asked about some certain items that are not consistent
24 with the victim or the Defendant, which items taken from
25 other pieces of evidence picked out of this scene, and
those comparisons are not a matter of examination for the

1 record or they do not relate to the Defendant, and those
2 have been made repeatedly up to this point and I haven't
3 objected and that may be my fault. But I believe that
4 those type of comparisons are not relevant to the charge
5 of a crime against my Defendant. They are somewhat
6 exculpatory, but this could have been at least made known
7 to defense counsel in order to be prepared for this at
8 trial. I feel that those kinds of comparisons have no
9 relevance to the Defendant --

10 THE COURT: Go ahead.

11 MR. SUMNER: And for the record, this is guilt
12 by association when they are allowed to charge a John Doe
13 and bring all of these other acts in this case, that
14 seems to smack off any type of an assemblance of guilty
15 on my client -- this has been objected to from the
16 beginning and I feel it is unfair in the prosecution of
17 my client, and for the record I think this is
18 appropriate, and if it is going to be allowed it should
19 at least be given to counsel for the defense.

20 THE COURT: He says he doesn't have these
21 comparisons, what about the report, Mr. Macy?

22 MR. MACY: Yes, that is part of the report.

23 THE COURT: The objection is overruled.

24 (Whereupon, the following proceedings were had back
25 in the hearing of the Jury with all parties
present.)

1 THE COURT: Proceed, Mr. Albert.

2 Q. (By Mr. Albert) I forgot where we were, Ms.
3 Gilchrist. I believe that you had already testified
4 concerning all of the hairs that you examined from the
5 yellow plastic sheet from the morgue that was sent to
6 your lab?

7 A. That is correct.

8 Q. Okay. I would at this time then direct your
9 attention to those items of evidence submitted to you
10 laboratory by the office of the Medical Examiner
11 contained in State's Exhibit No. 4, and contained in
12 State's Exhibit No. 5, and I would ask you if loose hairs
13 taken from the chest of the victim by the Medical
14 Examiner were submitted to your lab for analysis?

15 A. Yes, they were.

16 Q. And did you make a microscopic examination of those
17 loose hairs?

18 A. Yes, I did.

19 Q. And what were your findings and conclusions as to
20 the loose hairs removed from the chest of the victim by
21 the Medical Examiner?

22 A. I found that one scalp hair taken from the victim's
23 chest at the morgue is consistent microscopically with
24 the scalp hairs obtained form [REDACTED]. Therefore
25 this hair could have come from [REDACTED]

1 Q. Okay. Now, the pubic combing, you testified about
2 seminal fluid that you found and examined in the pubic
3 combing taken from Miss [REDACTED] by the Medical Examiner.
4 I want you to tell the ladies and gentlemen of the Jury
5 how many hairs, loose hairs were involved in the pubic
6 combing made from the pubic area of Miss [REDACTED]

7 A. There were a total of 34 hairs.

8 Q. And did you compare all 34 of those hairs against
9 the known reference hairs of Miss [REDACTED] and the
10 Defendant Mr. McCarty?

11 A. Yes, I did.

12 Q. All right. Of the 34 hairs were you able to
13 determine how many of those hairs were pubic hairs?

14 A. Yes.

15 Q. How many were there?

16 A. 30 pubic hairs.

17 Q. Okay. Tell the ladies and gentlemen of the Jury the
18 results of your microscopic examination of the pubic
19 hairs taken from the pubic combing of Miss [REDACTED]

20 A. There were 26 hairs taken from the pubic combing,
21 consistent microscopically with the pubic hairs obtained
22 from [REDACTED]. Therefore these hairs could have
23 come from [REDACTED]. Four pubic hairs and four body hairs
24 taken from the pubic combing are not consistent
25 microscopically with the pubic hairs obtained from [REDACTED]

1 [REDACTED] or Curtis McCarty. Therefore these hairs could
2 not have come from [REDACTED] or McCarty.

3 Q. All right. Did you find in that trace evidence from
4 the body of Miss [REDACTED] submitted to you by the medical
5 examiner, did you find hairs on the rectal swab that was
6 submitted to you?

7 A. Yes, I did.

8 Q. How many hairs did you find on the rectal swab
9 submitted by the medical examiner?

10 A. I found one pubic hair fragment.

11 Q. All right. Did you examine that pubic hair fragment
12 against the known pubic hair of Miss [REDACTED]?

13 A. Yes, I did.

14 Q. And what was your finding?

15 A. It was not consistent with her reference hairs.

16 Q. Did you compare that pubic hair fragment against the
17 known pubic hair of this Defendant Mr. McCarty?

18 A. Yes, I did.

19 Q. What were your findings?

20 A. Again it was not consistent with his referenced
21 pubic hairs.

22 Q. Okay. Ms. Gilchrist, did you compare the pubic hair
23 fragment found in the rectal swab taken by the Medical
24 Examiner that was foreign to both Miss [REDACTED] and Mr.
25 McCarty, against the four pubic hairs that was found in

1 the public combing that was foreign to both Miss Willis
2 and Mr. McCarty?

3 A. Yes, I did.

4 MR. SUMNER: Same objection.

5 THE COURT: Overruled. Go ahead.

6 Q. (By Mr. Albert) What were your findings and
7 conclusions in that regard?

8 A. It is my opinion that that hair could again come
9 from the same person.

10 Q. Okay. Ms. Gilchrist, did you have in State's
11 Exhibit No. 4, hairs submitted to your office by the
12 State Medical Examiner that was taken from the knife
13 wound in the chest of [REDACTED]?

14 A. Yes, I did.

15 Q. Let me show you State's Exhibit No. 1 again. Okay.
16 Let me show you State's Exhibit No. 4 and let me hand you
17 the envelope. Can you find the package inside State's
18 Exhibit No. 4 that is the hair that was taken from the
19 knife wound on the chest of Miss [REDACTED]?

20 A. This envelope here.

21 Q. Okay. Now, let me see that just a moment if I may.

22 MR. ALBERT: Your Honor, the record should show
23 at this time that the witness removed from State's
24 Exhibit No. 4, a white letter envelope sealed that was
25 contained in State's Exhibit No. 4 and was heretofore

1 admitted into evidence as a part of State's Exhibit No.
2 4, which I have had separately marked as State's Exhibit
3 No. 56. So there will be no ambiguity on the record I
4 would reoffer this exhibit as State's Exhibit No. 56.

5 THE COURT: It will be admitted.

6 MR. SUMNER: Same objection.

7 THE COURT: Okay. It will be admitted.

8 Q. (By Mr. Albert) Ms. Gilchrist, I want to hand you
9 back what is now in evidence as State's Exhibit No. 56.
10 Are you able to tell the ladies and gentlemen of the Jury
11 which of the three knife wounds shown in State's Exhibit
12 No. 1, that that hair was taken from?

13 MR. SUMNER: May we approach the Bench?

14 THE COURT: Yes.

15 (Whereupon, the following record was made outside
16 the hearing of the Jury.)

17 MR. SUMNER: I would like to object to that
18 because of the information of Dr. Dibdin, he made the
19 autopsy report, Dr. Dibdin is not available for trial and
20 I believe through fault of the State, and I believe Dr.
21 Dibdin is the one and the only one who could apparently
22 testify in regards to the manner this particular sample
23 was taken, and this particular witness does not know.
24 The information to which she is about to testify, the
25 question being presented is highly prejudicial without
the factual matter from the witness who absolutely knows.

1 She cannot testify to that which he has no knowledge.

2 THE COURT: Overruled. It will be admitted.

3 (Whereupon, the following record was made back in
4 the hearing of the Jury with all parties present.)

5 THE COURT: Proceed, Mr. Albert.

6 Q. (By Mr. Albert) Ms. Gilchrist, I will hand you back
7 what has been marked as State's Exhibit No. 56, a hair
8 taken from the knife wound in the chest of [REDACTED]. I
9 will hand you State's Exhibit No. 1. Do you see wounds
10 in her chest, in that photograph?

11 A. Yes, I do.

12 Q. How many wounds do you see?

13 A. I see a total of two wounds and then of course the
14 knife blade.

15 Q. Two wounds and where the knife is imbedded?

16 A. Yes.

17 Q. All right. Do you know from which of those wounds
18 the hair submitted in State's Exhibit No. 56 came from?

19 MR. SUMNER: Objection, Your Honor. This
20 witness is incompetent to answer that question.

21 THE COURT: Overruled.

22 A. Yes, I do.

23 Q. (By Mr. Albert) Which of those three wounds did
24 that hair submitted by the Medical Examiner in State's
25 Exhibit No. 6 come from?

26 MR. SUMNER: May I voir dire the witness on the

1 record?

2 THE COURT: Yes, you have the right to.

3 MR. ALBERT: Your Honor, I would ask that he
4 stand back here at the podium and not stand on top of the
5 witness to do this.

6 MR. SUMNER: Were you present at the autopsy?

7 THE WITNESS: I was not.

8 MR. SUMNER: So whatever transpired at the
9 autopsy you are personally unfamiliar with the facts at
10 that time?

11 THE WITNESS: That is correct.

12 MR. SUMNER: I believe that is sufficient to
13 show that she is not competent to answer that particular
14 question.

15 THE COURT: It will be overruled. The exhibit
16 has already been admitted, and the chain of custody has
17 already been proven.

18 MR. SUMNER: Your Honor, for the record, we are
19 talking about her knowledge of where she thinks the hair
20 came from.

21 THE COURT: I know. Proceed, Mr. Albert.

22 Q. (By Mr. Albert) Okay. Now, Ms. Gilchrist, I want
23 to hand you back State's Exhibit No. 3. I am going to
24 give you a pen, an ink pen and I am going to ask you if
25 you will to draw a circle around the wound from which

1 State's Exhibit No. 54 was taken by the State Medical
2 Examiner. Circle it and initial it.

3 MR. SUMNER: Your Honor, that is a factual
4 matter that only the Jury should be handling, the Medical
5 Examiner was not here to testify who supposedly took that
6 sample, and she is drawing a conclusion now, and that is
7 the Jury's province and I would object to this kind of
8 testimony.

9 THE COURT: Dr. Jordan has testified and the
10 report has already been admitted into evidence.

11 Overruled. Let's go on.

12 Q. (By Mr. Albert) Ms. Gilchrist, you have drawn a
13 circle around the wound on Miss [REDACTED], that is State's
14 Exhibit No. 50; the knife was removed by the Medical
15 Examiner, is that correct?

16 A. That is correct.

17 Q. And the hair that you had submitted in what is now
18 State's Exhibit No. 56, was taken from that wound by the
19 Medical Examiner, is that correct?

20 A. That is correct.

21 MR. ALBERT: Your Honor, may I just pass the
22 exhibit to the Jury?

23 THE COURT: All right.

24 Q. (By Mr. Albert) Ms. Gilchrist, were you able to
25 determine by microscopic analysis that portion of the

1 body from which the hair fragment taken from the knife
2 wound by the Medical Examiner came from?

3 A. Yes, I was.

4 Q. What kind of a hair was it?

5 A. It was a scalp hair.

6 Q. Was it human in origin?

7 A. Yes.

8 Q. Okay. Did you compare that scalp hair that was
9 submitted by the Medical Examiner from the wound
10 reflected on State's Exhibit No. 1, against the known
11 scalp hair of the Defendant Mr. Curtis Edward McCarty?

12 A. Yes, I did.

13 Q. And what were your findings and conclusions, Ms.
14 Gilchrist?

15 A. I found that one scalp hair fragment taken from the
16 victim's chest wound at the morgue, is consistent
17 microscopically with the scalp hairs obtained from Curtis
18 McCarty. Therefore this hair could have come from Mr.
19 McCarty.

20 Q. How long is that hair approximately?

21 A. That hair was a little over an inch long.

22 Q. So when you refer to it as a fragment, it is a
23 larger fragment than you have dealt with from the hair
24 taken from the anal swab?

25 A. That is correct.

1 Q. Did the hair fragment removed from the chest of Miss
2 [REDACTED], microscopically match the known scalp hair of the
3 Defendant Mr. McCarty, have a root on it?

4 A. No, it did not.

5 Q. Was it a broken hair?

6 A. Yes, it was.

7 Q. And was it broken at both ends?

8 A. Yes, it was.

9 Q. Is there any significance taken into consideration
10 in your training, experience and expertise, to the fact
11 that this hair was broken at both ends, does that mean
12 anything to you as a forensic chemist?

13 A. That some force was applied to it.

14 Q. Pardon me?

15 A. Some force was used to remove it.

16 Q. Some force was removed?

17 A. Used to remove the hair on the scalp.

18 Q. Thank you, Ms. Gilchrist. Ms. Gilchrist, my notes
19 reflect that we have covered all of the hairs that you
20 took from the clothing, premises and other items that
21 have been introduced into evidence, is that correct?

22 A. No, that's not correct.

23 Q. Give me your item number.

24 A. My item number 47 and 48 are those sheets over
25 there.

1 Q. Oh, yes. Thank you, Ms. Gilchrist. Items number 47
2 and 48 are the two sheets submitted by the Medical
3 Examiner?

4 A. Yes.

5 Q. The blood on them?

6 A. Yes.

7 Q. The same two sheets that were found wrapped around
8 the face and the neck of Miss Willis, is that correct?

9 A. That is correct.

10 Q. All right. Let's separate these two sheets. One of
11 these sheets is a fitted sheet, is that correct?

12 A. Yes.

13 Q. And one of these sheets is a flat sheet, is that
14 correct?

15 A. That is correct.

16 Q. All right. Let's deal with the fitted sheet first.
17 Now, when they were submitted to you, Ms. Gilchrist, were
18 they submitted in one sack?

19 A. Yes, they were.

20 Q. Were they folded?

21 A. Yes.

22 Q. Was there anything significant about the way they
23 were folded that comes to your mind as a forensic
24 chemist?

25 A. No.

1 Q. Now, did you take one sheet out first?

2 A. Yes.

3 Q. And tell the ladies and gentlemen of the Jury how
4 you handled it and what you did with it in looking for
5 loose hairs on that sheet?

6 A. Again, the evidence is spread out, we have a large
7 processing table in our evidence room that allows us to
8 look at extra large items of evidence. I spread out two
9 large pieces of clean paper and then spread those sheets
10 on top of it looking for the presence of trace evidence.
11 I would either manually remove it with my fingers or
12 tweezers, and after I had done that sufficiently then I
13 would shake it to see if anything else may be adhered to
14 it, for it to fall off.

15 Q. Did you do both sheets on the same piece of clean
16 paper?

17 A. No.

18 Q. You did them separately?

19 A. Yes.

20 Q. All right. Did you find loose hairs on the fitted
21 sheet submitted by the medical examiner?

22 A. Yes, I did.

23 Q. How many loose hairs did you find totally on that
24 sheet?

25 A. 35.

1 Q. What kind of hairs were they? Could you tell?

2 A. They were all scalp hairs.

3 Q. Did you compare those unknown loose scalp hairs from
4 the fitted sheet against the known scalp hairs of [REDACTED]
5 [REDACTED], did you?

6 A. Yes, I did.

7 Q. What were your findings?

8 A. I found that 29 scalp hairs taken from the fitted
9 sheet were consistent microscopically with the scalp
10 hairs obtained from [REDACTED]. Therefore these hairs
11 could have come from [REDACTED].

12 Q. Did you compare the remainder of the unknown scalp
13 hairs found on that fitted sheet submitted by the Medical
14 Examiner, to the known scalp hairs of the Defendant
15 Curtis Edward McCarty?

16 A. Yes, I did.

17 Q. What were your findings and conclusions, Ms.
18 Gilchrist?

19 A. My findings were that four scalp hairs taken from
20 the fitted sheet are consistent microscopically with the
21 scalp hairs obtained from Curtis McCarty. Therefore
22 these hairs could have come from McCarty.

23 Q. Now, were there any other scalp hairs that did not
24 match microscopically Miss [REDACTED] or the Defendant
25 McCarty?

1 A. That's correct, there were.

2 Q. And how many?

3 A. There were three scalp hairs.

4 Q. And they were foreign to both Miss [REDACTED] and Mr.
5 McCarty?

6 A. Yes.

7 Q. Did you compare those foreign scalp hairs to Miss
8 [REDACTED] and the Defendant McCarty, against any of the
9 other unknown scalp hairs that you removed from other
10 items in this case?

11 A. If my memory serves me correctly I did not make any
12 further comparison with unknown hairs in reference to
13 this item.

14 Q. Of those items?

15 A. Right.

16 Q. All right. Ms. Gilchrist, let's deal with the flat
17 sheet. Now we have talked about the fitted sheet, is
18 that correct?

19 A. That is right.

20 Q. Now, is the fitted sheet the one, Ms. Gilchrist,
21 that has the most blood on it?

22 A. Yes.

23 Q. As opposed to the flat sheet, is that right?

24 A. That is correct.

25 Q. Let's deal with the flat sheet. Did you use the

1 same method and techniques, take a clean piece of white
2 paper and put this sheet on there and look for foreign
3 loose hairs on the flat sheet?

4 A. I looked for hairs on the flat sheet, yes.

5 Q. All right. And how many hairs did you find?

6 A. I found a total of 31 scalp hairs, one pubic hair
7 and four body hairs.

8 Q. Okay. And did you compare the unknown scalp hairs
9 taken from the flat sheet against the known samples of
10 [REDACTED]?

11 A. Yes, I did.

12 Q. What were your findings and conclusions?

13 A. I found that 29 scalp hairs taken from the flat
14 sheet were consistent microscopically with the scalp
15 hairs obtained from [REDACTED]. Therefore these hairs
16 could have come from [REDACTED].

17 Q. All right. What other hairs did you find on the
18 sheet?

19 A. Two scalp hairs and one pubic hair and four body
20 hairs taken from the flat sheet. They were found not to
21 be microscopically consistent with the scalp and pubic
22 hairs obtained from [REDACTED] or Curtis McCarty.

23 Therefore these hairs could not have come from [REDACTED] or
24 McCarty.

25 Q. Okay. Now, in this instance did you compare the one

1 public hair that you took from the flat sheet that was
2 foreign to Miss [REDACTED] and Mr. McCarty, against the four
3 pubic hairs that you found in the pubic combing of Miss
4 [REDACTED] that were foreign to Miss [REDACTED] and Mr. McCarty?

5 MR. SUMNER: Same objection.

6 Q. (By Mr. Albert) Did you do that?

7 THE COURT: Overruled.

8 A. No, if my memory serves me, I think my comparison
9 was made -- some pubic hairs that I found on her chest.

10 Q. Okay. Now, were there any loose pubic hairs found
11 on Miss [REDACTED] chest that you compared microscopically
12 with the pubic hair of Mr. McCarty?

13 A. Yes.

14 Q. All right. Is that a pubic hair that you took from
15 the chest of Miss [REDACTED] during your forensic
16 investigation at the home, or was it a pubic hair
17 submitted to you in State's Exhibit No. 4 by the Medical
18 Examiner?

19 A. It was submitted to me by the State Medical
20 Examiner.

21 Q. Okay. Now you said you already made a comparison,
22 microscopically of that pubic hair taken off of her chest
23 with a known pubic hair of Mr. McCarty, is that right?

24 A. Correct.

25 Q. What were your findings and conclusion, Ms.

1 Gilchrist?

2 A. Okay. I think I first need to point out that it was
3 deleted from my report, but one pubic hair taken from the
4 victim's chest, loose hairs at the morgue, was found to
5 be consistent with the referenced pubic hairs obtained
6 from Curtis McCarty. Therefore it could have come from
7 McCarty.

8 Q. Okay. Now, Ms. Gilchrist, I very zealously tried to
9 follow your report and my notes. Are there any items
10 numbers that you examined in your lab that had hairs on
11 them that I have not asked you about?

12 A. Yes.

13 Q. What is your item number?

14 A. My item number 39.

15 Q. That's hairs from the chest?

16 A. Yes.

17 Q. Submitted by the medical examiner?

18 A. Yes.

19 Q. Okay. Now, you were talking about a pubic hair
20 submitted by the Medical Examiner from her chest?

21 A. Yes.

22 Q. Is that included in that item?

23 A. No, it is not.

24 Q. All right. Now, what hairs from the chest under
25 your item number 39, contained in State's Exhibit No. 4,

1 hairs from the chest, loose, were submitted to you by the
2 Medical Examiner?

3 A. Okay. I found one pubic hair and four body hairs
4 taken from the victim's chest at the morgue, found not to
5 be consistent microscopically with the pubic hairs
6 obtained from [REDACTED] or Curtis McCarty. Therefore
7 these hairs could not have come from [REDACTED] or McCarty.

8 Q. Okay. But you found one scalp hair also, is that
9 correct?

10 A. Yes.

11 Q. You found that to be consistent with Miss [REDACTED]?

12 A. Yes, I did.

13 Q. All right. The one pubic hair found on the chest of
14 Miss [REDACTED] and submitted by the Medical Examiner --

15 MR. SUMNER: May we approach the Bench?

16 THE COURT: Yes.

17 (Whereupon, the following record was made outside
18 the hearing of the Jury.)

19 MR. SUMNER: We would object to any further
20 testimony, and that this particular type of testimony be
21 excluded from the hearing of the Jury for the reason that
22 the report I received on the 14th of March, 1985, to send
23 to my expert included no pubic hair on the chest found
24 loose on the victim, and submitted in any way so we could
25 analyze that or comment on it because the report is
absent that. We would object and ask that no further

1 testimony be allowed in this particular regard.

2 MR. ALBERT: It's in the report.

3 THE COURT: Just a second. The Court Reporter
4 needs to change his paper.

5 MR. ALBERT: Number 36.

6 THE COURT: Do you want to withdraw your
7 objection?

8 MR. SUMNER: Her testimony meant that there was
9 one pubic hair she didn't testify to that was consistent
10 and it is not in the report. One pubic report that is in
11 the report says that it is not consistent and I think
12 that is unfair that she testify to that. She cannot
13 continue to testify about some pubic hair that is
14 consistent --

15 THE COURT: All right. Your objection is
16 overruled.

17 (Whereupon, the following record was made back in
18 the hearing of the Jury with all parties present.)

19 THE COURT: Proceed, Mr. Albert.

20 Q. (By Mr. Albert) Ms. Gilchrist, again I would ask
21 you if there are any of your item numbers in your
22 forensic report concerning hairs that I have not asked
23 you about?

24 A. No, I don't think so.

25 Q. Now, Ms. Gilchrist, in doing an analysis of body
 fluids, biological evidence, can you by blood typing, by

1 electrophoretic determination of blood enzymes and
2 protein, can you specifically identify someone by that
3 process?

4 A. No, you cannot.

5 Q. Can you by that process absolutely and positively
6 eliminate people?

7 A. Yes, you can.

8 Q. All right. Explain to the ladies and gentlemen of
9 the Jury the difference between being able to illuminate
10 people by serology evidence and not being able to make
11 specific identification?

12 A. Okay. The type of work that we do naturally is
13 circumstantial work. The state of the art has not
14 advanced to the point where we can positively identify
15 anyone based on their ABO blood types, secretor status,
16 or examination of their hairs, but we can positively
17 eliminate someone based on the blood type and secretor
18 status or the microscopic examination of the hair.

19 Let's say a person is Type A and someone else is a
20 Type B, then the purported perpetrator of the crime is
21 Type A or Type O blood, then a Type B person would not be
22 included, he could be positively eliminated. The same
23 would go with hairs. If you have got hairs that are
24 consistent with one individual, even all I can say is
25 that they are consistent, I cannot state that they

1 positively came from an individual to the exclusion of
2 all other people in the world who might have the same
3 characteristics.

4 Q. Did you differences in the medulla and the cortex,
5 in all of those things that you described to the Jury
6 earlier, you could exclude someone, is that correct?

7 A. That is correct.

8 Q. Ms. Gilchrist, in the six years that you have been a
9 forensic chemist and the hundreds of thousands of cases
10 where you have made your comparisons, have you ever --

11 MR. SUMNER: Objection, Your Honor.

12 THE COURT: What is your objection?

13 MR. SUMNER: I object to the form of the
14 question, I don't think all of that background was in
15 evidence.

16 THE COURT: Overruled.

17 Q. (By Mr. Albert) Ms. Gilchrist, in your experience,
18 your experience, have you ever found two people to have
19 the identical same hair characteristics microscopically?

20 A. No, I have not.

21 Q. You have testified to those matters of serology
22 involving body fluids and those matters involving
23 microscopic hair analysis, that do not exclude Mr.
24 McCarty, is that correct?

25 A. That is correct.

1 Q. Ms. Gilchrist, did you have the known body samples
2 of a man by the name of Rick Terry?

3 A. Yes, I did.

4 Q. Did you examine his known hair, blood and saliva
5 against the evidence in this case that you have testified
6 about in your comparison with the Defendant Mr. McCarty?

7 A. Yes, I did.

8 Q. What were your results and conclusions?

9 A. In reference to his blood, Rick Terry is Type O
10 blood, he is classified as a Lewis Nonsecretor, and I
11 identified the genetic markers as Peptidase A-1, ESD1,
12 PGM1. In reference to his hairs, I examined his hairs in
13 comparison to the hairs that were associated with the
14 victim, on the victim's body or at the crime scene and
15 his hair is not consistent with those unknown hairs.

16 Q. He was eliminated by the forensic investigation?

17 A. Yes.

18 Q. Did you have the known body samples of a Mr. Shawn
19 McCarthy?

20 A. Yes, I did.

21 Q. Did you make the same examination as to Mr. McCarthy
22 as you made concerning the man Rick Terry?

23 A. Yes, I did. Shawn McCarthy is a Type A secretor,
24 and no further tests were done on his blood samples. His
25 hairs were examined and he was excluded as being a donor.

1 Q. Excluded?

2 A. Yes.

3 Q. Mr. McCarthy was excluded from any of the trace hair
4 evidence analyzed in this case?

5 A. That is correct.

6 Q. Did you have the known body samples of a man known
7 as Charles Kelly, Chaz Kelly?

8 A. Yes, I did.

9 Q. And did you compare his known blood, saliva and hair
10 samples against the trace evidence taken from the scene,
11 and the body of the victim in this case?

12 A. Yes, I did.

13 Q. What were your findings and results?

14 A. Chaz Kelly has Type A blood, he is classified as a
15 Lewis secretor, and his hairs were also eliminated; he
16 was not a source.

17 Q. Of any hair evidence?

18 A. Of any hair evidence.

19 Q. Did you have the known blood, saliva and hair
20 samples of a man by the name of Dale Coffman?

21 A. Yes, I did.

22 Q. And did you make a forensic investigation comparing
23 his hair, blood, and saliva against the trace evidence
24 found at the scene of this homicide and taken from the
25 body of Miss [REDACTED]?

1 A. Yes, I did.

2 Q. And what were your findings and conclusions, Ms.
3 Gilchrist?

4 A. I identified Type A blood, Lewis secretor,
5 Glyoxalase 1, ESD1, PGM1, and I identified the ABO
6 secretor blood group substance A in his saliva. I
7 examined his hairs and he is eliminated as being the
8 donor.

9 Q. His hairs are inconsistent microscopically with any
10 of the hair evidence that you testified about?

11 A. That is correct.

12 Q. Did you have the known body samples of a man by the
13 name of Kevin Bouser?

14 A. Yes, I did.

15 Q. Did you compare his blood, saliva and hair samples
16 against the trace evidence taken from the crime scene and
17 from the body of Miss [REDACTED] in this case?

18 A. Yes, I did.

19 Q. And what were your findings and conclusions?

20 A. Kevin Bouser has Type A blood, he is classified as a
21 Lewis secretor, he secretes the A antigen in his saliva.
22 His hairs were eliminated as being a donor.

23 Q. All of the hair evidence taken from the crime scene
24 and of the body of Miss [REDACTED]?

25 A. That is correct.

1 Q. Do you have the hair, blood and saliva samples of a
2 man named Johnny Queen?

3 A. Yes, I do.

4 Q. And did you compare his known hair, blood sand
5 saliva samples against the trace evidence taken from the
6 crime scene and from the body of Miss [REDACTED]?

7 A. Yes.

8 Q. And what were your findings and results?

9 A. Johnny Queen is classified as a Type O nonsecretor,
10 and he was eliminated as far as being a donor of the
11 hairs.

12 Q. Did you have the known hair, saliva and blood
13 samples of a man by the name of Mark Kimmel?

14 A. Yes, I did.

15 Q. Did you compare his body samples with the trace
16 evidence taken from the crime scene and taken from the
17 body of Miss [REDACTED].

18 A. Yes, I did.

19 Q. What were your findings and conclusions?

20 A. Mr. Kimmel has Type O blood, he is a Lewis secretor,
21 and his hair -- he was eliminated as being a source of
22 any unknown hairs.

23 Q. Did you have the hair, blood and saliva samples of a
24 man by the name of Mark Johnston?

25 A. Mark Johnston?

1 Q. Yes.

2 A. I don't have him on the list here. I would have to
3 go back to the body of the report.

4 Q. I will direct your attention to page 12 of your
5 report.

6 A. Okay. I have blood, saliva and hair samples from
7 Mark Johnston, yes.

8 Q. Did you compare his blood, saliva and hair samples
9 against the trace evidence taken from the crime scene and
10 from the body of Miss [REDACTED]?

11 A. Yes, I did.

12 Q. And what were your findings and conclusions?

13 A. Mark Johnston has Type A blood, he is classified as
14 a Lewis secretor. Glyoxalase 1, ESD1, PGM1 an ABO
15 secretor blood group substance A was identified in his
16 saliva. His hairs were eliminated as being the source.

17 Q. He was eliminated?

18 A. Yes, based on his hairs also.

19 Q. Now, as to the men Dale Coffman, Mark Johnston and
20 Rick Terry, did you do an electrophoretic analysis of
21 their blood?

22 A. Yes, I just testified to that.

23 Q. Okay. In order to expedite this, Ms. Gilchrist, in
24 order to expedite this I am going to read you a list of
25 names and I want you to listen, and if you can follow

1 along with me on page 13, did you have hair, blood,
2 saliva samples from Mr. Smith, Melanie Coffman, J.
3 Mayfield, D. Riley, G. Mayfield, R. Scarbrough, M.
4 Russell, J. Scarbrough, T. Wakefield, T. Phillips, R.
5 Liss, R. Wallings, G. Phillips, F. Smith, J. McAlester,
6 A. Poston, M. Hurst, W. Green, R. Williamson, D. Fritz,
7 M. Meredith, T. Roberts, L. Dugan, K. Parton, M. LaFlore,
8 D. Austin, D. Peterson -- Meredith, Terri Calvery, and
9 Timothy Langston. Did you have body samples from all of
10 those people?

11 A. I have body samples from everyone except Tim
12 Langston. I only have a cigarette butt from him.

13 Q. You only had his saliva from a cigarette butt?

14 A. Well, I never tested it through.

15 Q. You did not?

16 A. No.

17 Q. Okay. Did you have anything other than the hair
18 samples form Terri Calvery if you know?

19 A. I just had scalp hairs from her, I believe.

20 Q. Now, all of the people that I have just named, Ms.
21 Gilchrist, did you analyze their hair, blood saliva, one
22 or the other or both, as to all of the people that I just
23 read?

24 A. Yes, I did.

25 Q. And what were your findings and conclusions as to

1 all of those names that I just read to you?

2 A. Granted to some of the people, in fact most of the
3 people, the majority of them that you named off are the
4 same blood type and secretor status as the victim and
5 also as the Defendant, but they were eliminated either
6 based on hair examination or other investigative means.

7 Q. Either by fingerprints, hair analysis or blood and
8 saliva testing?

9 A. That is correct.

10 Q. All of these people were eliminated?

11 A. Yes.

12 Q. Now, Ms. Gilchrist, when you were on the crime scene
13 at the house, did you notice anything unusual about the
14 floor from the bedroom area to the place where the victim
15 was found lying?

16 A. Yes.

17 Q. What did you notice?

18 A. I noticed what appeared to be drag marks from the
19 bedroom, I noticed that in the dining room area into the
20 kitchen.

21 Q. You noticed what?

22 A. What appeared to be drag marks.

23 Q. Okay. Was that to the point where the victim was
24 found?

25 A. Well, the drag marks stopped before you get to the

1 kitchen, that's where the carpet ends and that's all I
2 can speak about.

3 Q. Okay. Now, you observed paint chips on the
4 bluejeans and on the sleeping bag that was on the bed, is
5 that correct?

6 A. That is correct.

7 Q. And is there anything unusual about the manner of
8 those paint chips?

9 A. Unusual about the manner of them?

10 Q. Yes. In other words, did they appear to have --

11 MR. SUMNER: Objection, Your Honor, he is still
12 leading.

13 MR. ALBERT: I agree with counsel.

14 THE COURT: All right. Rephrase your question.
15 Go ahead.

16 Q. (By Mr. Albert) Just describe what you observed and
17 saw, can you do that?

18 A. Well, it looked like the paint chips came from the
19 window that had been apparently forced open onto the bed,
20 but the paint chips once they were dropped or deposited
21 on the foot of the bed and onto that sleeping bag had not
22 been disturbed.

23 Q. Let me show you State's Exhibit No. 12. Do you see
24 the sleeping bag and the bluejeans in that photograph?

25 A. Yes.

1 Q. Can you see the paint chips there?

2 A. I can see a few of them.

3 Q. Hold it up and show the ladies and gentlemen of the
4 Jury where you observed those paint chips?

5 A. Well, this picture doesn't accurately represent
6 that, but I can show you where some of them are.

7 Q. Some of them is what I mean.

8 A. There is one large piece here and there are two
9 smaller pieces in this area. There were more on this
10 other end here.

11 Q. Did you see paint chips on the Levis that had been
12 partially turned inside out?

13 A. Yes, there was some paint chips, if I remember
14 correctly -- you could just barely see it, I think it's
15 right here.

16 Q. All right. Did that mean anything to you as a
17 forensic investigator?

18 A. Yes, that those jeans had not been moved once that
19 paint chip had fallen there apparently.

20 Q. Okay. Now, Ms. Gilchrist, you testified at the
21 preliminary hearing in this case sometime last October
22 thereabouts, is that right?

23 A. Yes, I believe so.

24 Q. And at that time had you finished your forensic
25 examination?

1 A. No, I had not.

2 Q. So your testimony at the preliminary hearing would
3 not be as complete as it is today?

4 A. That is correct.

5 Q. And did you testify at the preliminary hearing that
6 your forensic examination as it pertained to this
7 Defendant Mr. McCarty, had not been completed as of the
8 date of that preliminary hearing?

9 A. I did.

10 Q. Now, in January of '86 when you secured through the
11 District Attorney's office a court order to take
12 additional scalp hair samples from the Defendant, Mr.
13 McCarty, in addition to the samples that were taken from
14 him, I believe in 1983?

15 A. Yes, that's correct.

16 Q. What was your reason for wanting new and additional
17 scalp hair samples from Mr. McCarty in January of this
18 year?

19 A. Because the scalp hairs that were submitted to our
20 laboratory, I think it was in March or April of 1983,
21 from Curtis McCarty, showed that his hair had been
22 chemically altered. It was altered to the point that his
23 hairs were twisting on the side thereby eliminating what
24 I could see microscopically on my examination, and it was
25 causing me a bit of a problem. I had requested further

1 samples from Mr. McCarty through Detective Sellers --

2 Q. Don't go into that. You wanted samples in January
3 and just explain why you needed those.

4 A. Well --

5 MR. SUMNER: Objection, she was explaining as
6 it appeared to me.

7 THE COURT: Go ahead. Tell it all, what you
8 told Detective Sellers and lay it all out right there on
9 the record, I want you to go ahead.

10 A. It appears that as I said, Mr. McCarty altered his
11 hair, chemically permed. The hairs at the crime scene
12 were straight Caucasian hairs and I had no problem in my
13 examination of those hairs. But when it came to
14 examination of Mr. McCarty's referenced scalp hairs, his
15 hairs would twist on the slide. They were curving. They
16 were exhibiting a characteristic that I normally
17 associate with Negroid hairs, they did not lay flat on
18 the slide.

19 And I saw points of similarity in his hair early on
20 and I think it was in April of 1983 when I reported my
21 findings to the detectives on the case. But I still
22 didn't have what I considered to be sufficient enough to
23 say you know, with a degree of certainty that those hairs
24 could have come from Curtis McCarty. It was then that I
25 requested another hair sample to more adequately perform

1 my examination.

2 Q. Who did you make that request of?

3 A. Who did I ask?

4 Q. To get the additional hairs?

5 A. I asked Detective Roy Sellers.

6 Q. Was he able to secure them for you?

7 A. No, he was not.

8 Q. Do you know why?

9 A. Curtis McCarty refused.

10 Q. So it was later then on the application by the DA's
11 office, and the Court order, that you were able to secure
12 those additional scalp hair samples?

13 A. That is correct.

14 Q. Okay. And did that aid and assist you in making the
15 microscopic comparisons of the significant scalp hairs
16 that were taken from the crime scene and from the body of
17 Miss [REDACTED], against the known scalp hairs of Mr.
18 McCarty?

19 A. Yes, it did.

20 Q. Did it remove any problem that you were having with
21 the original scalp hair samples that he gave up --

22 MR. SUMNER: Objection.

23 THE COURT: What?

24 MR. SUMNER: Objection as a leading question.

25 THE COURT: Overruled.

1 MR. MACY: I am simply asking her, Your Honor
2 --

3 THE COURT: I overruled the objection. Go on.

4 Q. (By Mr. Albert) Did it clear up the difficulty you
5 have explained to the Jury from the hair samples that you
6 had, I believe that he gave you in 1983?

7 A. Yes, it did.

8 Q. Now, Ms. Gilchrist, the exhibits which have
9 previously been admitted as State's Exhibits No. 46, 47,
10 48 and 49, do these contain all of the hair slides that
11 you used in making your analysis insofar as the
12 similarities and microscopic consistency of Mr. McCarty
13 in this case are concerned?

14 A. Yes, they do.

15 Q. Now, Ms. Gilchrist, at the request of Mr. Claude
16 Sumner, did you send all of this evidence at his request
17 to a Chemist in Kansas City, Missouri?

18 A. Yes, I did.

19 Q. When did you do that?

20 A. I mailed the evidence on March the 14th, 1986.

21 Q. And did you mail it yourself?

22 A. Yes, I did.

23 Q. Did you ultimately receive this evidence back from
24 that Chemist in Kansas City?

25 A. Yes.

1 Q. And when did you get it back?

2 A. It was brought back to our laboratory around noon on
3 March the 19th, 1986.

4 Q. What date was it mailed?

5 A. It was mailed on the 14th of March.

6 Q. And do you know when it was delivered in Kansas
7 City?

8 A. Yes, I do.

9 Q. When?

10 A. It was delivered on -- well, they signed for it on
11 the 17th of March.

12 Q. Okay. And you got it back on what date?

13 A. The 19th of March.

14 Q. Okay. How long considering the transportation back
15 of these items of evidence, how long did Mr. -- was that
16 man's name John Wilson?

17 A. Yes. .

18 Q. How long did Mr. Wilson have possession of the hair
19 slides and the evidence in this case?

20 A. He mailed the evidence back to me on the 19th of
21 March, so at least a day.

22 Q. One day?

23 A. Yes.

24 Q. All right. Ms. Gilchrist, taking into consideration
25 your training and your experience and your expertise,

1 could a Forensic Chemist conduct a competent microscopic
2 analysis and other forensic investigation of this
3 evidence in one day?

4 A. Not in my opinion he couldn't.

5 Q. How long --

6 MR. SUMNER: I would object on the basis that
7 this information is prejudicial to the Defendant without
8 sufficient basis --

9 THE COURT: Overruled. He is just asking her
10 opinion as an expert how long it would take.

11 Q. (By Mr. Albert) How many days did it take you, Ms.
12 Gilchrist, to examine all of this evidence by microscope
13 and do your analysis of all of this evidence that is
14 consistent with the Defendant Mr. McCarty?

15 A. Are you saying just in reference to Mr. McCarty?

16 Q. Just as to Mr. McCarty, not all of the other people
17 that you worked evidence on.

18 A. Well, initially I spent about -- I think about a
19 week looking at the evidence from the crime scene and the
20 victim's body. And after I did secure the samples from
21 Mr. McCarty I believe it took me three or four days to do
22 my hair examination comparisons?

23 Q. How many days?

24 A. About three or four days, I can't tell you exactly.

25 Q. That's just the examination of the hair alone?

1 A. That is correct.

2 Q. On the microscope?

3 A. That is correct.

4 Q. Okay. Ms. Gilchrist, let me ask you this final
5 question. Did you use those methods and techniques
6 standard in the scientific community and used by Forensic
7 Chemists generally in making your analysis, your findings
8 and your conclusions as to all of the forensic evidence
9 that you examined in this case?

10 A. Yes, I did.

11 Q. Ms. Gilchrist, let me ask you based on your training
12 and experience and your expertise and taking into
13 consideration all of the forensic evidence that you
14 examined in this case, taking into consideration the
15 consistency of the blood types and the electrophoretic
16 analysis indicating those blood proteins and enzymes and
17 taking into consideration the microscopic hair evidence
18 that you did in this case, against the known samples of
19 the Defendant Mr. McCarty, with all of the trace evidence
20 found at the scene of the crime and taken from the body
21 of Miss Willis, do you have an opinion as to whether Mr.
22 McCarty was physically present during the time the
23 violence was done to Miss Willis?

24 A. Yes, I do.

25 Q. What is your opinion?

1 A. That he was in fact there.

2 MR. ALBERT: Your witness, counselor.

3 THE COURT: We are going to take a recess at
4 this time, ladies and gentlemen, for 20 minutes. You
5 will remember the admonition of the Court, you are not to
6 discuss this matter among yourselves or with anyone else
7 or let anyone discuss it in your presence. Please return
8 to the juryroom in 20 minutes.

9 (Whereupon, a short recess was had and then the
10 following proceedings were had back in the courtroom
with the Jury and all parties present.)

11 THE COURT: Did everyone keep the admonition of
12 the Court? Thank you. Now we are ready for the cross
13 examination of Ms. Gilchrist. Do you understand that you
14 are still under oath?

15 THE WITNESS: Yes, sir.

16 THE COURT: You may proceed, Mr. Sumner.

17 CROSS EXAMINATION

18 BY MR. SUMNER:

19 Q. If it please the Court and ladies and gentlemen of
20 the Jury. Ms. Gilchrist, you have testified that you
21 completed an examination report in this case, is that not
22 true?

23 A. Correct.

24 Q. And what was the date you completed it?

25 A. The examination itself?

1 Q. That's right.

2 A. It was --

3 Q. The examination report, what date was it completed?

4 A. The report itself was finished typing on the 14th of
5 March.

6 Q. Is that a Friday?

7 A. Yes, it was.

8 Q. Prior to the start of the trial in this case?

9 A. Yes.

10 Q. And on that last day of the week before the trial in
11 this case, you forwarded a copy of this report to an
12 individual who was to examine this on behalf of the
13 Defendant, is that true?

14 A. No, I did not.

15 Q. You did not mail this?

16 A. No, I didn't.

17 Q. Did you mail a copy of the material that you looked
18 at in this case?

19 A. No.

20 Q. Did you mail anything on the Friday before?

21 A. I mailed the hair slide evidence.

22 Q. And you are saying that the information that you
23 completed as of that Friday was done the same day that
24 you mailed the materials to the expert witness for Mr.
25 McCarty?

1 A. I am saying that my report was typed, the typing of
2 the report was completed on the 14th of March, that was
3 also the same day I mailed the hair slide evidence to
4 John Wilson.

5 Q. Tell me what items in this report that you were
6 studying that had to be held up for you to mail it to the
7 expert, until Friday prior to this trial?

8 A. My examination of all of the hairs and the evidence
9 was not completed until that time.

10 Q. Which ones were not completed before the 14th of
11 March, 1986?

12 A. I could not tell you which ones weren't completed,
13 Mr. Sumner.

14 Q. So you obviously had not highlighted all of the
15 materials that you have now testified are results in an
16 examination report typed up as of 14 March, 1986, is that
17 correct?

18 A. That I have not what?

19 Q. That you had not completed all of the results that
20 you now are here testifying that you have finished prior
21 to 14 March, 1986?

22 A. My examination was completed prior to March 14th,
23 1986, but the report was not finished being typed until
24 the 14th of March.

25 Q. Which hairs, that you had in your possession could

1 not be sent to the Defendant's expert witness in Kansas
2 City prior to 14 March?

3 A. All of the hair evidence, those four hair slide
4 trays that are in evidence now.

5 Q. What is it that you were needing to study in these
6 reports until the 14th of March, 1986?

7 A. I needed to complete my examination.

8 Q. And what part of your examination was incomplete?

9 A. I already answered that, I hadn't finished looking
10 at all of the hairs in reference to the latest hair
11 samples that I had gotten from Mr. McCarty.

12 Q. When did you get those latest hair samples from Mr.
13 McCarty, what month?

14 A. It states in my report, Mr. Sumner, I believe that I
15 got those hairs from Curtis McCarty on the 16th of
16 January, 1986.

17 Q. So you had taken from 16 January until 14 March to
18 complete an analysis of those hairs?

19 A. That is correct.

20 Q. Did your office send a portion of the window frame,
21 two knives and one bedspread and two sheets, to the FBI
22 sometime near the time this incident occurred on December
23 the 10th, 1982, regarding the death of [REDACTED]
24 [REDACTED]?

25 A. The evidence was sent and you have a copy of that

1 there, the evidence was sent on the, I believe the 14th
2 of June, 1983, yes.

3 Q. 14 June 1983?

4 A. Yes.

5 Q. Did you not receive a letter in response from the
6 FBI dated June the 24th, 1983?

7 A. Yes.

8 Q. In regards to those portions of the window frame,
9 two knives and one bedspread and two sheets?

10 A. Yes.

11 Q. And that they were unable to develop any valuable
12 evidence at all on this particular matter regarding who
13 might have perpetrated this act?

14 A. The letter states this. The specimen --

15 Q. Let me ask this question. Is it true that this
16 letter represented that they got no valuable evidence?

17 MR. ALBERT: I would object. The witness is
18 entitled to explain the reasons that those items were
19 sent to the FBI lab, they were sent for a rather specific
20 limited purpose, and I think she is entitled to explain
21 what the results of that testing was by the FBI lab.
22 It was the lazer fingerprint testing, they didn't test
23 this evidence for anything else and I am going to object
24 to his continuing badgering of the witness over that.

25 THE COURT: It will be sustained. The report

1 itself which she apparently has in her hand and you have,
2 is the best evidence. If you want her to read from the
3 report and explain it she may do so.

4 Q. (By Mr. Sumner) Let me ask you this. Do the FBI
5 develop no latent fingerprint information of value on the
6 items that I named to you?

7 A. That is correct.

8 Q. Did you provide a copy of that letter to the State
9 at the time it was received?

10 A. No, I didn't.

11 Q. Did you provide them a copy of it during the start
12 of this trial?

13 A. I provided a copy I think -- it may have been at the
14 start of the trial, but I thought it was prior to the
15 trial.

16 Q. Would it have been at least two days into the trial
17 when you actually physically handed them a copy of this
18 letter?

19 A. No.

20 MR. ALBERT: Objection. It is irrelevant. The
21 testing was of no value for anyone, it's neutral,
22 negative and it's immaterial and irrelevant, and I object
23 to it.

24 THE COURT: It will be sustained.

25 Q. (By Mr. Sumner) You have indicated that Mr. McCarty

1 gave hair samples and other items in March of 1983, is
2 that correct?

3 A. Yes, he did.

4 Q. You also testified to this Jury you have problems
5 with those samples?

6 A. That is correct.

7 Q. All right. How were you able to identify them when
8 you had problems with the samples?

9 A. As a pointed out to the Jury, Mr. Sumner, I had
10 points of similarities in those hairs.

11 Q. So the damage to the hair would have damaged some of
12 the similarities?

13 A. Pardon me?

14 Q. Would the damage to the hair have ruined some of the
15 normal similarities that you would be able to get on the
16 healthy unaltered hair?

17 A. I did not refer to any of it as being damaged. I
18 had points of similarities with his referenced hairs in
19 comparison to the unknown hairs at the crime scene.

20 Q. What did you gain from the hairs that was not
21 available at the time you first took samples?

22 A. I don't think I understand your question.

23 Q. What did you gain from the second set of samples
24 that you did not have available to you at the first set?

25 A. It allowed me to do a more thorough examination?

1 Q. Are you to identify a hair specifically with an
2 individual?

3 A. I stated to the Jury earlier, no we cannot identify
4 a person based on hair examination.

5 Q. Are you able to identify when a hair is deposited at
6 a particular location?

7 A. No.

8 Q. Normally how many hairs fall from the head in any
9 given day?

10 A. I have no idea.

11 Q. What does your literature teach you as an expert,
12 haven't you learned this?

13 A. My literature.

14 MR. ALBERT: I would object as argumentative.

15 THE COURT: It will be sustained. Go ahead.

16 Q. (By Mr. Sumner) Have you studied some of the
17 literature in the forensic area?

18 A. Yes, I have.

19 Q. What does it tell you that the normal rate of loss
20 of hair is per day?

21 A. It does not state any number at all.

22 Q. Would 50 to 100 be what is taught in the classroom?

23 A. No number is taught in the classroom, Mr. Sumner.

24 Q. Is 50 to 100 a fair estimate of how many hairs an
25 individual loses per day?

1 A. I have no idea.

2 Q. Is it a fact known to you as a forensic person, that
3 men and women lose hair as a normal course in a day?

4 A. Yes.

5 Q. And that those hairs will be falling in and about
6 wherever they go during any given day?

7 A. Yes.

8 Q. Those are deposited in the atmosphere and on the
9 floor in the wintertime and they collect on the carpet or
10 other parts of say a house or wherever people might chose
11 to go?

12 A. It's not limited to a certain season of the year,
13 Mr. Sumner.

14 Q. Okay. This was a wintertime incident, is that
15 correct?

16 A. Yes, it was.

17 Q. And in the wintertime the static in the carpet and
18 other things and items, it is a little more increased
19 than the summertime, is that correct?

20 A. As a rule.

21 Q. So the carpet will normally collect more hair than
22 normally, is that correct?

23 A. It could.

24 Q. You testified that you took material from the bottom
25 of the window frame, is that not true?

1 A. Yes.

2 Q. And did you tie anything with that window frame and
3 the materials from the window frame to Mr. McCarty in any
4 way?

5 A. Let me get my items first. There was one hair
6 fragment that showed characteristics that were similar,
7 certain characteristics were similar to Curtis McCarty's
8 scalp hairs, but I could not arrive at a meaningful
9 conclusion based on the amount of damage seen in that
10 hair.

11 Q. I understand. Even with the meaningful conclusion
12 you cannot say that the hair belongs to Mr. McCarty, can
13 you?

14 A. No.

15 Q. Nor can you say it belonged to anyone?

16 A. No, all I can say is it could have come from a
17 certain individual.

18 Q. And it also means it could not come from an
19 individual?

20 A. If I don't see any consistencies, I would say it
21 could not have come from a certain individual.

22 Q. Is it not true that when you say it only could come
23 from an individual, that it is also possible that it
24 could not come from an individual?

25 A. No.

1 Q. So you are trying to tell the Jury that you can
2 positively identify an individual with a hair?

3 A. No, I am not telling the Jury that.

4 Q. Nor can you identify the time that a hair is placed
5 in a location, is that true?

6 A. That is correct.

7 Q. You cannot tell the time that a fair was deposited
8 on the white sweater in this case?

9 A. That's true.

10 Q. Or on the bedspread, is that not true?

11 A. Yes.

12 Q. You have approached this case as a sexual assault,
13 have you not?

14 A. Sexual assault?

15 Q. Have you not?

16 A. No.

17 Q. Then why do you give the evidence about the semen
18 and spermatozoa?

19 A. I analyzed all of the evidence in this case, I
20 approached the case when I was called to the scene as a
21 homicide.

22 Q. So you don't believe that the semen and spermatozoa
23 is relevant to this case?

24 A. I did not say that.

25 Q. What is it relevant to?

1 A. It's relevant to this case.

2 Q. Are you saying that the semen and the spermatozoa
3 that you analyzed in this case was not analyzed in the
4 view that it might have been a sexual assault type case?

5 A. I analyzed it in view of the fact that it may have
6 been a sexual assault case, but my approach to this case
7 initially was that of a homicide investigation.

8 Q. And did you not take some material from the panties
9 of the deceased?

10 A. I analyzed all of the evidence that was collected,
11 with the exception of the paint chips.

12 Q. And in this one sample, did not the hair, the scalp
13 hair that was found in association with the panties,
14 could not have come from the victim or McCarty?

15 A. I believe that's correct. Let me check my
16 statement. Yes, one scalp hair taken from the panties as
17 I already testified to, shall not be consistent
18 microscopically with the scalp hairs obtained from [REDACTED]
19 [REDACTED] or Curtis McCarty. Therefore this hair could not
20 have come from [REDACTED] or McCarty.

21 Q. Did you find any other hairs on the Panties that
22 were associated with the individual in any way that I
23 represent Mr. McCarty?

24 A. I reported about the hairs that I found on the
25 panties.

1 Q. Not one was associated with the gentleman named Mr.
2 McCarty?

3 A. I found one scalp hair and as I stated it was not
4 consistent with McCarty or [REDACTED].

5 Q. Okay. Now, you have indicated that there was a long
6 blonde hair found on the curtain near the window that was
7 broken out, is that correct?

8 A. A long blonde hair.

9 Q. A long blonde hair on the curtain near the window
10 that was broken out?

11 A. I testified at the preliminary, yes.

12 Q. What happened to this long blonde hair?

13 A. It is still in evidence.

14 Q. Who does it belong to?

15 A. I have no idea.

16 Q. Do you have any consistency with your analysis --

17 A. I have no idea.

18 MR. ALBERT: I am going to object to counsel,
19 he has had wide latitude and I am going to object as
20 argumentative.

21 THE COURT: The last statement was
22 argumentative and the Jury is told to disregard it. Ask
23 your question. Don't argue with the witness, please.

24 Q. (By Mr. Sumner) State's Exhibit No. 20 that I hand
25 to you, it shows a blue curtain near a window. Is that

1 the one that you see in this scene when you arrived at
2 the house at 427 Southwest 39th?

3 A. Yes.

4 Q. And you found the hair, it was a long blonde hair on
5 these curtains, is that not true?

6 A. That is correct.

7 Q. And you haven't identified that with anybody have
8 you?

9 A. No, I haven't.

10 Q. You have no information at all about this long
11 blonde hair, is that true?

12 A. I don't know who it could have come from if that is
13 what you are asking.

14 Q. Have you compared it to Melanie Coffman?

15 A. Yes.

16 Q. It was not her hair, is that correct?

17 A. That is correct.

18 Q. You looked at a rectal swab, is that not correct?

19 A. I examined one, yes.

20 Q. And the rectal swab had one hair, is that not
21 correct?

22 A. One hair fragment.

23 Q. And it was not in any way associated in your mind
24 with the gentleman Mr. McCarty?

25 A. It was not in any way associated as far as my

1 microscopic examination goes with the pubic hairs
2 obtained from Mr. McCarty.

3 Q. Now the pubic combings. Why would a person in the
4 forensic field take a pubic combing?

5 A. Standard operating procedure, Mr. Sumner.

6 Q. Why is it standard operating procedure?

7 A. To retrieve any type of trace evidence that may be
8 there.

9 Q. Why did you comb the pubic hair in this particular
10 case?

11 A. For that particular reason, I did not comb the pubic
12 hair.

13 Q. Why would the pubic hair be combed in this
14 particular case?

15 A. I just stated, to retrieve any type of foreign
16 evidence that may be in the pubic region.

17 Q. Is it not true that pubic combings are very valuable
18 information in a case where there may have been a sexual
19 assault?

20 A. It can be, yes.

21 Q. And what did you find about the hairs in the pubic
22 combings that associated them in any way with the
23 Defendant Mr. McCarty? Is it not true while you are
24 looking, that the body hairs was not associated with Mr.
25 McCarty?

1 A. There are four pubic hairs that were foreign to the
2 victim and four body hairs from the pubic combing that
3 weren't consistent with the pubic hairs of [REDACTED] or
4 Curtis McCarty.

5 Q. And the four body hairs are not consistent with Mr.
6 McCarty?

7 A. That is correct.

8 Q. As a matter of fact, you found nothing in the pubic
9 combings that had any kind of possible effect or
10 association with Mr. McCarty, is that not true?

11 A. No, it is not true.

12 Q. We are talking about hairs at this time?

13 A. We are just talking about hair, you asked me if
14 there was any pubic combing, there is a difference there.

15 Q. Right, because we will get to the semen issues in a
16 minute. Now, do you mean to testify that you believe
17 that there was semen in the rectal area of the deceased
18 because there was an assault upon this individual, or
19 even permissive sex by this individual?

20 MR. ALBERT: I think I will object to the form
21 of the question. I don't understand it. Maybe I am
22 dumber than the witness, but I don't understand and I
23 object to the form of the question.

24 THE COURT: Do you understand the question?

25 THE WITNESS: Not really, Your Honor.

1 THE COURT: Rephrase your question.
2 Q. (By Mr. Sumner) Let me back up. I will back up.
3 Do you see the report from the Medical Examiner's office
4 regarding the rectal swab analysis?
5 A. Do I see it?
6 Q. Did you see it?
7 A. No, I didn't.
8 Q. You testified about this report, have you not?
9 A. About the rectal swab?
10 Q. Yes.
11 A. Yes, I have.
12 Q. You testified that it was negative for spermatozoa,
13 is that not correct?
14 A. No, that's not correct.
15 Q. The rectal swab from the Medical Examiner's office,
16 are you saying it was not negative for spermatozoa?
17 A. That it was not negative?
18 Q. Are you saying that it was negative for spermatozoa?
19 A. No, I am not saying that.
20 Q. Well, was it positive for spermatozoa?
21 A. Yes, it was.
22 Q. We are talking about the rectal smear and the tests
23 run by the Medical Examiner's office?
24 A. I am talking about the rectal swab that I analyzed
25 in my laboratory myself.

1 Q. Let's talk first of all about the study made by the
2 Medical Examiner's office and reported as a matter of
3 filing in this case. Are you familiar with the results
4 of that particular examination?

5 A. As I stated earlier I have not seen the Medical
6 Examiner's report, so no I am not familiar with any of
7 the results.

8 Q. I will show you the Medical Examiner's report.

9 A. I know what the report looks like. What is it
10 specifically you want.

11 Q. I will ask you to look at the next to the last page?

12 A. Okay.

13 Q. And look at the second result listed on that page.

14 Does it not say anal smear?

15 A. It does.

16 Q. Does it not say negative for spermatozoa?

17 A. It does.

18 Q. Now, with that in mind you have indicated that you
19 did an analysis from a rectal swab, is that not correct?

20 A. Correct.

21 Q. Are they not from the same area?

22 A. Yes.

23 Q. And then did you not testify to this Jury that you
24 felt that they could have gotten a different result out
25 there at the Medical Lab because it could have been bad

1 about the way they took the swab or it could be bad about
2 something else, is that not true?

3 A. No, that's not true.

4 Q. Did you not give two different reasons why you felt
5 they would not come up with something positive out there
6 at the medical lab?

7 A. Yes, I did.

8 Q. Are you questioning their competence about doing
9 this kind of work?

10 A. No.

11 Q. Do you have an explanation why they would come up
12 with a different result than you come up with?

13 A. Yes.

14 Q. What's the explanation?

15 A. As I stated earlier to you, ladies and gentlemen of
16 the Jury, two possible reasons. First being that I heat
17 fixed and stained my slides with a stain we call
18 Christmas Tree stain, it stains the head of the sperms,
19 kind of a pinkish red color. It tells if they are still
20 intact, kind of a bluegreen color, and it aids me in my
21 examination, facilitates me in locating and identifying
22 spermatozoa on the slide. I also look at that slide at
23 1,000 power oil immersion.

24 Now, and I have no idea how the Medical Examiner's
25 office does that, but if they do a hanging drop they are

1 going to look at 400 power without the aid of oil
2 immersion and without the aid of a differential stain to
3 facilitate them in identifying spermatozoa.

4 So all of the debris that they find in that slide
5 may be the same color, it's going to be kind of a milky
6 white color. When I do my analysis I am going to have
7 actual colors added to aid me in identifying spermatozoa
8 and also I have a little more experience in doing that,
9 and I spend more time analyzing slides than maybe a
10 doctor would.

11 Q. So you are questioning their competency in making a
12 decent examination?

13 A. No.

14 Q. Of a rectal swab?

15 A. No.

16 Q. Of the Medical Examiner's office?

17 A. No, I am not.

18 Q. Now, in this matter are you saying the report is
19 wrong?

20 A. No.

21 Q. Did you not indicate that you believe that the anal
22 area was drained?

23 A. That most of the semen had probably drained out,
24 yes.

25 Q. And how in the world can you possibly tell this Jury

1 that you believe that?

2 A. As I stated earlier I did a P30 test, a quantative
3 test, and that allows me to determine if that semen, how
4 much of that semen is there and if it is going to be a
5 recent occurrence or not, my P30 results were negative.

6 Q. Did you observe how they took these swabs at the
7 Medical Examiner's office?

8 A. No, I did not.

9 Q. So you don't know if they went inside or if they
10 took only the surface, you don't know anything about
11 that, do you?

12 A. No, I don't.

13 Q. And you don't know what semen, if there was any, may
14 have also drained down from the vaginal area, is that not
15 true?

16 A. It is true.

17 Q. Was the victim laying on her back at the time that
18 you supposedly saw her?

19 A. I did see her and yes she was laying on her back.

20 Q. So what information did you use to tell this Jury
21 that you believe that the rectal area was drained as
22 opposed to being contaminated from a sample from above in
23 the vaginal area when she is lying on her back?

24 A. I could never rule out the possibility of a mixture
25 of body fluids, based on the position that the body was

1 found, and I was not at the Medical Examiner's office
2 when those samples were collected, but it is my
3 understanding as per Dr. Fred Jordan, that they go high
4 inside the cavities to make sure that they avoid cross
5 contamination of the body fluids. And based on that --

6 MR. SUMNER: I object to any further answer of
7 this as being information from Dr. Jordan.

8 MR. ALBERT: Judge, I object to his objection.
9 He asked her and she was answering her question.

10 THE COURT: I will have to --

11 MR. SUMNER: It's not responsive, it is not
12 responsive to her personal knowledge of the facts.

13 THE COURT: That's not what you asked her. She
14 was answering your question. She has the right to answer
15 the question when you ask it. Go ahead and finish your
16 answer.

17 A. Based on that information and also the fact that I
18 did a microscopic search looking for the presence of
19 spermatozoa, I did find a little quantity of spermatozoa,
20 and I also conducted a P30 test to see if I could
21 quantitate the amount of semen, and my P30 results were
22 negative.

23 Q. (By Mr. Sumner) What gives you any evidence that
24 this drained out, according to your earlier testimony?

25 MR. ALBERT: I would object. This has been

1 asked and answered now I think three times.

2 THE COURT: All right. It has been but I am
3 going to let her answer one more time if she can. Let's
4 get on with it, and this will be the last time that she
5 will answer it though. Go ahead and answer the question.

6 A. Based on the fact that I found a lower amount of
7 sperm head, spermatozoa, and also my P30 results were
8 negative even through my P Tests told me that there was
9 seminal fluid, indicated seminal fluid there.

10 Q. (By Mr. Sumner) From your earlier testimony you did
11 state that you could not identify the blood type on the
12 rectal swab, is that correct?

13 A. No ABO secretor blood substances were detected.

14 Q. In regards to the semen studies that you indicate
15 that you made, you have testified that they have all been
16 ABO blood type, is that correct?

17 A. That is correct.

18 Q. What percentage of the population is ABO blood type?

19 A. About 26 percent of the white population is
20 classified as Type A.

21 Q. So when you are saying consistent with Mr. McCarty,
22 you are saying that 26 percent of the population is also
23 consistent with A Type semen information that you have
24 told the Jury about?

25 A. Well, no. I am assuming at least half of that 26

1 percent is classified as female, I don't expect 13
2 percent -- well, I would be looking at 13 percent and
3 then I would only look at eight percent of that 13
4 percent because only 80 percent of the population is
5 classified as secretors.

6 Q. So you are looking at over 10 percent of the
7 population of Oklahoma City that could have deposited the
8 semen of the white males, is that what I understand your
9 testimony to be?

10 A. I have not run a calculation, but 13 percent, and 80
11 percent of 13 percent white population would have to be
12 at the crime scene and also depositing semen there to be
13 included in these figures.

14 Q. So as far as the semen is concerned, using the blood
15 analysis that you went through, you have identified at
16 least out of 40 people that you took samples from, at
17 least 13 or 14 ABO blood types, is that not true?

18 A. I have not counted them up, but I will count those
19 now if you want me to testify.

20 Q. And for the sake of information to the Jury, at this
21 point regarding Kevin Bouser, is he not a Lewis secretor
22 which you have identified to the Jury, Lewis secretors
23 are those whose body fluids, other than blood, would
24 yield information showing their blood type?

25 A. Okay. To answer your question, I typed blood from

- 1 16 individuals that were classified as Type A.
- 2 Q. And the majority of those are secretors?
- 3 A. Yes.
- 4 Q. And is Dale Coffman a secretor, A blood type?
- 5 A. Dale Coffman was classified as a Lewis secretor,
- 6 yes.
- 7 Q. Mark Johnston, an A blood type Lewis secretor?
- 8 A. Yes.
- 9 Q. And is Kevin Bouser an A Type blood secretor?
- 10 A. Yes.
- 11 Q. From your report is not J. Mayfield an A secretor?
- 12 A. Yes.
- 13 Q. And Gene Mayfield an A secretor?
- 14 A. Yes.
- 15 Q. And T. Wakefield an A secretor?
- 16 A. Yes.
- 17 Q. And Phillips is an A secretor?
- 18 A. Yes.
- 19 Q. And Shawn McCarthy and Chaz Kelly, A Positive, all
- 20 secretors?
- 21 A. Yes.
- 22 Q. And Meredith A secretor?
- 23 A. Yes.
- 24 Q. And T. Roberts and L. Dugan A secretors?
- 25 A. Yes.

1 Q. And David Austin an A secretor?

2 A. Yes.

3 Q. So as to the semen that you have identified in
4 association with the homicide of the death of [REDACTED]
5 [REDACTED], those individuals have consistent information
6 relating to the semen, is that not correct?

7 A. No, that's not correct.

8 Q. Did you do any subtyping beyond A secretors for those
9 individuals who are listed in your examination report of
10 March 14th, 1986?

11 A. The only PGM subtype analysis that was done on the
12 evidence was conducted on the items of evidence of blood
13 of [REDACTED] and Curtis McCarty.

14 Q. Now, this is as to the individuals, is that not
15 true?

16 A. Yes, their own blood, yes.

17 Q. So what I asked you was not what you did to each
18 individual, but what you did in regards to the semen to
19 subtype it for any additional information beyond the A
20 Lewis secretor status, you did nothing did you?

21 A. I didn't do any subtyping of semen, no.

22 Q. So when we are talking about A Lewis secretor
23 status, for semen samples that you studied, they all
24 included no subtyping, and could have come from that
25 population of male Caucasians in Oklahoma City

1 approximately somewhere over 10 percent of the
2 population, is that not true?

3 A. Type A blood, yes.

4 Q. You wanted to explain to the Jury a moment ago and
5 we will ask that question regarding the flow of the semen
6 or whatever was on the public hair combing. You did an
7 analysis, is that true?

8 A. Yes.

9 Q. And you also said it was an A Lewis secretor?

10 A. It showed Type A semen donor, yes.

11 Q. And it is also consistent with a large group of
12 people, over ten percent of the population of male
13 Caucasians, is that not true?

14 A. Type A secretors, yes.

15 Q. In regard to the rope that you testified about this
16 afternoon, did you not say earlier that you took no hairs
17 or blood samples from the rope?

18 A. I found no hair or blood on the rope.

19 Q. Can you explain why the testimony earlier would
20 indicate that some detective pulled the rope out of the
21 bag and looked at it and saw what looked like hairs on it
22 and dropped it back in the bag?

23 MR. ALBERT: Objection, Your Honor. How can
24 she testify what someone else did or saw?

25 THE COURT: It will be sustained.

1 Q. (By Mr. Sumner) Did you check this rope for anal
2 hair?

3 A. I checked it for the presence of hair and that would
4 include animal or human.

5 Q. You found no dog hair or anything like that?

6 A. Nothing.

7 Q. You did indicate that you believed that the rope had
8 paint chips on it, is that not correct?

9 A. No, that's not correct.

10 Q. Earlier this morning, I wrote a note here that said
11 there was no foreign substance. Ms. Gilchrist, from your
12 experience does evidence of skin and other materials
13 underneath the fingernails suggest a struggle?

14 A. Yes.

15 Q. And from my understanding in this case there was
16 absolutely zero evidence found under the fingernails?

17 A. None that I could retrieve and use. There was some
18 dirt or something but that was it.

19 Q. So what did you do to analyze the dirt and whatever
20 was under the fingernails?

21 A. I did a microscopic examination of the fingernail
22 clippings from this evidence, using a stereo microscope.

23 Q. Why did you say the evidence was of no value?

24 A. I don't examine dirt, I don't see what connection it
25 would have with the case.

1 Q. The cigarette that you say you analyzed had A blood
2 type, is that true?

3 A. I did analyze it and they did have Type A on it.

4 Q. And the information that you obtained was consistent
5 with over 10 percent of the male Caucasian population, is
6 that true?

7 A. Yes.

8 Q. There was nothing more specific than that, is that
9 true?

10 A. That is correct.

11 Q. You testified this morning in regard to your belief
12 that at least two people could have been involved. Did
13 you quantify in any way, did you collect a quantity of
14 semen and test it, to be able to tell this Jury what
15 quantity of semen and spermatozoa is associated with this
16 case?

17 A. Did I quantify the amount?

18 Q. Yes, ma'am.

19 A. No.

20 Q. Were you able to tell whether any or all of the
21 stains may have come from previous incidents of sex in
22 the home?

23 A. It is my opinion that the probable semen stains
24 found in the victims panties could probably have been
25 from a previous occurrence, but the other semen stains

1 that I found on or about the victim's body, it is my
2 opinion it was from a recent occurrence.

3 Q. So if I understand your testimony about the semen on
4 the panties was, it was an A Lewis secretor?

5 A. No, I did not say that. I said I identified the ABO
6 secretor blood group substance A.

7 Q. So it was strictly A, not even Lewis secretor
8 status?

9 A. You don't do Lewis on semen stains, as I explained
10 to the Jury, the Lewis test is done on the whole blood
11 only.

12 Q. Then did I not hear you testify here this morning,
13 intermixing the word A ABO blood group type and A Lewis
14 secretor?

15 A. No, I don't believe you did.

16 Q. Okay. So then if I am mistaken then, what you are
17 really telling the Jury is that when you type this semen
18 as to blood type, it should be limited only to Type A,
19 ABO blood, is that not true?

20 A. That is from an A semen donor, if that donor is a
21 secretor.

22 Q. Explain your answer.

23 MR. ALBERT: I object.

24 THE COURT: Go ahead.

25 A. Mr. Sumner, the type of test that I do is a test we

1 call --

2 Q. (By Mr. Sumner) Just a second. Let me back up.
3 This morning when you testified that you indicated that
4 you analyzed all of the semen without going through each
5 one, is it not true that when you described to the Jury
6 what you discovered was that it was ABO blood group type
7 A?

8 A. Yes.

9 Q. And that there was no instance where you analyzed
10 the semen and came forward with the information that is
11 the ABO blood group type A Lewis secretor?

12 A. Correct.

13 Q. And therefore we are talking about the total
14 population of A Type people, is that not correct, for the
15 semen analysis that you did in this case?

16 A. We are talking about the total population, white
17 male population, classified as Type A, and also
18 classified as secretors --

19 Q. A secretors?

20 A. Yes, Type a secretors.

21 Q. And that evidence that you just gave does not go to
22 each type of semen study, is that not true?

23 A. I don't think I understand your question.

24 Q. You analyzed several items of semen as spermatozoa,
25 you made an effort to do that, is that not true?

1 A. Yes.

2 Q. And in some of those instances you clearly did not
3 identify anything more than a possible -- that you
4 testified that it was an ABO blood group Type A, is that
5 not true?

6 A. Where I could determine the secretor type status of
7 the semen donor, it was in fact Type A. The only place I
8 couldn't determine an ABO secretor blood group substance
9 was in the rectal swabs.

10 Q. So you are testifying that you have said that it was
11 ABO blood type A Lewis secretor?

12 A. No.

13 Q. With the exception --

14 A. No, Mr. Sumner, you are getting everything confused.
15 As I pointed out and I will point it out one more time.
16 The Lewis secretor status can only be determined on whole
17 red blood cells. Okay. The type of tests that I do to
18 determine whether or not a person -- determine the blood
19 type of the semen donor is called an absorption test, a
20 secretor typing test, indirect identification of the
21 antigens that may be present from the semen donor, and
22 from there I can tell you whether or not a semen donor is
23 a secretor or nonsecretor based on that test alone.

24 Q. And on that test, all of the semen studies that you
25 did in this case, you identified only A blood type on

1 some samples, is that true?

2 A. An A secretor, yes.

3 Q. And A without the secretor status?

4 A. No, no.

5 Q. Then your testimony is as I may understand, is that
6 only in the rectal area you were unable to define it was
7 an A secretor?

8 A. I was unable to determine the blood type secretor
9 status of the donor.

10 Q. At all?

11 A. At all.

12 Q. In the rectal area?

13 A. No antigen activity is identified.

14 Q. In your testimony you indicated that you thought
15 that based on the amount of semen there could be two
16 different people. Just as well it could be one person,
17 is that not true?

18 A. It's possible.

19 Q. Do you have any way to test the ability of a man to
20 produce an amount of semen and spermatozoa?

21 A. No, Mr. Sumner, I don't.

22 Q. What is the basis for your saying that you believe
23 the amount of semen would cause the conclusion that two
24 possible people would be at this particular location?

25 A. Based on my experience in previous other cases where

1 semen deposits have been left behind by the perpetrator.

2 Q. Did you not testify earlier that you weren't sure if
3 some of these samples that were left were current to this
4 particular incident?

5 A. I believe I stated to the Jury that is my opinion
6 that the semen from the panties are probably from a
7 previous occurrence, but I believe everything else was
8 more likely associated with the crime.

9 Q. What makes you think that was fresh?

10 A. Based on the P30 activity that I recovered form the
11 samples.

12 Q. Did you notice anything different about the semen
13 study on the panties and the semen studies and other
14 places in the house?

15 A. What do you mean by semen studies.

16 Q. Did you not do an analysis of the semen by taking
17 the material to your lab for study?

18 A. I analyzed the material and the evidence for the
19 presence of spermatozoa and to identify semen and also to
20 identify, to attempt to identify the blood type of the
21 donor.

22 Q. And did you not in making that study obtain those
23 samples throughout the house?

24 A. In the living room, I mean in the bedroom and the
25 kitchen, yes, and of course the victim's body.

1 Q. From that did you discover upon your analysis
2 anything different about the semen that you found on the
3 panties and the semen that you found in the other places
4 which you testified that you studied?

5 A. Yes.

6 Q. What was the difference?

7 A. Well, the difference being specifically that when I
8 conducted my electrophoresis test, my results were
9 negative for the stuff from the evidence in the panties
10 as opposed to let's say my analysis of the vaginal --
11 well, the semen stains, the pubic combings, and I think
12 that's all I have got, PBM activity. That's it.

13 Q. Do you have a copy of your examination report in
14 front of you?

15 A. Yes, sir.

16 Q. Would you describe where in that report you find a
17 pubic hair that was related to the individual Mr. McCarty
18 -- and to shorten it, is it true that in this examination
19 report that you filed on March the 14th, 1986 --

20 A. As I stated earlier --

21 Q. Let me finish my question.

22 THE COURT: Let her answer, just one talk at a
23 time. You are getting her confused, let her answer it.

24 Q. (By Mr. Sumner) Is it not true that you have no
25 such information in the examination report you provided

1 on 3-14-86?

2 A. That is correct.

3 Q. And this report of 3-14-86, is the one that you
4 supplied to your state office to provide to the counsel
5 for the defense, is that not true?

6 A. That is correct.

7 Q. Now in taking samples, is a full hair with a root to
8 the tip more valuable?

9 A. It depends on how much fragment is -- we would
10 always like to have the entire hair for our examination.
11 So based on that I would say the entire hair would be
12 most valuable.

13 Q. The fragment on the window frame, will you indicate
14 the type of end it had on both ends?

15 A. It was splitted on both ends, shattered, frayed if
16 you will.

17 Q. Is it not true that you would not be able to know
18 exactly how that hair would have left the head of the
19 person that donated it?

20 A. No, that's not true.

21 Q. Are you able to tell us that you know that the split
22 end or frayed fragment -- that it can tell you positively
23 how it left the head of the donor?

24 A. I can tell if the hair was removed naturally or if
25 it was pulled out, not ready to come out.

- 1 Q. You didn't have any roots on it, did you?
2 A. It was a fragment.
3 Q. And you did not have the roots on it?
4 A. I did not have the root on it or the tip.
5 Q. How are you going to tell, you indicated earlier
6 that you could only tell if you had the root?
7 A. No, I said that usually the root defines that, helps
8 define that, but that's not what I said. I don't rely on
9 the presence of a root to say whether or not a hair was
10 forcibly removed.
11 Q. I was asking you about the fragment in the window
12 frame. You have identified it as splintered and frayed?
13 A. Yes, sir.
14 Q. Do you know for a fact how that hair would have left
15 the head of the donor?
16 A. My opinion is it was forcibly --
17 Q. Do you know for a fact how it left the head?
18 A. Some force was used to remove it.
19 Q. How do you know that?
20 A. Once again, based on the appearance of the hair
21 itself.
22 Q. Of course this hair is the one that was in the
23 window and you found no meaningful information on this,
24 is that not true?
25 A. I said no meaningful conclusion could be reached

1 based on the amount of damage observed in that hair. But
2 it did exhibit certain similarities consistent with
3 McCarty's scalp hairs.

4 Q. That would also mean that it had certain
5 characteristics similar to a lot of other people, is it
6 not true?

7 A. It's possible, you know I couldn't --

8 Q. Okay. You did not study any of the fibers in this
9 case in your possession, is that true?

10 A. No, that's not true.

11 Q. Based on your study of the fibers, do you have any
12 meaningful information?

13 A. No, I don't.

14 Q. Were you present when the autopsy was performed at
15 the Medical Examiner's office on the 10th of December, of
16 the body of [REDACTED]?

17 A. No, I was not.

18 Q. Therefore you do not possibly have any way of
19 knowing exactly how the information was taken regarding
20 the samples from the body --

21 MR. ALBERT: Objection, Your Honor. He has
22 already gone into this once and it is repetitious. It
23 has been asked and answered.

24 THE COURT: It will be sustained. I don't
25 think she could answer it.

1 Q. (By Mr. Sumner) You were asked in testimony here
2 today to circle a location on one of the photographs to
3 indicate information that was known to the people who did
4 the autopsy, is that not true?

5 A. Correct.

6 Q. Do you of your own personal knowledge have any way
7 of circling that from the facts that are known to you
8 directly --

9 MR. ALBERT: Objection, she can take the
10 evidence submitted to her by the medical examiner and use
11 that for her own forensic examination -- I am going to
12 object to the inference of the question as not probative
13 and it is collateral and it is irrelevant and I object to
14 that inquiry.

15 THE COURT: It will be sustained.

16 Q. (By Mr. Sumner) You testified earlier today, did
17 you not that you compared hair with several individuals
18 that were listed as suspects in this case?

19 A. I compared hair to quite a few individuals, yes.

20 Q. You are aware that Mr. Dale Coffman lived at this
21 residence until approximately five days prior to the
22 10th, 1982, is that not true?

23 A. I am aware of that fact. I knew he lived there but
24 I don't know what time or how long since he moved out,
25 but I was aware that at one time he did live there.

1 Q. Does Mr. Coffman have hair or was he baldheaded in
2 1982?

3 MR. ALBERT: Judge, I am going to object to the
4 absurdity of the question.

5 THE COURT: If she knows she can answer.

6 A. You are asking me if I was able to get samples from
7 Mr. Coffman. That evidence was submitted to our
8 laboratory by the Forensic Chemist Melissa Hughs on
9 December the 10th, 1982.

10 Q. (By Mr. Sumner) You testified that you did not have
11 any hair that matched Mr. Dale Coffman?

12 A. That is correct.

13 Q. If I understood you right you indicated to the Jury
14 that every hair that was taken was Caucasian, from the
15 scene?

16 A. There was some animal hairs, but the human hairs
17 were Caucasian hairs, yes.

18 Q. And you further testified that those Caucasian hairs
19 were taken, that they were straight, no curly hair, is
20 that correct?

21 A. Relatively straight hairs, yes.

22 Q. And that every piece of evidence relating to the
23 hair was of this type, straight Caucasian hair?

24 A. Except the pubic hairs, every piece of evidence that
25 I analyzed was Caucasian hairs.

1 Q. The samples that you took from Mr. McCarty, that you
2 testified that you analyzed from the March 15, 1983
3 samples --

4 A. I did not take those samples, but I did analyze
5 them.

6 Q. You took them and analyzed them. I did not mean
7 take them from the head. You have identified to the Jury
8 that those twisted on the slide, is that true?

9 A. Yes, that is correct.

10 Q. The hairs that you took and the evidence, did they
11 twist on the slide?

12 A. From the crime scene?

13 Q. Yes.

14 A. No, they didn't.

15 Q. Does that item in any way appear consistent with Mr.
16 McCarty?

17 A. The hairs taken from the chest?

18 Q. Only 18.

19 A. Yes, it is my item 18, the hair I took from the
20 victim's chest from the crime scene, and my report
21 reflects my opinion about those hairs, Mr. Sumner.

22 Q. And those hairs taken from the victim's chest
23 indicate that they are all consistent with [REDACTED]
24 except one which is not consistent with either [REDACTED]
25 or Mr. McCarty?

1 A. The ones that I took from the victim's chest myself,
2 that is correct.

3 Q. When the body was moved to the plastic sheet, do you
4 know how it was moved and whether there was any
5 possibility of the hair had been moved around?

6 A. There is a possibility the hairs were moved around,
7 but the sheet was laid on the floor right next to her and
8 her body lifted up and placed directly on this sheet.

9 Q. Did they cover her with a morgue sheet?

10 A. They covered her with that plastic sheet, yes.

11 Q. You testified that you left the hairs and the dried
12 areas in the chest area on the victim until she was
13 carried to the morgue, is that correct?

14 A. The hairs that were not adhered to the chest by the
15 blood stains were in fact left on the chest, yes.

16 Q. Taking the information that you have on the semen
17 that you studied, can you identify it absolutely to the
18 individual named Mr. McCarty in this case?

19 MR. ALBERT: Objection, Your Honor. That has
20 been asked and answered and it is repetitious, and he has
21 cross examined on it twice.

22 THE COURT: It will be sustained.

23 Q. (By Mr. Sumner) Taking the areas that you have
24 examined in this case, can you positively identify Mr.
25 McCarty as being the donor of the hair?

1 A. Again I cannot positively identify anyone on hair
2 examinations. I can positively exclude someone.

3 MR. SUMNER: I have no further questions.

4 THE COURT: Anything further?

5 MR. ALBERT: Just a couple of questions.

6 REDIRECT EXAMINATION

7 BY MR. ALBERT:

8 Q. Just one question, Judge. Have you ever seen in the
9 six years that you have done hair analysis, two people
10 with the same microscopic characteristics in their hair?

11 A. No, I have not.

12 MR. SUMNER: Asked and answered, Your Honor.

13 MR. ALBERT: I have no further questions.

14 THE COURT: All right. Do you have any
15 recross?

16 MR. SUMNER: No, sir.

17 THE COURT: You may step down. May she be
18 excused?

19 MR. ALBERT: Yes, sir.

20 THE COURT: You may be excused.

21 THE WITNESS: Thank you, Your Honor.

22 THE COURT: Call your next witness.

23 MR. ALBERT: I would like to recall Melanie
24 Hill.

25 MELANIE HILL,

1 IN THE DISTRICT COURT OF OKLAHOMA COUNTY

2 STATE OF OKLAHOMA

3
4 THE STATE OF OKLAHOMA,)
5 Plaintiff,)
6 vs.) No. CRF 85-2637
7 CURTIS EDWARD McCARTY,)
8 Defendant.)
9
10
11
12
13
14
15
16

PROCEEDINGS HAD ON THE
29TH DAY OF MARCH, 1986
BEFORE JUDGE WILLIAM R. SAIED

DISTRICT COURT OF OKLAHOMA CITY, OKLA.
NOV 12 1986
BY [Signature]

APPEARANCES

17 FOR THE STATE: MR. ROBERT MACY, DISTRICT ATTORNEY, AND
18 MR. BARRY ALBERT, ASSISTANT DISTRICT ATTORNEY, OKLAHOMA
19 COUNTY COURTHOUSE, OKLAHOMA CITY, OKLAHOMA 73102.

20 FOR THE DEFENDANT: MR. CLAUDE SUMNER, ATTORNEY AT LAW,
21 1420 GATEWAY PLAZA, MIDWEST CITY, OKLAHOMA 73110.

22
23 REPORTED BY: KEN SHARPE, C.S.R.

1 Q. You had never seen him before?

2 A. No.

3 Q. Approximately to your knowledge, how far is his
4 house from your house?

5 MR. MACY: Objection, Your Honor.

6 THE COURT: Are you talking about McCarty's
7 house?

8 MR. SUMNER: Yes.

9 THE COURT: I think she answered that, about a
10 block or two away.

11 MR. SUMNER: I have no further questions, Your
12 Honor.

13 MR. MACY: Nothing further of this witness.

14 THE COURT: Anything further -- you may be
15 excused. Call your next witness.

16 MR. MACY: At this time we will call Joyce
17 Gilchirs[.]

18 JOYCE GILCHRIST,

19 having been first duly sworn by the Court, Joyce
20 Gilchrist testified on her oath as follows:

21 DIRECT EXAMINATION

22 BY MR. MACY:

23 Q. You are the same Joyce Gilchrist that has testified
24 earlier in this proceeding?

25 A. I am.

1 Q. You are a forensic serologist from the Oklahoma City
2 Police Department?

3 A. Yes.

4 Q. Were you employed in that capacity in May of 1985?

5 A. Yes, I was.

6 Q. As a part of your official duties, did you
7 participate in the investigation of the rape and sodomy
8 of Philomena Neel?

9 A. Yes, I did.

10 Q. And with specific reference to that case, Ms.

11 Gilchrist, what did you do?

12 A. I analyzed the evidence that was submitted to our
13 laboratory and I also processed a vehicle where the
14 alleged assault occurred.

15 Q. All right. What did you examine with respect to the
16 attack on the young lady?

17 A. Okay. The rape kit included a total of 20 items.
18 There was a bottle of blood contained from the victim, an
19 oral wash, vaginal aspirate, saliva sample, two vaginal
20 slides, slides, swabs from the posterior and the cervix,
21 one rectal slide, two rectal swabs, two swabs, semen
22 stains on the left arm, one swab from semen stains on the
23 left thigh, one swab semen stains on the right thigh and
24 chin, semen and pubic hair, one hair from the right
25 forearm, combed pubic hairs, four pubic hairs, one pair

1 of panties and one pair of plaid shorts and bra.

2 Q. Without going into a lot of detail, Ms. Gilchrist,
3 did you compare the items gathered at the scene of the
4 crime with the samples taken from this Defendant?

5 A. I did not get reference samples from the Defendant
6 at that time.

7 Q. Did you later have reference samples to compare this
8 to?

9 A. No, I didn't.

10 Q. Okay. Do you know, based upon -- well, you did in
11 other cases have other reference samples form the
12 Defendant?

13 A. Yes, I did.

14 Q. Have you compared the evidence found at the scene of
15 this crime with the samples obtained from the Defendant?

16 A. Yes, I did.

17 Q. What did you find?

18 A. First of all I found semen on numerous items of
19 evidence, the semen donor was A secretor, that would be
20 consistent with the secretor status of the Defendant.

21 Q. What else did you find?

22 A. I found semen in the rectal swabs what was also
23 consistent. I also found semen stains in the car where
24 the victim had been transported, and semen from an A
25 secretor, and I also found some buttons and some scalp

1 hairs that were consistent with the victim.

2 Q. Where were these found?

3 A. They were found in the car.

4 Q. This is the blue Volkswagen?

5 A. Yes, it was.

6 Q. Was there anything done with reference to serology
7 or blood?

8 A. Yes, there was.

9 Q. What was that?

10 A. On the clothing of the suspect, I also found
11 samples, blood stains. From the blue shirt the Defendant
12 was wearing I found blood that is Type O, the victim is
13 Type O. A pair of trousers worn by the Defendant I found
14 Type O blood also. I also conducted an electrophoresis,
15 and first of all Philomena Neel has Peptidase A-1,
16 Esterase D-2-1 and PGM 2-1. From the white shirt I found
17 Peptidase A-1 and PGM 2-1. From the white trousers I
18 found Esterase D-1 and PGM 2-1.

19 Q. Are these consistent with the blood type of the
20 victim?

21 A. Yes, it is.

22 Q. They were found on the clothing of this man sitting
23 over here?

24 A. That is correct.

25 Q. What is his blood?

1 A. He is Type A secretor.

2 MR. MACY: That is all, Your Honor.

3 THE COURT: You may cross.

4 CROSS EXAMINATION

5 BY MR. SUMNER:

6 Q. Who provided you information to analyze?

7 A. Who provided me information to analyze?

8 Q. Yes, sir.

9 A. Analyze what?

10 Q. Talking about this analysis, who provided you
11 information?

12 A. The evidence was collected by the doctors at
13 Oklahoma Memorial Hospital. That evidence was later
14 submitted to our laboratory by specialist Kim Harvell,
15 and I was brought in on the investigation on this case --

16 MR. SUMNER: May I approach the Bench?

17 (Whereupon, the following record was made outside
the hearing of the Jury.)

18 MR. SUMNER: I would ask that this witnessess
19 entire testimony be excluded from the record, excluded
20 for lack of bases and lack of proper notification to the
21 defense for her being a witness in Stage Two, for lack of
22 proper chain of evidence, that she has not been given a
23 proper foundation to testify from the results, the
24 information that she has.

25 THE COURT: Mr. Macy?

1 MR. MACY: Your Honor, this is Stage Two, and
2 number one, we have not offered any items into evidence.
3 We don't have to -- she has testified what she found in
4 this case. It is up to the Jury to weight the
5 credibility as to whether or not it was proper and how
6 she received it and so forth. Again, this is Stage Two.

7 THE COURT: Anything else?

8 MR. ALBERT: Your Honor, he is not on trial for
9 these crimes --

10 THE COURT: I understand that, Mr. Albert.
11 Your objection is overruled. Let's go on.

12 (Whereupon, the following proceedings were had back
13 in the hearing of the Jury with all parties
present.)

14 THE COURT: Go ahead, Mr. Sumner.

15 MR. SUMNER: I have no further questions.

16 MR. MACY: Nothing further.

17 THE COURT: You may step down and you may be
18 excused. Call your next witness.

19 MR. MACY: The State rests.

20 THE COURT: Is the Defendant ready to proceed?

21 MR. SUMNER: Yes, Your Honor.

22 THE COURT: Do you wish to make an opening
23 statement?

24 MR. SUMNER: Yes. Ladies and gentlemen of the
25 Jury. You have had a trying time in this matter so far.

ATTORNEY COPY

FILED
DISTRICT COURT
OKLAHOMA COUNTY, OK

IN THE DISTRICT COURT OF OKLAHOMA COUNTY

STATE OF OKLAHOMA

Am 25 12 30 '89
TOM PETUSKEY,
COURT CLERK

BY _____
DEPUTY

1 THE STATE OF OKLAHOMA,

)

2 Plaintiff,

)

3 VS.

)

Case No.
CRF-85-2637

4 CURTIS EDWARD McCARTY,

)

5 Defendant.

)

10 * * * * *

11 VOLUME 6 OF 11

12 PROCEEDINGS OF SEPTEMBER 25, 1989

13 FROM JURY TRIAL HAD ON THE

14 18TH THROUGH 22ND AND

15 25TH THROUGH 29TH DAYS

16 OF SEPTEMBER, 1989, AND

17 2ND DAY OF OCTOBER, 1989

18 BEFORE THE

19 HONORABLE JACK R. PARR

20 * * * * *

22 Reported by:

23
24 Rebecca S. Young, CSR, RPR/CP
25 705 Oklahoma County Courthouse
Oklahoma City, Oklahoma

COPY

1 (Court stood in recess until 9 o'clock a.m.,
2 September 25, 1989, at which time, the following
3 transpired in open court:)

4 THE COURT: Good morning, ladies and gentlemen of
5 the jury.

6 Is the State ready to proceed?

7 MR. MACY: Yes, Your Honor.

8 MR. ALBERT: The State is ready, Your Honor.

9 THE COURT: Is the Defendant ready?

10 MR. AUTRY: Yes, sir.

11 MR. MACY: The witness has already been sworn, Your
12 Honor.

13 THE COURT: Beg your pardon?

14 MR. MACY: The witness has already been sworn.

15 THE COURT: Yes, and she testified at length Friday
16 afternoon. Proceed.

17 CONTINUED DIRECT EXAMINATION

18 BY MR. ALBERT:

19 Q Ms. Gilchrist, when we stopped Friday evening, I believe
20 I had asked you about your Item Number 39, loose hairs
21 collected by the medical examiner from the body of Pamela
22 Willis. And I believe I asked you if you had made a
23 microscopic hair comparison between those hairs -- well,
24 strike that.

25 Did you determine those hairs to be of Caucasian origin?

1 A I did.

2 Q Did you make a microscopic examination of the loose hairs
3 taken from the chest of [REDACTED] by the medical examiner
4 with the known hairs of [REDACTED]?

5 A I did.

6 Q And did you find those hairs to be consistent or
7 inconsistent with the known hairs of [REDACTED]?

8 A I found one scalp hair taken from the victim's chest at
9 the morgue is consistent microscopically with the scalp hairs
10 obtained from [REDACTED]; therefore, this hair could have
11 come from [REDACTED]

12 Q And how many hairs were included in that sealed envelope
13 from the medical examiner?

14 A There were a total of six hairs.

15 Q So five of the hairs then were inconsistent
16 microscopically with the known hair of [REDACTED]?

17 A That's correct.

18 Q Were you able to determine from the hair samples that you
19 had at that time or the hair samples that you came into
20 possession of at some later time whether those five hairs were
21 consistent with the known body scalp or pubic hairs of any
22 other person?

23 A I was.

24 Q Tell the Court and jury what your microscopic hair
25 comparison -- what your findings were.

1 A I determined that one pubic hair taken from the victim's
2 chest at the morgue is consistent microscopically with the
3 pubic hairs obtained from Curtis McCarty; therefore, this hair
4 could have come from McCarty.

5 Q Okay. Now, when you rendered your formal forensic report
6 in this case, was there a typographical error?

7 MR. AUTRY: Your Honor, I'm going to object to
8 Mr. Albert trying to repair --

9 THE COURT: The objection is overruled.

10 Q (By Mr. Albert) Did you have a typographical error in
11 your forensic report in this regard?

12 A I did.

13 Q Will you explain to the ladies and gentlemen of the jury
14 what that error was and how it resulted?

15 A Well, the error was that when this report was written up,
16 it's such a long lengthy report, two statements had been --
17 one statement had been omitted from my conclusions in
18 summarizing my hair comparison results. I did not catch that
19 at the time this report was sent out. But I did make the
20 change accordingly to correct that statement.

21 The omission was that the pubic hair that I found loose
22 on the chest of [REDACTED] was consistent with the pubic hairs
23 from Curtis McCarty. That statement had been left out of my
24 report.

25 In essence, the original, this statement read as such:

1 "One pubic hair and four body hairs taken from the victim's
2 chest at the morgue are not microscopically consistent with
3 pubic hairs obtained from [REDACTED] or Curtis McCarty;
4 therefore, these hairs could not have come from [REDACTED] or
5 McCarty." And it should have read: "One pubic hair from the
6 victim's chest is microscopically consistent with the pubic
7 hairs of Curtis McCarty and therefore could have come from
8 him. The four body hairs obtained from the victim's chest at
9 the morgue are not consistent with any of the reference hairs
10 obtained from [REDACTED] or McCarty; therefore, these hairs could
11 not have come from [REDACTED] or McCarty."

Q So you had one scalp hair of the loose hairs taken from
the chest of [REDACTED] by the medical examiner.

A Correct.

Q You had one scalp hair consistent with [REDACTED] under
the microscope.

A That's correct.

Q You had one pubic hair consistent with a known pubic hair
of this Defendant, Mr. McCarty, under the microscope.

A That's correct.

Q And then you had four hairs that were not consistent with
either one of them.

A That's correct.

Q From a third party.

A Yes.

1 Q Or consistent with a third party.

2 A Some other party.

3 Q Okay. Now, do you have your work notes with you?

4 A Yes, I do.

5 Q On this part of the analysis?

6 A Yes, I do.

7 Q Would you refer to your work notes? Do your work notes
8 reflect what you've testified to here before the jury
9 concerning the consistency of the scalp hair with Ms. [REDACTED]
10 and the microscopic consistency of the pubic hair from the
11 Defendant, Mr. McCarty?

12 A Yes, it does.

13 Q So your work notes then were accurate even though there
14 was an error in your forensic report?

15 A That's correct.

16 Q Okay. Now, let me ask you about Item Number 40 on your
17 forensic report, hairs taken from the wound of [REDACTED] by
18 the medical examiner. Now, he submitted to you an envelope
19 sealed that contained a hair taken from one of the knife
20 wounds of the victim, [REDACTED].

21 A That's correct.

22 Q And did you receive that hair in a sealed and closed
23 condition?

24 A I did.

25 Q Did you make a microscopic analysis of that hair against

1 the known scalp or pubic hair of Pam Willis?

2 A I did.

3 Q And what were your findings?

4 A The hair was inconsistent with the known scalp hairs of

5 [REDACTED]
6 Q Did you make a microscopic examination of that hair
7 against the known scalp or pubic hair of the Defendant,
8 Mr. Curtis Edward McCarty?

9 A I did.

10 Q And what were your findings, Ms. Gilchrist?

11 A My findings were the one scalp hair fragment taken from
12 the victim's chest wound at the morgue is consistent
13 microscopically with scalp hairs obtained from Curtis McCarty;
14 therefore, this hair could have come from McCarty.

15 Q Let me show you what has been introduced in evidence as
16 State's Exhibit Number 36. And what is that envelope,
17 Ms. Gilchrist?

18 A Well, it's an evidence closed envelope from the M.E.'s
19 office that contained my Item Number 40.

20 Q Contains what?

21 A My Item Number 40, hairs from a wound of Pam Willis.

22 Q Now, did the medical examiner indicate on the outside of
23 that sealed envelope which wound the hair came from?

24 A No, he did not.

25 Q Is this the hair you examined microscopically against the

1 known pubic hair of Mr. McCarty?

2 A The hair I examined microscopically with the known scalp
3 hairs of Curtis McCarty.

4 Q And you found them to be microscopically consistent in
5 all respects?

6 A Correct.

7 Q No dissimilarity whatsoever?

8 A No.

9 Q Now, you had the envelope marked pubic hair combing from
10 the medical examiner, is that correct?

11 A Yes.

12 Q Did you -- was that submitted to your laboratory in a
13 sealed and closed condition?

14 A It was, yes.

15 Q And did you open it and look at the contents of that
16 envelope?

17 A I did.

18 Q Tell the Court and jury what you found inside.

19 Q I found a number of pubic hairs in this envelope along
20 with a comb used for the pubic hair combing, and there was a
21 substance adhered to the hairs.

22 Q Okay. And were you able, by observing the substance
23 adhered to these hairs, to determine what it was?

24 A I was.

25 Q Just by looking at it?

1 A No. I had to do an analysis.

2 Q You did a scientific test?

3 A Correct.

4 Q All right. Tell the Court and jury very briefly in a
5 nutshell what kind of tests you performed and what your
6 findings were.

7 Q I made an extract of that substance from the hairs. I
8 looked for the presence of acid phosphatase and microscopic
9 search of spermatozoa. I was able to identify semen. I then
10 went on to an attempt to determine the blood type of the
11 substance of the donor of that substance. I was able to
12 identify the ABO secretor blood group substance A. And my
13 electrophoresis results showed that PGM activity of Type 1.

14 Q Now, that's consistent with the victim, [REDACTED] is it
15 not?

16 A That is correct.

17 Q But again, she would not have been able to have
18 physiologically produced semen within her own body, would she?

19 A No, she could not.

20 Q Now, the presence of the ABO blood Type A and the
21 genetic marker PGM (1), is that consistent with the known ABO
22 blood classification and genetic marker of the Defendant,
23 Mr. Eddie McCarty?

24 A It is.

25 MR. AUTRY: Your Honor, may we approach the bench

1 briefly?

2 THE COURT: Yes.

3 (The following proceedings were had at the bench outside
4 the hearing of the jury:)

5 MR. AUTRY: Your Honor, just as we objected the
6 other day to Ms. Gilchrist saying that the ESD antigen found
7 on the swabs was consistent with Mr. McCarty, we object to her
8 stating that the A blood antigen and the PGM (1) were
9 consistent with him. They were also consistent with the
10 victim and could well have come from her. I don't think she
11 can exclude that possibility. Therefore, to try to link these
12 two things to Mr. McCarty, we feel is somewhat misleading.

13 MR. ALBERT: Judge, I brought out initially that it
14 was consistent with the victim, but the victim cannot produce
15 semen. And I think it goes to weight and credibility and not
16 to admissibility as to --

17 THE COURT: Subject to cross examination. The
18 objection is overruled.

19 MR. AUTRY: Okay. Thank you.

20 (The following proceedings were had in open court within
21 the hearing of the jury:)

22 Q (By Mr. Albert) Ms. Gilchrist, on your examination of
23 the substance adhered to the pubic hairs combed from the
24 vaginal area of [REDACTED], were you able to quantify, I guess
25 is a word I'm looking for, could you determine whether -- the

1 amount of seminal material present in the pubic hairs?

2 A I did make an attempt to do a P-30 test. However, in the
3 course of my analysis -- this investigation was ongoing -- I
4 had been interrupted a number of times during the course of my
5 analysis to stop to take body hair samples or rectal samples
6 from possible suspects. That interfered with my analysis, the
7 results of my analysis, on the P-30 and for the enzyme
8 activity. So I'd have to say I could make no determination as
9 far as quantity goes.

10 Q Okay. Now, you had also had contained in the evidence
11 envelope submitted by the medical examiner scalp hairs and
12 pubic hairs which you've listed under Items 41 and 43 in your
13 report. Were those known samples taken from the victim?

14 A Yes, they were.

15 Q Okay. Now, let me show you what has been introduced in
16 evidence as State's Exhibit 31. Was that item submitted to
17 you in a closed and sealed condition from the medical
18 examiner's office?

19 A It was.

20 Q And did you conduct any scientific tests on the knife,
21 item State's Exhibit 31, to determine if there was present
22 blood? And if you were able to make that determination, did
23 you make an effort to determine the ABO blood classification?

24 A Yes, I did. The ABO blood type is not on my report here,
25 I see now, also, Number 44. It was Type A blood.

1 Q That's consistent with the victim, Ms. [REDACTED].

2 A Yes, that's correct.

3 Q Did you find anything else on State's Exhibit 31, any
4 fibers or hairs or other trace evidence?

5 A I'd have to refer back to my notes.

6 No, just blood.

7 Q Okay. Now, you also had submitted from the state medical
8 examiner fingernail clippings from both the left and right
9 hand of Ms. [REDACTED]?

10 A That's correct.

11 Q Did you make any examination, microscopic or otherwise,
12 of those fingernail clippings?

13 A I did.

14 Q Did you find anything unusual on that examination?

15 A I found nothing under the fingernail clippings.

16 Q Now, Ms. Gilchrist, submitted also with the medical
17 examiner's evidence was one fitted sheet and one flat sheet,
18 is that correct?

19 A That's correct.

20 Q Let me show you State's Exhibit Number 1. Do you see the
21 sheet that is wrapped around the head of the victim?

22 A I do.

23 Q All right. Was that one of the sheets submitted to you
24 by the medical examiner's office?

25 A Yes.

1 Q Now, do you see the sheet that she's lying on in State's
2 Exhibit 1, with the yellow on the outside and the white on the
3 inside?

4 A Yes, I do.

5 Q Now, that's an AmCare morgue sheet, is it not?

6 A That's correct.

7 Q Was that sheet also submitted to your laboratory by the
8 medical examiner's office?

9 A That was submitted by me, the evidence that I had
10 submitted to our laboratory.

11 Q You submitted that sheet yourself?

12 A That's correct.

13 Q Did you collect that the day you went to the medical
14 examiner's office to attempt to fume the body and find
15 fingerprints on the body of Ms. [REDACTED]?

16 A I collected that at the scene -- well, from the morgue,
17 yes, after the -- I had gone to do the O.T. spraying on the
18 body. The body was taken from that sheet and I collected it
19 then.

20 Q Okay. Now, Ms. Gilchrist, you saw Ms. [REDACTED] at the
21 scene of the crime, did you not?

22 A I did.

23 Q This sheet that is reflected on State's Exhibit 1 is
24 being wrapped around her head. Do you see that?

25 A I do.

1 Q Is that one sheet or is that two sheets?

2 A It turned out to be two sheets.

3 Q There are two sheets involved in that one wrapping?

4 A Yes.

5 Q Okay. Now, tell the ladies and gentlemen of the jury
6 what you did with those two sheets that came to your lab from
7 the medical examiner.

8 A Well, I examined for the presence of trace evidence,
9 hairs and fibers. I also noticed some other stains that I was
10 not able to ever identify. I did recover a number of hairs
11 from those sheets and in the course of my examination made
12 comparisons with the reference samples submitted in this case.

13 Q Okay. Let's start with the fitted sheet, your Item
14 Number ~~47~~. If you will, tell the Court and ladies and
15 gentlemen of the jury what items you removed from that sheet.

16 A I removed a number of hairs from that sheet. Start off
17 with 29 scalp hairs taken from the fitted sheet are consistent
18 microscopically with the scalp hairs obtained from [REDACTED]
19 [REDACTED]; therefore, these hairs could have come from [REDACTED].

20 Four scalp hairs taken from the fitted sheet are
21 consistent microscopically with the scalp hairs obtained from
22 Curtis McCarty; therefore, these hairs could have come from
23 McCarty.

24 Three scalp hairs taken from the fitted sheet are not
25 microscopically consistent with the scalp hairs obtained from

1 [REDACTED] or Curtis McCarty; therefore, these hairs could not
2 have come from [REDACTED] or McCarty.

3 Q Okay. Now, you were on the scene of the crime. Do you
4 have a recollection as to whether the bed in the bedroom had a
5 sheet on it when you went in to make your inspection?

6 A Yes, it did have a sheet on it.

7 Q It had a sheet on the bed?

8 A Yes, it did.

9 Q But the sheet that was wrapped around [REDACTED] neck
10 and face had four scalp hairs microscopically consistent with
11 the known scalp hairs of the Defendant, Mr. McCarty, on it; is
12 that what you testified to?

13 A That's correct.

14 Q Okay. Now, let's deal with the flat sheet, your Item
15 Number 407. Tell the ladies and gentlemen of the jury what
16 items you took from that sheet, what your examination
17 consisted of and what your findings were.

18 A Okay. Twenty-nine scalp hairs taken from the flat sheet
19 are consistent microscopically with the hairs obtained, scalp
20 hairs obtained from [REDACTED]; therefore, these hairs could
21 have come from [REDACTED]

22 Two scalp hairs, one pubic hair, and four body hairs
23 taken from the flat sheet are not microscopically consistent
24 with the scalp and pubic hairs obtained from [REDACTED] or
25 Curtis McCarty; therefore, these hairs could not have come

1 from [REDACTED] or McCarty.

2 Q Now, did you make a microscopic examination of these
3 foreign hairs between Ms. [REDACTED] and Mr. McCarty with the
4 scalp or pubic or body hairs of any other persons you came
5 into contact with in your forensic examination?

6 A I made it with a number of people I came in contact with.

7 Q Did you find a consistency microscopically with any of
8 the hairs that did not match Mr. McCarty or Ms. [REDACTED] with
9 any third party --

10 A No, I did not.

11 Q -- that you had hair samples from?

12 A No, I did not.

13 Q All right. Now, Ms. Gilchrist, let me go back to the
14 pubic combing just for a moment submitted to you by the
15 medical examiner. Did you, once you had removed the
16 substance, the seminal fluid that was adhered to the pubic
17 hairs in the pubic combing, did you separate those hairs to
18 determine the type hairs you had and the number?

19 A Yes, I did.

20 Q All right. Tell the Court and jury what kind of hairs
21 you had in the pubic combing submitted by the medical
22 examiner.

23 A I had pubic hairs and body hairs in the pubic combing.

24 Q Okay. Did you examine those microscopically against the
25 known pubic hairs of [REDACTED] and the known pubic and scalp

1 hairs of the Defendant, Mr. McCarty?

2 A I did.

3 Q And tell the Court and jury what your microscopic
4 findings were.

5 A Twenty-six pubic hairs taken from the pubic combing are
6 consistent microscopically with the pubic hairs obtained from
7 [REDACTED] therefore, these hairs could have come from
8 [REDACTED]

9 Four pubic hairs and four body hairs taken from the pubic
10 combing are not microscopically consistent with the pubic
11 hairs obtained from [REDACTED] or Curtis McCarty;
12 therefore, these hairs could not have come from [REDACTED] or
13 McCarty.

14 Q Okay. Now, Ms. Gilchrist, have I asked you about each of
15 the items submitted to your laboratory by the medical
16 examiner? Have I omitted any items that was contained in the
17 morgue evidence from the medical examiner?

18 A I don't think so.

19 Q I believe that -- did I ask you about the rope Friday?

20 A Yes, you did.

21 Q Okay. Now, Ms. Gilchrist, you had a number of items
22 submitted to your laboratory by Crime Technician Charles
23 Goforth, is that correct?

24 A That's correct.

25 Q Did you receive all of the items submitted by Technician

1 Goforth in a sealed and closed condition?

2 A I did.

3 Q Now, submitted to your laboratory was a green robe, is
4 that correct?

5 A Yes, that's correct.

6 Q Tell the ladies and gentlemen of the jury how you
7 examined the robe, what you found, and what your findings
8 were.

9 A I examined the robe for the presence of trace evidence or
10 hairs. On that green robe, I found one pubic hair. I found
11 it to be not microscopically consistent with the pubic hairs
12 obtained from [REDACTED] or Curtis McCarty; and, therefore,
13 that hair could not have come from [REDACTED] or McCarty.

14 Q Okay. And is that the only hair you found on the robe?

15 A I believe so, yes.

16 Q Did you find the presence of one scalp hair on the robe?

17 A Let me go back to my written notes.

18 One scalp hair fragment consistent with Pam Willis.

19 Q Okay. Now --

20 A And also there were some other scalp hairs on that robe.

21 Q Ms. Gilchrist, let me show you what has been introduced
22 in evidence as State's Exhibit Number 26, a white sweater.

23 You've seen this before, have you not?

24 A Yes, I have.

25 Q And I will show you what has been introduced in evidence

1 as State's Exhibit 17, reflecting a white sweater on the couch
2 in the living room at 427 Southwest 39th Street. Did you see
3 this sweater on this couch when you went through the premises?

4 A Yes, I did.

5 Q Is the sweater shown on the couch the same sweater that's
6 been introduced in evidence as State's Exhibit Number 26?

7 A It is.

8 Q All right. Did you examine this white sweater in your
9 laboratory for trace evidence?

10 A I did.

11 Q And tell the ladies and gentlemen of the jury what you
12 found, what you did with those things, and what your findings
13 were.

14 A Okay. Seven scalp hairs taken from the sweater are
15 consistent microscopically with the scalp hairs obtained from
16 Pamela Willis; therefore, these hairs could have come from
17 Willis.

18 One scalp hair taken from the sweater is consistent
19 microscopically with the scalp hairs obtained from Curtis
20 McCarty; and, therefore, this hair could have come from
21 McCarty.

22 One pubic hair taken from the sweater is not consistent
23 microscopically with the pubic hairs obtained from [REDACTED]
24 nor is it consistent with the pubic hairs obtained from Curtis
25 McCarty; therefore, this hair could not have come from [REDACTED]

1 or McCarty.

2 Q Okay. But you did find one scalp hair on the sweater
3 consistent microscopically with the known scalp hair of
4 Mr. McCarty?

5 A That's correct.

6 Q Now, let me show you what has been introduced in evidence
7 as State's Exhibit Number 27, the blue jeans. Do you see
8 these?

9 A Yes.

10 Q Now, did you see these blue jeans when you were at the
11 scene of the crime doing your initial walk-through?

12 A Yes, I did.

13 Q Let me show you State's Exhibit Number 20. Do you
14 recognize those blue jeans in State's Exhibit 20?

15 A I do.

16 Q Is it the blue jeans lying here at the foot of this bed?

17 A That's correct.

18 Q All right. Did you have in your laboratory then these
19 blue jeans reflected in State's Exhibit Number 20?

20 A I did.

21 Q And did you do -- did you inspect them for the presence
22 of hair fibers or other trace evidence?

23 A Yes, I did.

24 Q And tell the ladies and gentlemen of the jury what, if
25 anything, you found on the blue jeans.

1 A Just a minute. Okay. I found one hair, one scalp hair
2 fragment, taken from the blue jeans. It's not consistent
3 microscopically with scalp hairs obtained from [REDACTED]
4 or Curtis McCarty; therefore, this hair could not have come
5 from [REDACTED] or McCarty.

6 Q Did you examine the blue jeans, particularly the crotch
7 area, for any kind of stains?

8 A Yes, I did. Let me pull out my sheet. I examined it for
9 the presence of spermatozoa and I found none there.

10 Q Found no stains on the blue jeans?

11 A I found no semen on the blue jeans, is what I examined
12 for.

13 Q Okay. Is that all you examined them for?

14 A There was, I think, another blood stain on there
15 consistent with the blood type of the victim.

16 Q Okay. ABO blood classification A?

17 A Type A, yes.

18 Q Let me show you what has been marked and identified as
19 State's Exhibit Number 23. I would ask you to take it and
20 look at it. Was that item submitted to you in a sealed and
21 closed container by Technician Goforth?

22 A It was.

23 Q And did you do any scientific tests on that item, State's
24 Exhibit 23, to determine the presence of blood or other trace
25 evidence?

1 A I did.

2 Q Tell the Court and jury what you did and what your
3 findings were.

4 A I identified the ABO blood group antigen A, which is
5 consistent with the blood type of the victim.

6 Q Did you find any other trace evidence on State's
7 Exhibit 23?

8 A No, I did not.

9 Q Okay. Now, let me show you -- let me ask you if you had
10 submitted to your laboratory other knives taken from the
11 premises at 427 Southwest 39th Street.

12 A I did.

13 Q Let me show you State's Exhibit Number 8. Do you see
14 that?

15 A Yes.

16 Q Were those knives taken from the drawer in the kitchen
17 that's shown on State's Exhibit Number 8?

18 A Yes, they were.

19 Q And did you examine those knives for the presence of any
20 kind of stains, blood stains, or other trace evidence of any
21 kind?

22 A Yeah. Yes, I did handle them very carefully. There were
23 no stains present on those.

24 Q So they were clean, is that correct? .

25 A I didn't find any stains on there.

1 Q Okay. Now, you had in your laboratory submitted by
2 Officer Goforth in a sealed and closed condition a pair of
3 pajamas, is that correct?

4 A That's correct.

5 Q Let me show you what has been introduced in evidence as
6 State's Exhibit Number 25. Have you seen that item before?

7 A Yes, I have.

8 Q Is that what is referred to as the P.J.'s, pajamas, on
9 your forensic report?

10 A Yes, it is.

11 Q All right. Did you do an examination of those pajamas to
12 determine if there were stains, hairs or other trace evidence
13 present on them?

14 A I did.

15 Q Tell the ladies and gentlemen of the jury what you did,
16 how you inspected those pajamas, what your discoveries were,
17 and what your findings are.

18 Q The P.J. rompers, as is every item of evidence I examined
19 in this case, was laid out on a clean piece of white paper,
20 usually with lighting, and I looked over this piece of garment
21 for the presence of trace evidence, hairs and fibers. There
22 were numerous stains on the P.J. rompers. I isolated those
23 stains and examined them.

24 I identified the presence of semen. I also identified an
25 ABO secretor blood group substance A. My screen test results

1 were positive for the presence of urine also. However, my
2 electrophoresis results were negative, negative because of the
3 number of interruptions I had gone through.

4 Q Okay. Now, Ms. Gilchrist, you said you found numerous
5 semen stains?

6 A There were several semen stains on that garment, yes.

7 Q Did you take cuttings from those areas?

8 A I did.

9 Q You did?

10 A Yes, I did.

11 Q And it was from those cuttings from these pajamas,
12 State's Exhibit 25, that you were able to determine the
13 presence of semen and the ABO blood classification A?

14 A That's correct.

15 Q Now, you got no electrophoretic analysis from these
16 pajamas?

17 A No, I did not.

18 Q How many semen stains were there, approximately?

19 A I'll have to look at my drawing to tell you that.

20 Q Would it help to look at these?

21 A Yes, it would.

22 Q Okay.

23 A There were a total of four stained areas on this garment.

24 Q If I might, let me hold the garment.

25 MR. ALBERT: And if we may have leave, Your Honor,

1 I'm not going to ask her any questions but I'm going to ask
2 her to step down in front of the jury and point out where the
3 semen stains were located. May I do that, sir?

4 Q (By Mr. Albert) Ms. Gilchrist, if you will, I'm going to
5 ask you to step down in front of the jury and point out those
6 areas where semen stains were present on the P.J. rompers.

7 (Witness steps down from witness chair and indicates.)

8 A Here, this area here, and here (indicating).

9 Q Take your seat in the witness stand.

10 (Witness returns to the witness chair.)

11 Q Ms. Gilchrist, I notice that on the back there appears to
12 be some writing that -- did you put that writing on the back?

13 A Yes. Whenever I do my analysis, I try to have an
14 unstained area to use as a control to make sure everything is
15 working properly, and I did put that writing on that.

16 Q So it's a check and balance?

17 A That's correct.

18 Q You took a cutting of an area that had no stains and
19 analyzed it. And as a check and balance against those areas,
20 you cut an area that did have a stain, is that correct?

21 A That's correct.

22 Q Now, again, [REDACTED] would have been incapable of
23 placing those semen stains on these pajamas, is that correct?

24 A That's correct.

25 Q The blood analysis that you did, ABO blood classification

1 A, now that's consistent with the known blood classification
2 of [REDACTED], is it not?

3 A It is.

4 Q Is it also consistent with the known ABO blood
5 classification of the Defendant, Mr. Eddie McCarty?

6 A It is.

7 Q Did you find any hairs on the P.J., pajamas?

8 A Yes, I did.

9 Q Will you tell the ladies and gentlemen of the jury how
10 many hairs you found, what kind they were, and if you made a
11 microscopic comparison of the hairs found on the pajamas, the
12 unknown hairs, with the known scalp or pubic hairs of [REDACTED]

13 [REDACTED] or the known scalp or pubic hairs of the Defendant,
14 Mr. Edward McCarty?

15 A Yes, I did. First of all, I have a total of 13 scalp
16 hairs, two body hairs -- or two pubic hairs and three body
17 hairs that were taken from the P.J. rompers.

18 Six scalp hairs taken from the P.J. rompers are
19 consistent microscopically with the scalp hairs obtained from
20 [REDACTED]; therefore, these hairs could have come from
21 [REDACTED]

22 Six scalp hairs taken from the P.J. rompers are
23 consistent microscopically with the scalp hairs obtained from
24 Curtis McCarty; therefore, these hairs could have come from
25 McCarty.

1 One scalp hair, two pubic hairs, and three body hairs
2 taken from the P.J. rompers are not microscopically consistent
3 with the scalp and pubic hairs obtained from [REDACTED]
4 nor are they consistent with the scalp and pubic hairs
5 obtained from Curtis McCarty; therefore, these hairs could not
6 have come from [REDACTED] or McCarty.

7 Q But from the pajamas, State's Exhibit Number 25, you
8 found six scalp hairs consistent with -- microscopically
9 consistent in all respects with the known scalp hairs of the
10 Defendant, Mr. McCarty, is that correct?

11 A That's correct.

12 Q Without any dissimilarities, is that correct?

13 A That's correct.

14 Q Ms. Gilchrist, let me show you what has been marked and
15 introduced in evidence as State's Exhibit 24. And can you
16 tell the ladies and gentlemen of the jury what that is?

17 A A pair of panties that was lying on the floor of the
18 crime scene.

19 Q Did you see those panties on the floor of the crime
20 scene when you were there inspecting the crime scene as a part
21 of your forensic investigation?

22 A I did.

23 Q I'll show you what's been introduced in evidence as
24 State's Exhibit 6. Do you see those panties in that
25 photograph?

1 A Yes, I do, right there (indicating).

2 Q In what room of the house is that, if you recognize that?

3 A That's the south bedroom, the front bedroom.

4 Q And you pointed to this item right here (indicating) --

5 A That's correct.

6 Q -- as the panties that was introduced in evidence as
7 State's Exhibit 24, is that correct?

8 A That's correct.

9 Q Now, was this item, the panties found on the floor of the
10 bedroom, were they submitted to your laboratory in a sealed
11 and closed condition?

12 A They were.

13 Q And did you open them and examine them for the presence
14 of stains, hairs, fibers or other trace evidence?

15 A I did.

16 Q Tell the ladies and gentlemen of the jury what, if
17 anything, you found on the panties.

18 A I identified the presence of semen and I identified the
19 ABO secretor blood group substance A. My electrophoresis
20 results were negative.

21 Q Did you find the presence of any scalp, pubic or other
22 human hairs?

23 A I did.

24 Q Tell the ladies and gentlemen of the jury what you found.

25 A One scalp hair taken from the panties is not consistent

1 microscopically with the scalp hairs obtained from [REDACTED]
2 [REDACTED] or Curtis McCarty; therefore, this hair could not have
3 come from [REDACTED] or McCarty.

4 Q Did you find any other hairs or other trace evidence on
5 the panties?

6 A Let me check my other notes. I don't think so.

7 No, I did not.

8 Q Okay. Now, you did find a semen stain on the panties, is
9 that correct?

10 A That's correct.

11 Q And without undoing this, can you tell the ladies and
12 gentlemen of the jury where that semen stain was found?

13 A There were at least four semen stains in the panties.

14 Q Okay. Now, did you find semen stains in the crotch of
15 the panties?

16 A I did.

17 Q And did you find semen stains in other areas of the
18 panties?

19 A Yes, I did.

20 Q Where else besides in the crotch area?

21 A In the front part of the panties right above the pubic
22 region, I found a semen stain. In the back part of the
23 panties along the waist line in the mid-section of the
24 buttocks area, I found two semen stains. And then lower onto
25 the -- in the lower portion of the back, I found another semen

1 stain. So I had five different semen stains.

2 Q And did you use that test you've already testified about
3 concerning the determination of the presence of semen?

4 A Yes, I did.

5 Q The acid phosphatase test.

6 A And the microscopic search.

7 Q Did you find under the microscope the presence of
8 spermatozoa on all the cuttings that you took from the
9 panties?

10 A I did.

11 Q And that would be conclusive for the presence of semen,
12 is that correct?

13 A That's correct.

14 Q And again, [REDACTED] would have not been physiologically
15 able to produce semen within her own body.

16 A No, she would not.

17 Q Now, you were able to do an ABO blood classification of
18 those stains, is that correct?

19 A That's correct.

20 Q Did you do a blood classification of each stain that you
21 found on the panties?

22 A I did.

23 Q And you determined, I believe you've already stated, that
24 the ABO blood classification of the donor of the semen stains
25 -- strike that.

1 I believe you stated that you determined the presence of
2 the A antigen in the semen stain, is that correct?

3 A The A secreter blood group substance, yes.

4 Q The A secreter blood group substance. Now, that's
5 consistent with the ABO blood classification of Pam Willis, is
6 it not?

7 A That's correct.

8 Q Is it also consistent with the ABO blood classification
9 and secretor status of the Defendant, Mr. Curtis Edward
10 McCarty?

11 A It is.

12 Q Now, were you able to quantify the amount of semen that
13 you found on the panties? I mean, can you tell us how much?

14 A No. As I stated earlier, my analyses in those were
15 interrupted, so I could not tell you that.

16 Q Okay. Now, you also had submitted to your laboratory one
17 bedspread submitted by Charles Goforth, technical
18 investigator, in a sealed and closed condition, is that
19 correct?

20 A That's correct.

21 Q Let me show you what has been introduced in evidence as
22 State's Exhibit Number 4. Do you see that bedspread in this
23 photograph?

24 A I do.

25 Q And is it the checkered quilt-looking item that's in the

1 photograph?

2 A It is.

3 Q Okay. Now, Ms. Gilchrist, when you received this
4 bedspread in your laboratory in a sealed and closed condition,
5 was there anything about the packaging that caused you to
6 think it had been opened or tampered with or altered in any
7 way?

8 A No, there was not.

9 Q Did you inspect this bedspread for the presence of hair
10 fibers and other trace evidence?

11 A I did.

12 Q Will you tell the ladies and gentlemen of the jury what
13 hairs, fibers or other evidence you found on the bedspread?

14 A Okay. First of all, on that bedspread I identified or
15 isolated 11 different stained areas on that bedspread. I
16 identified blood and the ABO group antigen A. I also
17 identified the presence of semen and I identified the ABO
18 secretor blood group substance A. My electrophoresis
19 results were negative.

20 Q Okay. Now, that bedspread was taken from the home of
21 Melanie Coffman, is that right?

22 A That's correct.

23 Q And did you at some point in your forensic investigation
24 come into the known blood sample of Melanie Coffman?

25 A Yes, I did.

1 Q Did you determine her ABO blood classification?

2 A Yes, I did.

3 Q And what did you determine her ABO blood classification
4 to be?

5 A She's a Type A Lewis secretor.

6 Q So the -- okay. So the stains you found on the bedspread
7 were consistent with her ABO blood group classification and
8 secretor status, as well as [REDACTED]

9 A "Her" meaning Melanie, yes.

10 Q Now, did you also at some point in your forensic
11 investigation come into possession of the known blood sample
12 of Dale Coffman?

13 A Yes, I did.

14 Q And did you determine his ABO blood classification and
15 secretor status?

16 A Yes, I did.

17 Q And what did you determine it to be?

18 A Dale Coffman is ABO Type A blood, and he is a Lewis
19 secretor.

20 Q Now, Mr. Coffman is of the same ABO blood classification
21 and secretor status as the Defendant, Mr. McCarty, is that
22 correct?

23 A That's correct.

24 Q Now, the stains you found on the bedspread were, in fact,
25 semen stains?

1 A Yes.

2 Q Did you find the presence of spermatozoa under the
3 microscope when you examined those stains?

4 A I did.

5 Q So the male donor of the semen found on the bedspread
6 would have been an A secretor type person. Is that a fair
7 statement?

8 A Or a non-secretor.

9 Q Okay. Now, if that person had been a non-secretor, you
10 would not have expected to have found the ABO blood
11 classification A of the male donor, would you?

12 A That's correct.

13 Q So you would account for the ABO A substance or blood
14 antigen as being part of the body fluids of Ms. Willis or
15 Ms. Coffman, is that correct?

16 A That's correct.

17 Q Okay. Did you find the presence of any hairs on the
18 bedspread that you examined?

19 A I did.

20 Q Tell the ladies and gentlemen how many and what kind of
21 hairs you found present on the bedspread.

22 Q I identified one scalp hair taken from the bedspread to
23 be consistent microscopically with the scalp hairs obtained
24 from Curtis McCarty; therefore, this hair could have come from
25 McCarty.

1 One scalp hair taken from the bedspread is not consistent
2 microscopically with the hairs obtained from [REDACTED] or
3 Curtis McCarty; therefore, this hair could not have come from
4 [REDACTED] or McCarty.

5 Q Did you find the presence of any scalp hairs on the
6 bedspread that was consistent with [REDACTED]?

7 A No, I did not.

8 Q Okay.

9 A Yes, I did. I have one hair -- three hairs that were
10 consistent with [REDACTED]

11 Q From the bedspread?

12 A From the bedspread, three hairs.

13 Q Okay. Now, let me show you what has been introduced in
14 evidence again as State's Exhibit Number 20. Do you see the
15 red and black item in State's Exhibit 20?

16 A Yes, I do.

17 Q Can you tell the Court and jury what it is?

18 A It's a sleeping bag.

19 Q Okay. This item right here --

20 A That's correct.

21 Q -- is a sleeping bag. And where was this sleeping bag as
22 it's shown in State's Exhibit 20, where is it lying?

23 A To the foot of the bed in the crime scene.

24 Q Okay. Now, was this sleeping bag submitted to your
25 laboratory, Ms. Gilchrist, in a sealed and closed condition?

1 A It was.

2 Q And when you opened that package containing a sleeping
3 bag, tell the ladies and gentlemen of the jury what you did
4 with it, how you inspected it, and what you found, if
5 anything, present on the sleeping bag.

6 A The bag was opened up and spread out on my examination
7 table with white paper underneath it. Using tweezers and a
8 flashlight, I removed additional paint chips from the sleeping
9 bag, and I also removed some hairs from the sleeping bag.

10 The first item was six scalp hairs taken from the
11 sleeping bag, consistent microscopically with scalp hairs
12 obtained from [REDACTED]; therefore, these hairs could have
13 come from [REDACTED].

14 One scalp hair taken from the sleeping bag is consistent
15 with the scalp hairs obtained from Curtis McCarty; therefore,
16 this hair could have come from McCarty.

17 One scalp hair taken from the sleeping bag is not
18 microscopically consistent with the scalp hairs obtained from
19 [REDACTED] or Curtis McCarty; therefore, this hair could not
20 have come from [REDACTED] or McCarty.

21 Q Did you find any seminal stains or other stains on the
22 sleeping bag?

23 A No.

24 Q But you did find one scalp hair microscopically
25 consistent in all respects with the known scalp hair of the

1 Defendant, Mr. McCarty, is that correct?

2 A That's correct.

3 Q With no dissimilarities?

4 A No dissimilarities.

5 Q Now, Ms. Gilchrist, let me show you what has been
6 introduced in evidence State's Exhibit Number 2. Do you see
7 the floor of the kitchen beneath the photograph of [REDACTED]

8 [REDACTED] in that picture?

9 A I do.

10 Q And of course you were there and you saw it in person,
11 is that right?

12 A That's correct.

13 Q Can you describe the kind of floor the kitchen at 427
14 Southwest 39th Street had on the floor?

15 A It was a light-colored linoleum floor.

16 Q Now, did Technician Charles Goforth submit to you a
17 cutting from this linoleum floor under or near the body of [REDACTED]

18 [REDACTED]?

19 A He did.

20 Q And where approximately was that cutting taken?

21 A That cutting was taken beyond the feet of the body of

22 [REDACTED].

23 Q Ms. Gilchrist, while we're on this photograph, State's
24 Exhibit 2, do you see the ink circle around the knife that's
25 embedded in the chest of Ms. [REDACTED]?

1 A I do.

2 Q And do you see the initials here?

3 A Yes.

4 Q Is that your initial?

5 A Those are my initials, yes.

6 Q And this circle and those initials were put on this

7 photograph at a prior proceedings by you personally, is that

8 correct?

9 A That's correct.

10 Q Okay. Now, Ms. [REDACTED], on this linoleum floor, the

11 cutting that was submitted to your laboratory by Crime

12 Technician Goforth, did you request him to make that cutting?

13 A I did.

14 Q And for what purpose?

15 A Because I saw what appeared to be a stain, a clear stain

16 on the floor, and we had almost a -- it had almost a perfect

17 drop, a 90-degree drop, and I wanted to examine it further at

18 the laboratory because the lighting at the crime scene was not

19 that good at all.

20 Q Okay. And when the cutting was taken from the floor, was

21 it sealed and packaged and submitted to your lab in that

22 condition?

23 A It was, yes.

24 Q When you opened it for inspection, did you see the same

25 almost perfect drop of a liquid substance you observed on the

1 floor when you were on the scene during the early morning
2 hours of December the 10th of 1982?

3 A I did.

4 Q And did you see more than one drop or stain on the
5 linoleum floor at that time, or the piece of linoleum
6 submitted to your laboratory?

7 A I saw more than one drop. One drop I tried to -- I
8 swabbed up while I was at the scene. The other one I left
9 intact until I got back to the laboratory.

10 Q Now, did you submit those substances to scientific
11 analysis to determine what they were?

12 A I did.

13 Q All right. Tell the Court and jury very briefly and in a
14 nutshell how you did that and what your findings were.

15 A Okay. The floor tile that was cut up and submitted to
16 our laboratory for further analysis, I found the presence of
17 semen. I identified ABO secretor blood group substance A.
18 However, my electrophoresis results were negative.

19 On the swabbing that I took of a stain while I was at the
20 crime scene, I examined it for the presence of semen. No
21 sperm was found.

22 Q On the linoleum floor, the stain contained what you
23 determined to be seminal fluid, but you did not find the
24 presence of spermatozoa?

25 A I had two areas to work with. While I was at the scene,

1 I swabbed up a substance, the clear substance, and I also
2 noticed another that was almost a perpendicular drop. I left
3 that intact. That section of the tile was cut out and
4 submitted back to our laboratory so I could view it better in
5 our lab because of the lighting conditions.

6 On the swabbing that I took at the scene, I analyzed it
7 for the presence of semen sperm. I found no spermatozoa at
8 all, no A.P., no spermatozoa.

9 Q Did you -- you did the acid phosphatase test?

10 A Yes.

11 Q It was negative?

12 A It was negative.

13 Q All right. Did you do a F-30 or other test to determine
14 whether or not that stain was seminal in nature?

15 A Yes, I did. But that was along with a batch of things I
16 had run and I didn't get any results from.

17 Q So the swabbing you took at 427 Southwest 39th was
18 inconclusive as to the nature of that stain?

19 A That's correct.

20 Q All right. Now, what about the near perfect drop that
21 was on the linoleum cutting that you examined in your
22 laboratory?

23 A I identified the presence of semen, secretor blood group
24 Substance A, and my electrophoresis results were negative.

25 Q Did you do an electrophoretic analysis?

1 A I attempted to, yes.

2 Q And you didn't get any results.

3 A I was -- my results were -- my runs were interfered with
4 in trying to go back and forth getting body samples from
5 numerous possible suspects in this case.

6 Q Okay. But you did identify spermatozoa, which is
7 conclusive for seminal fluid?

8 A That is correct.

9 Q You did identify the ABO blood classification A, which
10 is consistent with the Defendant, Mr. McCarty?

11 A That's correct.

12 Q Now, Ms. Gilchrist, you also had in your laboratory items
13 collected by you during the early morning hours of December
14 the 10th of 1982 and submitted in closed and sealed containers
15 to your laboratory by yourself, is that correct?

16 A That's correct.

17 Q Let me ask you now, you collected paint chips taken from
18 the red-and-black sleeping bag. Did you examine those paint
19 chips, or what, if anything, did you do with the paint chips?

20 A The paint chips were secured in our laboratory. We don't
21 have the capabilities -- did not have the capabilities at that
22 time to do paint analysis. So that evidence would have had to
23 have been sent off to the F.B.I. if an analyses were to be
24 needed.

25 Q It was pretty obvious that the paint chips had come from

1 the broken window in the bedroom, was it not?

2 A That's correct.

3 Q Were they of the same color and texture?

4 A They appeared to be the same color.

5 Q As the paint on the window.

6 A That's correct.

7 Q Okay. Would further analysis such as sending them to the
8 F.B.I. Laboratory or to the laboratory of the Oklahoma State
9 Bureau of Investigation have helped the forensic investigation
10 in this case in any way?

11 MR. AUTRY: Your Honor, I would object to that.

12 It's purely speculative. I don't think she would know whether
13 further analysis would have helped or not.

14 THE COURT: Objection overruled.

15 Q (By Mr. Albert) You may answer.

16 A Would it have helped forensically?

17 Q Yes.

18 A Say that it came from that window, that the paint came
19 from the paint on the window, and that's about it.

20 Q Okay. And, Ms. Gilchrist, you took and packaged and
21 submitted to your laboratory a teddy bear that was found on
22 the bed, is that correct?

23 A I took hairs from that teddy bear.

24 Q Let me show you State's Exhibit 4. Do you see the teddy
25 bear in this photograph?

1 A Yes, I do.

2 Q Right here (indicating)?

3 A Yes.

4 Q And it's lying on the bedspread near the bent knife on
5 the bed. Is that the item you pointed out?

6 A That's correct.

7 Q Okay. Now, did you examine this teddy bear, once it got
8 to your laboratory, for the presence of stains, hairs, fibers
9 or other trace evidence?

10 A That teddy bear was not submitted to our laboratory,
11 Mr. Albert. I took hairs from the teddy bear at the crime
12 scene.

13 Q Okay, so you didn't seal and package it.

14 A No.

15 Q Okay. Tell the Court and jury what, if any, hairs you
16 removed from this teddy bear at the crime scene during your
17 investigation.

18 A I took from that teddy bear two scalp hairs and two pubic
19 hairs, neither of which were consistent with [REDACTED] or
20 Curtis McCarty.

21 Q Foreign to both of these people.

22 A That's correct.

23 Q Now, Ms. Gilchrist, I think that I've asked you -- okay,
24 strike that.

25 While at the scene of the crime during the early morning

1 hours of December the 10th, did you remove from the bedspread
2 certain hairs and/or other trace evidence from the bedspread
3 prior to the time that Technician Goforth packaged it and
4 sealed it for submission to your laboratory?

5 A Yes, I did.

6 Q Tell the Court and jury what hairs and other items, if
7 any, you removed from the bedspread.

8 A I removed about -- approximately three hairs from the
9 bedspread at the scene and put them in a bindle and submitted
10 them later to our laboratory.

11 Q Did you examine those hairs under microscopic analysis?

12 A I did.

13 Q Did you compare them to the known scalp hairs of [REDACTED]

14 [REDACTED]

15 A I did.

16 Q Did you compare them to the known scalp hairs of the
17 Defendant, Mr. McCarty?

18 A Yes.

19 Q And what were your findings and results?

20 A Okay. From the bedspread, six scalp hairs taken from the
21 bedspread are consistent microscopically with the scalp hairs
22 obtained from [REDACTED]; therefore, these hairs could have
23 come from [REDACTED]

24 One scalp hair taken from the bedspread is consistent
25 microscopically with the scalp hairs obtained from Curtis

1 McCarty; therefore, this hair could have come from McCarty.

2 One scalp hair taken from the bedspread is not consistent
3 microscopically with the scalp hairs obtained from [REDACTED]
4 or Curtis McCarty; therefore, this hair could not have come
5 from [REDACTED] or McCarty.

6 Q Okay. Now, did you remove at the crime scene during your
7 forensic investigation hairs taken from the window curtain?

8 Let me show you State's Exhibits 12 and 13. Do you see
9 in these two exhibits, photographs, do you see the window
10 curtains in the bedroom?

11 A I do.

12 Q And are these the window curtains that you examined and
13 removed hairs from during your forensic investigation on the
14 scene of the crime?

15 A Yes.

16 Q Tell the ladies and gentlemen of the jury what hairs you
17 found and what other trace evidence, if any, you found on the
18 window curtains at 427 Southwest 39th Street.

19 A I only found one scalp hair, Caucasian in origin. I
20 could not make association with any of the reference samples
21 that I obtained in this case.

22 Q You did remove one scalp hair.

23 A That's correct.

24 Q Did you examine it microscopically?

25 A Yes, I did.

1 Q Did you compare it to the known scalp hair of Ms. [REDACTED]
2 and the Defendant, Mr. McCarty?

3 A I did.

4 Q And it did not match under the microscope, is that
5 correct?

6 A That's correct.

7 Q Okay. Now, while on the crime scene, did you remove
8 certain hairs from the pillow found on the bed in the bedroom
9 at 427 Southwest 39th?

10 A I did.

11 Q Tell the Court and jury what hairs you removed from that
12 pillow on the crime scene and what you did with them.

13 A The hairs were removed from the pillow. There were
14 approximately four scalp hairs. They were placed inside a
15 bindle, sealed inside an envelope, and then submitted to our
16 laboratory. Microscopic examination showed that this hair,
17 those hairs, were not consistent with either [REDACTED] or
18 Curtis McCarty.

19 Q How many hairs were there? I'm sorry, I missed it.

20 A There were four scalp hairs.

21 Q Now, while at the crime scene conducting your forensic
22 investigation, did you remove from the bottom frame of the
23 window in the bedroom any hairs or fibers or other trace
24 evidence?

25 A Yes, I did.

1 Q Okay. Tell the ladies and gentlemen of the jury what you
2 found, how you analyzed it, and what your findings were.
3

4 A On the bottom portion of the window frame, as I stated in
5 my testimony Friday, a portion of the screen had been pulled
6 back. And in that screen or that wire, I retrieved a bundle
7 of fibers and also one scalp hair which later I determined to
8 be a scalp hair fragment. I did a microscopic examination of
9 the scalp hair fragments, and these are my conclusions.
10

11 One scalp hair fragment taken from the window by the
12 frame exhibited certain similarities with McCarty's scalp
13 hairs; however, a meaningful conclusion could not be made due
14 to the amount of damage observed in this hair.
15

16 Q Now, Ms. Gilchrist, let me show you what's been marked
17 and introduced in evidence as State's Exhibit 13, a photograph
18 of the inside window of the bedroom. Do you see that?
19

20 A I do.
21

22 Q Now, when you talk about having taken this hair fragment
23 from the bottom portion of the window, was it from the inside?
24

25 A From the outside.
26

27 Q Oh, from the outside, okay. Let me show you what has
28 been introduced in evidence as State's Exhibit Number 10. Do
you see that?

29 A Yes, I do.
30

31 Q Do you recognize that as the -- what do you -- tell the
32 Court and jury what that is.
33

1 A It's an outside photograph of the window of the bedroom,
2 the south bedroom, which is right by the bed.

3 Q Is this window shown in State's Exhibit 10 the window
4 that you removed the hair fragment from that you have just
5 testified about?

6 A It is.

7 Q Do you remember what part of the bottom part of the
8 window where it was you found that hair?

9 A Approximately in this area (indicating). The screen had
10 been pulled back, and about midway up the first section of the
11 window.

12 Q In the area where the screen had been pulled back?

13 A That's correct.

14 Q Did I understand you, Ms. Gilchrist, to tell the ladies
15 and gentlemen of the jury that that hair fragment --

16 MR. AUTRY: Your Honor, we would object to
17 Mr. Albert continually restating the witness's answers.

18 THE COURT: The objection is overruled.

19 Q (By Mr. Albert) -- that that hair fragment had
20 similarities with the known scalp hair of the Defendant,
21 Mr. McCarty?

22 A That's correct, but no meaningful conclusion could be
23 made due to the amount of damage.

24 Q Okay. Now, if I understand you, you're not attempting to
25 tell this jury that this hair fragment was similar under the

1 microscope in all respects to the hair fragment of
2 Mr. McCarty.

3 A No, I'm not.

4 Q And what -- okay. But that it did bear close
5 similarities.

6 A Had some similarities, yes.

7 Q Okay. Now, you couldn't identify Mr. McCarty as the
8 person who left that hair fragment on that window, could you?

9 A No, I can't.

10 Q As a matter of fact, you cannot identify any person by
11 microscopic hair comparison, can you?

12 A No, you cannot.

13 Q But you can exclude people by microscopic hair
14 comparison.

15 A You can positively exclude someone by microscopic hair
16 comparison, yes.

17 Q Now, while at the crime scene, Ms. Gilchrist, did you
18 take and remove from the chest of the victim before her body
19 was transported to the medical examiner's office, did you take
20 and remove loose hairs from her chest?

21 A I did.

22 Q Now, let me show you what has been marked and introduced
23 in evidence as State's Exhibit 2, a photo of the victim in
24 this case on her back with a knife embedded in her chest. Are
25 you able to remember where on her chest the loose hairs were

1 located that you removed and packaged and sealed and submitted
2 to your own laboratory?

3 A Taken from the neck and right breast area.

4 Q Okay, the neck and right breast area.

5 A That's correct.

6 Q Now, when you say neck --

7 A In this general location here (indicating), below the
8 neck, I should say, in the right breast area.

9 Q You're indicating in this area right here (indicating),
10 is that right?

11 A If I can see where you're circling. Yes.

12 Q How many loose hairs did you find on the chest of
13 Ms. [REDACTED] when you did your forensic investigation?

14 A A total of nine scalp hairs.

15 Q Did you, using those techniques and methods accepted
16 generally by experts in your field, did you mount those on
17 slides and examine them under the microscope?

18 A I did.

19 Q Did you compare the loose hairs that you found on the
20 chest of Ms. [REDACTED] against her known scalp and pubic hairs?

21 A They were scalp hairs and, yes, I compared them with
22 scalp hairs.

23 Q You determined all nine of these hairs to be human hair?

24 A Yes.

25 Q Scalp hair?

1 A Correct.

2 Q Caucasian in origin.

3 A Correct.

4 Q Did you compare those nine scalp hairs against the known
5 scalp hair of [REDACTED]?

6 A I did.

7 Q And what were your microscopic findings?

8 A Eight scalp hairs taken from the victim's chest at the
9 crime scene are consistent microscopically with the scalp
10 hairs obtained from [REDACTED]; therefore, these hairs
11 could have come from [REDACTED]

12 One scalp hair taken from the victim's chest at the crime
13 scene is not consistent microscopically with the scalp hairs
14 obtained from [REDACTED] or Curtis McCarty; therefore, this
15 hair could not have come from [REDACTED] or McCarty.

16 Q Okay. Did you find on the clear plastic bag -- I've
17 always referred to them as a morgue sheet, I'm talking about
18 this item here -- did you examine that for the presence of
19 hair or trace evidence?

20 A I did.

21 Q When did you come into possession of the sheet the
22 medical examiner put Ms. [REDACTED] body on at the crime scene?

23 A That was given to me at the morgue and then I submitted
24 it to our laboratory.

25 Q Did you find any hairs or other trace evidence on that

1 clear plastic container or bag, sheet?

2 A Yes, I did.

3 Q Tell the Court and jury what you found, what your
4 examination consisted of, and what your findings were.

5 A Okay. Twenty-five scalp hairs taken from the plastic
6 sheet are consistent microscopically with the scalp hairs
7 obtained from [REDACTED] therefore, these hairs could have
8 come from [REDACTED].

9 Two scalp hairs taken from the plastic sheet are
10 consistent microscopically with the scalp hairs obtained from
11 Curtis McCarty; therefore, these hairs could have come from
12 McCarty.

13 Two pubic hairs taken from the plastic sheet are got
14 consistent microscopically with the pubic hairs obtained from
15 [REDACTED] or Curtis McCarty; therefore, these hairs could
16 not have come from [REDACTED] or McCarty.

17 Q Okay. Now, Ms. Gilchrist, Ms. [REDACTED] body laid on the
18 plastic sheet provided by AmCare from the time her body was
19 placed there until it reached the medical examiner's office.

20 MR. AUTRY: Your Honor, I don't believe that she
21 knows how it reached the medical examiner's office or whether
22 it was on the sheet the whole time or not.

23 THE COURT: Objection sustained.

24 MR. ALBERT: I agree. Counsel is correct. I'll
25 withdraw it.

1 Q Did you run a P-30 test?

2 A Yes, I did.

3 Q What were the results of that?

4 A The results were negative.

5 Q The results of the P-30 test were negative?

6 A Correct.

7 Q So you don't have a confirmatory test on any of the
8 stains you analyzed on the romper pajamas that would
9 positively indicate the presence of seminal fluid, is that
10 right?

11 A That is incorrect.

12 Q Is that because you found sperm on microscopic search?

13 A That's correct.

14 Q Were there also urine stains on the pajama rompers?

15 A Yes, there was.

16 Q And were there -- where were the urine stains? Do you
17 remember?

18 A In the crotch area of the leg area.

19 Q Were there any other type of stains?

20 A None that I could identify, no.

21 Q Now, you don't know of your own personal knowledge, do
22 you, Ms. Gilchrist, who was wearing that item or where it had
23 been worn?

24 A No, I don't know.

25 Q Don't know who owned it, anything like that?

1 A No.

2 Q And your electrophoresis, again, on the stains you
3 analyzed on the pajama rompers was negative, wasn't it?

4 A Correct.

5 Q You don't know whether the semen donor had markers like
6 Mr. McCarty, like Ms. [REDACTED], or unlike both of them.

7 A No, I don't.

8 Q You found the ABO blood secretor antigen --

9 A Substance.

10 Q -- blood secretor substance A.

11 A Correct.

12 Q Can you rule out a mixture of body fluids contributing to
13 the A antigen?

14 A No.

15 Q Could it come from the urine that you found present on
16 the pajamas? Is that right?

17 A The secretor substance?

18 Q Yes.

19 A I think unlikely. The ABO levels in urine are pretty
20 low.

21 Q Could it have come from vaginal secretions?

22 A It could have.

23 Q So you can't, again, conclusively state that the A
24 antigen you found on the pajama rompers came from the semen
25 donor?

1 A No, I cannot.

2 Q You don't know how old those stains were, do you?

3 A No, I do not.

4 Q When you got the item and you took your cuttings and made
5 you analysis, they were dry, is that right?

6 A That's correct.

7 Q So they could have been deposited days before this
8 offense took place.

9 A That's possible.

10 Q Did you find on the romper pajamas a semen stain in the
11 crotch area?

12 A Yes, I did, and other places also.

13 Q Is it possible, Ms. Gilchrist, or even likely, if you
14 could tell us, that that type of a semen stain was deposited
15 by drainage from a woman's vagina?

16 A I can't testify to that, no.

17 Q Is it possible?

18 A It's possible.

19 Q You did a blood test for Melanie Coffman, didn't you?

20 A Yes, I did.

21 Q And she was a Type A secretor?

22 A Yes, I believe so. Yes, she is.

23 Q Now, when you analyzed the panties, did you do an A.P.
24 spot test?

25 A Yes, I did.

1 Q And the results were?

2 A Positive.

3 Q You did a P-30 test also.

4 A Correct.

5 Q And the results of that were?

6 A Negative.

7 Q So the specific test you did for the presence of semen,
8 or the more specific test between those two was negative,
9 correct?

10 A Between those two, yes.

11 Q And your electrophoresis, again, was negative.

12 A Yes, that is correct.

13 Q All you found was the ABO blood group secretor
14 substance A.

15 A Incorrect.

16 Q You found sperm?

17 A I found semen.

18 Q You found semen?

19 A Yes.

20 Q Is that because you did a microscopic test for sperm and
21 saw it or is it because one of the tests you specifically do
22 for seminal fluid indicated there was semen present?

23 A It's because of the microscopic search for the presence
24 of spermatozoa. It is a confirmatory test. And that's why I
25 can say semen was present along with acid phosphatase.

1 Q If I asked you the same questions I've asked you before
2 about whether or not you can attribute the A antigen to any
3 semen donor or to the woman's who wore those panties own
4 bodily fluids, would your answer be the same?

5 A It would be.

6 Q A antigen could very well not have come from the semen at
7 all, is that right?

8 A It's possible.

9 Q In which case you would have no information about the
10 genetic profile of the semen donor.

11 A Correct.

12 Q Could it be, just like we talked about before, somebody
13 with Type B blood?

14 A No.

15 Q Type O blood?

16 A I did not pick up the H so, no, my answer would be no to
17 that.

18 Q Type AB blood?

19 A No.

20 Q Well, you picked up an A antigen, didn't you?

21 A I picked up the A secretor blood group substance, yes.

22 Q **Could it have been a non-secretor of any blood type?**

23 A It could have been, yes.

24 Q And that's true with all of the swabs and all of the
25 clothing you analyzed for stains, isn't it, Ms. Gilchrist?

1 A It's true that the semen donor could either be an A
2 secretor or a non-secretor, yes.

3 Q Or the A antigen that you found came from a woman's own
4 bodily fluids.

5 A That's correct.

6 Q Now, you looked at the bedspread for the presence of
7 stains.

8 A Correct.

9 Q You found some blood stains?

10 A Yes.

11 Q How many blood stains did you find?

12 A Six blood stained areas.

13 Q And you did a test to determine what kind of blood type
14 you could find from that.

15 A Correct.

16 Q And was it, again, Type A?

17 A Correct.

18 Q And you said that you found some semen stains, is that
19 right?

20 A That's correct also.

21 Q How many of those did you find?

22 A Five semen stains.

23 Q If I asked you the same questions about aging that I
24 asked you before, you wouldn't be able to tell the jury
25 whether those semen stains were deposited around the time [REDACTED]

1 [REDACTED] was killed or well before, that is, before [REDACTED]
2 was killed?

3 A I would not be able to age those, that's correct.

4 Q Now, did you find the ABO blood group secretor
5 substance A in the semen stains?

6 A Correct.

7 Q Well, Ms. Gilchrist, do you recall testifying at the
8 preliminary hearing that you found no antigen markers or any
9 other markers at all in those semen stains?

10 A No, I don't.

11 Q Well, let me ask if you gave the following answer and
12 then later a question was put to you. Counsel, this is the
13 preliminary hearing transcript, page 461, lines 8 through 13.

14 This is your answer:

15 "I have identified spermatozoa. From the blood stains on
16 the bedspread, I detected the A antigen, which is consistent
17 with the victim.

18 "Question: Were you able to determine anything from
19 the semen found on the bedspread?

20 "Answer: No."

21 Do you recall those questions being asked of you and
22 giving that answer?

23 A I don't recall, but if it was in the transcript, I'm
24 sure I, you know, responded accordingly.

25 Q You wouldn't argue with it if it's in the transcript.

1 A No.

2 Q And again, you wouldn't be able to tell us if I asked the
3 same series of questions about whether that A antigen was
4 actually in the semen or from a woman's bodily fluid or
5 another bodily fluid.

6 A Correct.

7 Q Where it came from.

8 A Correct.

9 Q Again, your electrophoresis was negative.

10 A Yes.

11 Q So as to this particular item of evidence and some of the
12 others we have discussed, all of the letters that Mr. Albert
13 wrote up on the board really don't mean much, do they?

14 A I'm not sure that I can answer that accordingly,
15 Mr. Autry.

16 Q Okay. At any rate, you didn't find any of them.

17 A I didn't find -- I didn't have any electrophoresis
18 results from testing that item, no.

19 Q Now, on this cutting that you took from the kitchen tile
20 where you found semen, was that a cutting that you personally
21 took when you were at the scene?

22 A The cutting was done by Specialist Charlie Goforth.

23 Q And later on it was submitted to your lab.

24 A Correct.

25 Q And again, you found the A antigen, is that right?

1 A Secretor blood group substance A.

2 Q And you found semen?

3 A Correct.

4 Q Did you run an A.P. spot test?

5 A Yes, I did.

6 Q The results of that, I take it, were positive?

7 A It was positive.

8 Q The P-30 test was?

9 A I got no results from that one.

10 Q No results on the P-30 test.

11 A Correct.

12 Q And again, any electrophoresis you did for other genetic
13 markers was totally negative.

14 A That's correct.

15 Q Now, is it possible again, Ms. Gilchrist, that the ABO
16 blood group secretor substance A that you found in this
17 cutting came from a vaginal secretion or something of that
18 nature or another bodily fluid?

19 A It's possible.

20 Q You weren't there, of course, when this substance got on
21 the floor, were you? --

22 A No, I wasn't.

23 Q And you really don't know and can't say with any degree
24 of certainty how it got on the floor.

25 A It was a drop is all I can tell you.

1 Q Was it still in liquid form or had it dried out by the
2 time you got to the crime scene?

3 A It had dried.

4 Q Okay. So you don't know how long it had been there?

5 A No, I sure don't.

6 Q Could have been deposited there a day before or two days
7 before this incident occurred, is that right?

8 A It could have been, yes.

9 Q Now, I believe you also looked at some blue jeans and
10 took some cuttings from that?

11 A Yes.

12 Q Would it be fair to say, Ms. Gilchrist, that when you did
13 an A.P. spot test on the blue jeans, you just got a very weak
14 reaction for acid phosphatase?

15 A I got a negative reaction for acid phosphatase.

16 Q Negative reaction. And you didn't find any semen, did
17 you?

18 A No, I did not.

19 Q Didn't find any sperm.

20 A No.

21 Q So the analysis of the blue jeans means nothing as far as
22 this case is concerned, doesn't it?

23 A There was a small amount of blood type consistent with
24 that of the victim.

25 Q Okay. Is that in your forensic report anywhere?

1 A No.

2 Q As far as your forensic report indicates, there was no
3 blood at all found on those blue jeans, is that correct?

4 A That's correct.

5 Q And when you do a forensic report, would it be fair for
6 me to say that you want it to be complete and accurate and
7 exhaustive?

8 A Yes, we do.

9 Q Did you just omit this information of blood stain on the
10 blue jeans?

11 A It was overlooked in the time I was writing my report.

12 Q Another item that was overlooked.

13 A There is one item that was overlooked, yes.

14 Q I don't know if Mr. Albert asked you this, but you
15 analyzed some cigarette butts, didn't you?

16 A Yes, I did.

17 Q To see if you could find a blood antigen from any saliva
18 that was on the --

19 A If I could find the secretor substance from the cigarette
20 butts.

21 Q And what did your testing reveal on that?

22 A I identified the ABO secretor blood group substance A.

23 Q Consistent with an A secretor.

24 A Correct.

25 Q And that's all you found?

1 A Correct.

2 Q And [REDACTED] is an A secretor?

3 A She is.

4 Q And Melanie Coffman is an A secretor?

5 A Correct.

6 Q And you don't know whether they smoked all of those
7 cigarettes you analyzed?

8 A No, I don't.

9 Q You don't know when those cigarettes were smoked.

10 A No, sure don't.

11 Q Now, did you analyze any blood found on the bent knife
12 that I think Mr. Albert showed you earlier?

13 A Yes, I did.

14 Q And again, was that Type A?

15 A It was.

16 Q And that's consistent with [REDACTED].

17 A Correct.

18 Q When you were at the crime scene on December the 10th,
19 did any officer over there draw your attention to a small red
20 spot on the couch in the living room?

21 A No, I don't think so. I saw it in photographs later on.

22 Q You don't know if anybody took a cutting from that and
23 analyzed it?

24 A No one did, to my knowledge.

25 Q You certainly didn't.

1 A I certainly did not.

2 Q Now, Ms. Gilchrist, at some point in this case, was the
3 serological evidence and the hair evidence sent to one or more
4 firms that does so-called D.N.A. fingerprinting analysis?

5 A The serological evidence and the hair evidence in this
6 case? Yes, it was.

7 Q Okay. And you've taken a course and you have a little
8 bit of background in D.N.A. fingerprint analysis?

9 A Correct.

10 Q You've read some literature in the field.

11 A Yes, I have.

12 Q And would it be fair to say, assuming that D.N.A.
13 fingerprint analysis is valid, it is a much more exacting and
14 more precise means of identifying somebody than standard
15 serology or microscopic hair comparison?

16 A That is correct.

17 Q And if you know, did the D.N.A. people claim that they
18 can like identify somebody like one in many millions or one in
19 a million or something like that?

20 A I've seen those numbers, yes.

21 Q Almost a positive identification.

22 A Correct.

23 Q And this evidence was sent off to what firm that does the
24 D.N.A. analysis?

25 A Some of the items of evidence were sent to Cellmark in

1 Maryland, and the other was sent to Lifecodes in New York.

2 Q Was the serology sent to Lifecodes?

3 A Yes, it was. Some of the items were.

4 Q And was some of the hair evidence sent to Cellmark?

5 A Correct.

6 Q Can you tell us what the results of that testing was? If
7 you know.

8 A From the reports, no high molecular weight D.N.A. was
9 identified; therefore, there were no results.

10 Q The evidence just degraded to such an extent that using
11 their precise techniques they couldn't tell anything about it.

12 A That's correct.

13 Q And would the same be true of the hair that was sent to
14 Cellmark?

15 A Yes, it is. No high molecular weight D.N.A. was
16 identified. You must have that first before you can proceed
17 further.

18 Q So I guess, just to conclude, the D.N.A. testing in this
19 case produced no results that are useful to you or anybody
20 else?

21 A Correct.

22 Q Now, Ms. Gilchrist, did you and Officer Goforth go to the
23 morgue later on in the morning of December 10, 1982?

24 A Yes, we did.

25 Q And that was for the purpose of seeing if you could lift

1 or fume fingerprints that might have been left in the blood on
2 Pam Willis's body, is that right?

3 A That's correct.

4 Q And what kind of technique did you use?

5 A Used a spray called ortho-tolidine.

6 Q And what does that do?

7 A O.T. is a chemical that enhances blood that is not
8 visible to the naked eye. And if blood is present, it will
9 react with the blood and turn it a blue-green color.

10 Q And were the results of that negative?

11 A In what respect?

12 Q As far as being able to lift or visualize any kind of
13 fingerprint?

14 A We were able to visualize the print on the interior
15 portion of the left thigh but no ridge detail could be
16 identified.

17 Q Did anybody photograph it?

18 A John Loffi photographed it, yes.

19 Q Do you know whether he used a fingerprint camera or not?

20 A He used a .35 millimeter camera, which is what they all
21 use.

22 Q And it was convertible in --

23 A Pardon me?

24 Q It was convertible, I take it, into whatever a
25 fingerprint camera does?

1 A Well, they're all fingerprint cameras, Mr. Autry. It's
2 just a rule of measure, and you go from there as far as making
3 blow-ups or enlargements to be one.

4 Q And as far as you know, nothing ever came out of any of
5 that.

6 A As far as I know, there wasn't.

7 Q At some point was a window frame that was taken from the
8 house over there at 427 Southwest 39th given to you or anyone
9 else in the serology lab?

10 A Was it given to me?

11 Q Yes, for analysis or anything else.

12 A No.

13 Q Do you know whether or not that window frame was ever
14 sent for analysis to the F.B.I. in Washington?

15 A Yes, it was.

16 Q Was that at your direction?

17 A No, it was not at my direction.

18 Q Do you have any idea what kind of tests they ran?

19 A A latent fingerprint test.

20 Q Do you know what the results were?

21 A No latent prints were developed.

22 Q Have I covered all the serology and other miscellaneous
23 things, Ms. Gilchrist?

24 A You've covered all the serology, yes.

25 Q Okay. Now, Mr. Albert asked you about this in regard to

1 hair identification, but I need to ask you again. From a
2 microscopic comparison of hair evidence, you cannot in any
3 sense positively identify anyone, right?

4 A That's correct.

5 Q It is unlike, for example, a fingerprint, where people
6 claim they can positively identify.

7 A Fingerprints are positive identification, Mr. Autry.

8 Q And the most you can say from microscopic hair analysis
9 is that a hair could have come from someone or exhibits
10 microscopic consistencies with another person's reference
11 hairs.

12 A That's one of the statements I can make, yes.

13 Q You can also say it could not have come from someone.

14 A Correct.

15 Q And also that no meaningful conclusion can be reached,
16 for whatever reason.

17 A Correct.

18 Q Does that pretty much run the gamut?

19 A That is one of the three. There are three statements I
20 can make.

21 Q And I imagine that you're aware, Ms. Gilchrist, that when
22 the F.B.I. does a hair analysis report, they put at the bottom
23 that there are not enough individual characteristics in hair
24 to allow for identification.

25 A I've never seen an F.B.I. report, so, no, I can't answer

1 that.

2 Q It would be fair to say, though, wouldn't it, that you
3 can't positively associate someone with a hair and say this
4 hair came from X, Y, Z, whoever?

5 A That's correct.

6 Q To the extent that you could positively exclude someone
7 as the donor of the hair but you can't positively identify,
8 would it be fair to say that the greater value of forensic
9 microscopic hair comparison is in its ability to exclude and
10 eliminate and not identify?

11 A The greater value given those two options, yes, I would
12 have to say yes to that.

13 Q That's the more exacting and more precise value of
14 microscopic hair comparison, correct?

15 A To positively eliminate someone, yes.

16 Q Would you agree with me, Ms. Gilchrist, that the hair
17 comparison work you do is in a lot of ways subjective?

18 A It is very subjective.

19 Q You rely on your training and experience and background
20 by looking through a microscope to evaluate what you see and
21 reach your conclusions.

22 A Correct.

23 Q And blood typing, as we've already discussed, you can say
24 that someone comes within a certain percentage of the
25 population, right?

1 A Correct.

2 Q And you can't do that in hair comparison, can you?

3 A No, you can't.

4 Q So you can't tell this jury, can you, Ms. Gilchrist, with
5 respect to Curtis Edward McCarty or anybody else in this room,
6 how many other people in this city or state or country or
7 anywhere else might have hairs similar to another individual,
8 is that right?

9 A That's correct.

10 Q And since the most you can say by way of identification
11 is that there are microscopic consistencies or that a hair
12 could have come from someone, it's also possible that a hair
13 that you associate through comparison with a person could not
14 have come from that person, isn't that right?

15 A I'm not sure I'm following that. You've got double
16 statements in there that are very ambiguous.

17 Q It was pretty convoluted. Let's break it down.

18 You can say that a hair could have come from someone.

19 A Correct.

20 Q And you can say that a hair is microscopically consistent
21 with the hairs of someone, correct?

22 A Correct.

23 Q And that's the most you can say.

24 A That is the most I can say.

25 Q And you can't positively identify.

1 A No.

2 Q If you have a questioned hair that you look at against a
3 reference hair and say they're consistent, it's possible that
4 the hairs came not from the same person but from different
5 people. That's what I was driving at. Isn't that right?

6 A I've never had that situation occur to me, so --

7 Q Well, Ms. Gilchrist, have you ever participated in any
8 research studies where a statistically significant number of
9 hairs were taken from different people and they were compared
10 against each other to see if there were inner-personal
11 consistencies?

12 A No, I've never participated in that research.

13 Q And do you keep minutely detailed notes on each hair that
14 you examine?

15 A I keep notes on the hairs that I examine. As far as
16 amount of detail, it varies.

17 Q Okay. How many hairs have you examined in your career as
18 a hair examiner, approximately? Now, you can't give us an
19 exact.

20 A Literally thousands.

21 Q Literally thousands?

22 A Sure.

23 Q And have you ever taken all the hair slides in every case
24 you have and lined them all up and gone down the line and
25 looked at each of those hairs to see whether there is any

1 inner-personal consistencies between them?

2 A No, I haven't. I don't have that kind of time,

3 Mr. Autry.

4 Q Well, I understand that. But my point is that when you
5 say that this phenomenon we talked about a minute ago hadn't
6 happened to you, you're relying solely on your memory over
7 nine years and looking at thousands of hairs, aren't you?

8 A I am.

9 Q You can't tell this jury whether, in your experience --
10 and I mean positively -- you have never seen hairs from two
11 different people that were the same, can you?

12 A I've never seen hairs from two different people that were
13 the same.

14 Q And we're again relying on your memory, correct?

15 A Correct.

16 Q Now, Ms. Gilchrist, when you take a number of reference
17 samples in a case from different people and you come to one
18 that looks like it's consistent with the questioned or crime
19 scene hair, do you go on to analyze the reference hair samples
20 from those other people that you haven't yet looked at?

21 A Let me see if I understand you correctly. If I'm finding
22 -- if I find one hair from one individual that appears to be
23 consistent with a foreign hair at a crime scene, do I continue
24 on with my analysis.

25 Q Right.

1 A It depends. If I have other people to look at and I need
2 to exclude those people, I will do that.

3 Q Sometimes, though, you just stop.

4 A Sometimes you just stop.

5 Q Now, Ms. Gilchrist, has the Oklahoma City police crime
6 lab over there ever been subjected to any proficiency testing
7 as far as hair analysis is concerned?

8 A We participate in proficiency testing on a yearly basis.

9 Q Okay. That happens every year?

10 A Several times through the year, yes.

11 Q Are you familiar with a study that was sponsored by the
12 Law Enforcement Assistance Administration that found in 50
13 percent of all cases done during a proficiency testing period,
14 hair examiners mistakenly identified a hair in 50 percent of
15 all cases?

16 MR. MACY: Just a minute. Just a minute. Your
17 Honor, may I approach?

18 THE COURT: Yes.

19 (The following proceedings were had at the bench outside
20 the hearing of the jury:)

21 MR. MACY: I object to this question. I used to
22 work for L.E.A.A., Law Enforcement Assistance Administration.
23 It went out of existence over ten years ago.

24 MR. AUTRY: I was about to bring up the date. I
25 wasn't going to just say like this was last week or whatever.

1 I was going to clarify.

2 MR. MACY: Wasn't it a considerable period of time
3 before this crime?

4 MR. AUTRY: I'm talking about not this crime but the
5 value of hair examination generally.

6 THE COURT: Are you talking about something over ten
7 years old?

8 MR. AUTRY: Yes, sir, that's the --

9 THE COURT: Okay. I'll sustain the objection to
10 that. That's ridiculous, and you know it.

11 MR. AUTRY: Okay.

12 (The following proceedings were had in open court within
13 the hearing of the jury:

14 Q (By Mr. Autry) Now, Ms. Gilchrist, when you analyzed the
15 hair in this case, did you just do a microscopic examination?

16 A That is the only way a hair comparison analysis can be
17 done.

18 Q Okay. There are techniques, aren't there, for
19 determining the sex of a person who donated or deposited a
20 hair, aren't there?

21 A There are techniques for that, yes.

22 Q Okay. What are those?

23 A It's called a Barr body examination.

24 Q Is a Barr body something that you usually see in female
25 hair?

1 A I don't recall the specifics on that test, Mr. Autry.

2 Q Okay. Is there also a test known as a Y body
3 examination?

4 A Those are included in that examination.

5 Q So that covers both of them.

6 You didn't do a test like that in this case, did you?

7 A I wasn't familiar with that technique at the time that
8 this crime occurred.

9 Q When did you become familiar with it?

10 A About June of 1985.

11 A So you can't tell this jury, based on the testing you've
12 done, or you did, excuse me, whether any of the hairs that
13 were collected from the crime scene or anywhere else came from
14 a male or a female, is that right?

15 A That's correct. I didn't have that technique available
16 to me at the time.

17 Q And to that extent, the hairs that you testified are
18 consistent with Curtis Edward McCarty, for all you know,
19 actually could have come from a female, isn't that right?

20 A I disagree with that.

21 Q Well, Ms. Gilchrist, you didn't do any objective test to
22 determine the sex or gender of the person who donated any of
23 the hairs in this case, is that correct?

24 A That's correct.

25 Q Is there also a technique for determining ABO blood group

1 and other genetic markers from hair analysis?

2 A Yes, there is.

3 Q What's that called?

4 A Electrophoresis.

5 Q Just standard electrophoresis?

6 A That's correct.

7 Q And would it be fair to say to do that on a hair, you'd
8 have to have the root or the root sheath attached?

9 A You'd have to have the root sheath attached to it.

10 Q Did you do that?

11 A I wasn't aware of the technique at the time.

12 Q So the answer to my question is you didn't conduct the
13 test.

14 A Correct.

15 Q So you don't know whether any of the hairs you found at
16 the crime scene or on [REDACTED] body or any of the clothing
17 came from a person with blood like Curtis Edward McCarty,
18 genetic markers like him, or like [REDACTED] or
19 someone totally different?

20 A That's correct. I don't know.

21 Q And for all you know, Ms. Gilchrist, the hairs that you
22 say are consistent with Curtis Edward McCarty came from a
23 person with Type B blood and different genetic markers, isn't
24 that right?

25 A I don't know the blood type of the hairs that I examined,

1 so I can't answer yes to that question or no to that question.

2 Q Did you learn about these techniques when you went to the
3 F.B.I. course in 1985?

4 A International Symposium on Forensic Hair Comparisons,
5 YES.

6 Q Now, Ms. Gilchrist, is it a correct statement to say that
7 when somebody sheds a hair, when a hair falls off someone's
8 head or is combed out, that that hair in the environment it's
9 in can remain fairly stable and not degrade or anything like
10 that?

11 A It can remain fairly stable. But I have seen hairs from
12 places that have been lying around that insects will bite
13 into.

14 Q Weathering or insect damage could affect the hair, is
15 that what you're saying?

16 A Correct.

17 Q And you can't tell us, can you, Ms. Gilchrist, as to any
18 of the hairs you found at the crime scene or on Pam Willis's
19 body or any object taken from the scene, you can't tell this
20 jury when those hairs were deposited, can you?

21 A No, I cannot.

22 Q For all you know, the hairs you testified about,
23 including those you say are consistent with Curtis Edward
24 McCarty, were left in that house days before or possibly even
25 weeks before this incident, correct?

1 A It's incorrect.

2 Q Well, days before this incident.

3 A Incorrect.

4 Q Before this incident at all?

5 A No.

6 Q Ms. Gilchrist, didn't you just get through saying to me
7 that you couldn't tell how long a hair had been in the
8 particular location?

9 A That is correct.

10 Q Okay. That's a correct statement?

11 A That is correct.

12 Q Now, let me ask you this, if the evidence showed that
13 Curtis Edward McCarty had been at this house at 427 Southwest
14 39th on occasions previous to the commission of this crime, he
15 could have left hairs there, couldn't he?

16 A He could have, sure.

17 Q And anyone who went into that house could have left hairs
18 there.

19 A That's correct, could have.

20 Q Isn't it possible, Ms. Gilchrist, that a person could
21 commit a violent crime, or any crime, and not necessarily
22 leave hairs behind?

23 A That is possible.

24 Q So you don't know, do you, whether any of these hairs are
25 actually associated with the events in this case, is that

1 right?

2 A That is incorrect.

3 Q Okay. Ms. Gilchrist, you can't tell us when the hairs
4 were deposited.

5 A That's correct.

6 Q And you admitted that a person can commit a crime without
7 leaving any hair evidence behind.

8 A That's correct.

9 Q But the last statement I asked you, or the last question
10 I asked you, you would give a different answer, is that right?

11 A Yes.

12 Q What magnification power do you use when you're looking
13 at hairs under a microscope?

14 A The highest power we have is 400 power, and that's the
15 power that I used.

16 Q Did you have at your disposal a scanning electron
17 microscope?

18 A We don't have a scanning electron microscope in our
19 laboratory, and it would not be beneficial for hair comparison
20 analysis.

21 Q Well, Ms. Gilchrist, does a scanning electron microscope
22 magnify objects to a much greater degree than a standard hair
23 comparison microscope?

24 A Yes, it does.

25 Q It would allow you to see more minute characteristics in

1 a hair, wouldn't it, than you could through a standard
2 comparison microscope?

3 A If we were looking on the -- depends on what part of the
4 hair you're looking at. Most micrographs I've seen from a
5 scanning electron microscope has been topically outer surface
6 of the cuticles.

7 Q Okay. Now, Ms. Gilchrist, there were two sets of
8 reference hair samples taken from Curtis Edward McCarty in
9 this case, weren't there?

10 A That is correct, yes.

11 Q The first was taken by Melissa Hughes in March of 1983?

12 A Correct.

13 Q And then later on you took one.

14 A Correct.

15 Q And you looked at the reference hairs that Mr. McCarty
16 gave Ms. Hughes in 1983, didn't you?

17 A I did.

18 Q And you compared them against hairs that were found on
19 various objects and other things at the crime scene, is that
20 right?

21 A That's correct.

22 Q And, Ms. Gilchrist, isn't it correct that when you
23 analyzed that first set of reference hairs you got from Curtis
24 Edward McCarty against the crime scene hairs, you could not
25 conclude that they were microscopically consistent with one

1 another?

2 A That's correct.

3 Q And it was only after you got a second set of reference
4 hairs that you concluded some of the crime scene hairs were
5 microscopically consistent with reference hairs from Curtis
6 Edward McCarty.

7 A That's correct.

8 Q And, Ms. Gilchrist, is it also correct that when
9 Mr. McCarty gave Melissa Hughes that first set of reference
10 samples, he wasn't charged with this crime?

11 A That's correct.

12 Q And when you made your comparison with the second set of
13 reference samples, he had been charged, hadn't he?

14 A Yes, he had been.

15 Q Do you think, Ms. Gilchrist, that when you made this
16 finding of consistency, the fact that Mr. McCarty had been
17 charged affected your conclusion or analysis in any way?

18 A Did not, Mr. Autry.

19 Q Not at all?

20 A Not at all.

21 Q Well, Ms. Gilchrist, in the analysis of hair evidence,
22 you need to get a good reference sample to make a later
23 comparison, don't you?

24 A You do.

25 Q Fair statement? Do you recall how many scalp hairs you

1 took from Curtis Edward McCarty when you got this second
2 reference sample?

3 A No, I don't.

4 Q Do you know whether you got hairs from different areas of
5 his head?

6 A Yes, I did get hairs from different areas of his head.

7 Q How many hairs?

8 A Four different hairs.

9 Q And did you pluck all those hairs or did you pluck some
10 and comb some?

11 A I pulled them all.

12 Q Pulled them all? You're aware that the F.B.I. recommends
13 that you both pluck and comb reference samples?

14 A Yes, I am aware of that.

15 Q And the reason for that is to get hairs in different
16 growth stages.

17 A Correct.

18 Q And you didn't do that in this case.

19 A I did not.

20 Q You're also aware, aren't you, that the F.B.I. recommends
21 you take 100 hairs from the scalp as a reference sample?

22 A I'm not sure what the final recommendation was on that,
23 Mr. Autry. There was debate during the time of the symposium,
24 and I don't know the final numbers.

25 Q Well, are you familiar with the F.B.I.'s preliminary

1 report on forensic hair examination?

2 A There was a preliminary report, yes. I read that several
3 years ago.

4 Q And that was in 1985?

5 A Correct.

6 Q And didn't it recommend 100 hairs?

7 A That was one of the recommendations, yes.

8 Q And you didn't follow it in this case.

9 A I'm not bound by that.

10 Q Well, do you consider the F.B.I., the people who do hair
11 analysis for the F.B.I., to be authorities in the field?

12 A I do.

13 Q You consider them to know what's going on, don't you?

14 A Yes.

15 Q So are you just dismissing out of hand the recommendation
16 that you take 100 hairs because you disagree with it?

17 A That was not the F.B.I.'s recommendation, Mr. Autry. It
18 was the committee's recommendation. No final opinion, as far
19 as I know, no final recommendation or conclusions have been
20 arrived at.

21 Q Was that a committee that was under the auspices or aegis
22 of the F.B.I.?

23 A People from all over the United States were on that
24 committee.

25 Q But it was at F.B.I. --

1 A It was held at the F.B.I. training center, yes.

2 Q Were the people who served on that committee that came
3 from all over, at least some of them to your knowledge,
4 experts in the field?

5 A At least some of them were, yes.

6 Q Now, Ms. Gilchrist, since you're familiar with that
7 preliminary report, can you tell me whether or not the F.B.I.
8 recommends that you get 100 hairs because a person from his or
9 her scalp loses about 100 hairs a day?

10 A Can I tell you whether or not the F.B.I. recommends that?

11 Q Well, let's make it a little more simpler. Would you
12 agree that the person on an average loses about 100 hairs from
13 his head or her head every day?

14 A No, I wouldn't agree with that. I don't know how many
15 hairs a person would lose on a daily basis from their heads.

16 Q Have you ever read that figure in any literature you
17 studied?

18 A No.

19 Q Have you ever read any figure?

20 A No, I have not.

21 Q Would you assume that a person loses hair from his or her
22 head every day to some degree?

23 A Sure.

24 Q Okay. Now, Ms. Gilchrist, is it fair to say that a hair
25 goes through three different growth phases?

1 A Yes, it does.

2 Q Okay. What's the name of the phase where hair is
3 actively growing? Do you know that?

4 A That's called a catagen phase.

5 Q It's not called the anagen?

6 A There's anagen, catagen, and telogen.

7 Q Okay. Is the anagen phase where a hair is actively
8 growing?

9 A Okay, yeah, it would be.

10 Q And the catagen that you mentioned before is where it's
11 in a resting phase.

12 A Resting. And telogen would be the dead phase.

13 Q Of all the hairs that were collected from the crime scene
14 in this case and the body of Pamela Willis and other objects,
15 can you tell this jury how many were telogen hairs and how
16 many were anagen hairs?

17 A No, I can't.

18 Q When you made a comparison of reference hair samples from
19 Eddie McCarty to the crime scene hairs, did you compare
20 anagen hairs to anagen hairs, and telogen hairs to telogen
21 hairs?

22 A You know, when I'm doing my comparisons, I would like to
23 be able to compare hairs in the same representative stages of
24 growth. However, I don't always have that ability to do so.

25 My answer to that question is, some of those hairs, yes,

1 I did compare in the right stages. Others I could not because
2 the root was missing.

3 Q You didn't have the luxury, did you?

4 A Pardon me?

5 Q You just didn't have the luxury of doing that. You have
6 to take your evidence as you find it.

7 A Correct. Some of the hairs had the roots absent so I
8 could not compare the stages of growth.

9 Q And hair characteristics will differ depending on the
10 growth phase, is that right?

11 A That's correct.

12 Q And they'll look different under a microscope to some
13 degree.

14 A Correct.

15 Q And it's also true, isn't it, Ms. Gilchrist, that the
16 characteristics of a hair will change or evolve along the
17 whole shaft of the hair, is that right?

18 A Yes, that's correct.

19 Q Now, Ms. Gilchrist, did you personally take reference
20 hairs from [REDACTED] body or did the medical examiner do
21 that?

22 A The medical examiner did that.

23 Q Did you count the number of hairs that were taken?

24 A No, I did not.

25 Q Do you consider it adequate for purposes of comparison?

1 A I did, yes.

2 Q Can you tell me whether or not there were a lot of
3 broken-off fragments that were taken as reference samples from
4 [REDACTED]?

5 A They were included in the envelope, yes.

6 Q Now, Ms. Gilchrist, when you are analyzing hair evidence
7 in a case, you want to get reference hairs from as many people
8 as could possibly be donors of the crime scene hairs that
9 you're looking at, is that right?

10 A That is not my, you know, position. I don't have any
11 control over that. That's left up to the detective working
12 the case.

13 Q Okay. Now, when you were at the house on December 10,
14 1982, were there other people in the house, coming in and out
15 of the house?

16 A Were there other people in the house?

17 Q Yes.

18 A Yes, there was.

19 Q Did you get reference hair samples from any of those
20 police officers as a means of possible exclusion?

21 A No. I have reference hairs of some detectives I keep on
22 file at all times.

23 Q Did you look at any of those in this case?

24 A No.

25 Q Did you get any reference hairs from ambulance or AmCare

1 personnel that might have handled the body?

2 A No, I did not.

3 Q Or anybody at the medical examiner's office?

4 A No, I did not.

5 Q So you don't know whether they could have deposited hairs
6 on the body of [REDACTED]?

7 A No, I sure don't.

8 Q Now, Ms. Gilchrist, at the end of direct examination,
9 Mr. Albert asked you to explain some inconsistencies in
10 numbers of hairs that were found on various items. Do you
11 remember that?

12 A Yes, I do.

13 Q And I'm going to ask you a few questions about that. You
14 found some hairs on the bedspread in this case, didn't you?

15 A Yes, I did.

16 Q And I believe you testified on direct examination that
17 you found a total of 11 scalp hairs.

18 THE COURT: Well, the court reporter will need to
19 change paper. So it's been an hour and 26 minutes. We'll
20 take our noon recess at this time, again under the previous
21 admonition not to talk about or discuss the case. Do not
22 permit anyone else to talk to you about the case or discuss it
23 either in your presence or in your hearing.

24 It's 12:26. We'll be in recess until 1:45.

25 (The noon recess was had, after which, the following

1 transpired in open court.)

2 Q (By Mr. Autry) Just for the purposes of the record,
3 you're the same Joyce Gilchrist who was testifying before the
4 noon recess, right?

5 A I am.

6 Q Now, Ms. Gilchrist, I believe we left off where I was
7 going to go into some of the things Mr. Albert mentioned on
8 direct, some of the inconsistencies in the number of hairs
9 that you found on the various items. Do you recall that?

10 A Yes, I do.

11 Q Okay. Let me ask you this: On the bedspread that you
12 took from the house and analyzed for the presence of hair and
13 other trace evidence, does your forensic report show that you
14 found a total of 11 scalp hairs?

15 A No. It shows a total of eight scalp hairs.

16 Q Well, would you look on page 14, please?

17 A Yes.

18 Q Paragraphs 8 and 9. Does that have something about hairs
19 taken from the bedspread?

20 A Yes, it does.

21 Q How many hairs total do you show there?

22 A Six.

23 Q Okay. Would you look over at page 15?

24 A Yes.

25 Q The sixth paragraph, I think. How many scalp hairs does

1 that show taken from the bedspread?

2 A That shows three from the bedspread.

3 Q Okay. So that's a total of nine so far?

4 A Uh-huh.

5 Q Are there any other hairs taken from the bedspread that
6 you show in your report?

7 A On the bottom of page 14.

8 Q Okay.

9 A There's one scalp hair.

10 Q Okay. So that's a total of ten?

11 A Yes. And then at the top of page 15, there's one scalp
12 hair. It's a total of eleven.

13 Q Okay. Now, do you recall testifying in the preliminary
14 hearing of this case that from that item you found six hairs,
15 three scalp hairs and three pubic hairs?

16 A Yes, I do.

17 Q You recall that.

18 A Yes.

19 Q And you were under oath when you testified at the
20 preliminary hearing, just as you are now, is that right,
21 Ms. Gilchrist?

22 A That's correct.

23 Q And a considerable period of time passed between the
24 commission of this offense and the time the preliminary
25 hearing finally rolled around, didn't it?

1 A I didn't hear that last part. Sorry.

2 Q Okay. A considerable period of time rolled around
3 between the time this offense was committed and the
4 preliminary hearing was finally held, is that right?

5 A That is correct.

6 Q And by that time, you still didn't know how many and what
7 type of hairs you had found from the bedspread?

8 A That's correct. I was not finished with my analysis.

9 Q Did the pubic hairs you said you found on the bedspread
10 just disappear?

11 A No. I still have them.

12 Q You didn't say anything in your forensic report, did you,
13 Ms. Gilchrist, about finding any pubic hairs on the bedspread?

14 A No, I didn't. I couldn't make an association with those
15 hairs with anyone.

16 Q And you left them out of your forensic report?

17 A That's correct.

18 Q Now, on the sleeping bag, does your forensic report and
19 the testimony you gave to Mr. Albert show a total of eight
20 scalp hairs recovered from that item?

21 A Let me see here.

22 My forensic report says eight, yes.

23 Q And you found six of those to be consistent with [REDACTED]

24 [REDACTED], one consistent with Eddie McCarty, and one consistent
25 with neither one of them?

1 A Correct.

2 Q Do you recall testifying at the preliminary hearing in
3 this case, Ms. Gilchrist, that from the sleeping bag you
4 recovered a total of 14 Caucasian scalp hairs, one Caucasian
5 body hair, and various animal hairs and fibers?

6 A Correct.

7 Q And that's not reflected in your report, is it?

8 A No, it's not.

9 Q Now, you told Mr. Albert that in your initial forensic
10 report, there was a pubic hair found supposedly by the medical
11 examiner's office loose on the chest of Pamela Willis. Do you
12 know what hair I'm talking about?

13 A Yes, I do. Item Number 31.

14 Q Okay. And in your forensic report, you stated that this
15 hair was both inconsistent with [REDACTED] and
16 inconsistent with Curtis Edward McCarty and therefore could
17 not have come from either of them, is that right?

18 A That's the typographical error I was referring to, yes.

19 Q Well, Ms. Gilchrist, it wasn't a typographical error in
20 the sense that you just omitted mention of that particular
21 hair in your report, was it?

22 A It was a typographical error in that two separate
23 statements were combined as one, Mr. Autry.

24 Q Well, Ms. Gilchrist, you've looked this report over
25 before you finally submitted it.

1 A Very hurriedly, yes, I did.

2 Q Very hurriedly?

3 A Yes, I did.

4 Q Did you sign your name to the bottom of it?

5 A I did.

6 Q - And in signing your name to the bottom of it, does that
7 tend to -- is that an act that tends to authenticate what goes
8 before it, the contents of the report itself?

9 A Yes, it does.

10 Q And this particular pubic hair, Ms. Gilchrist, is the
11 only one, the only one of any found on Ms. [REDACTED] body in
12 the pubic combing, any clothing, on anything, that you say
13 now is consistent with Curtis Edward McCarty, isn't that
14 right?

15 A That's correct, and I also stated that at prelim.

16 Q Okay. Now, you told Mr. Albert that your preliminary
17 hearing notes as to this item were more accurate than your
18 forensic report, is that right?

19 A That it was more -- no, I didn't say that it was more
20 accurate.

21 Q Well, your preliminary hearing notes you say reflect
22 this particular hair was consistent with Curtis Edward
23 McCarty.

24 A Correct.

25 Q And your forensic report said it was inconsistent,

1 correct?

2 A Yes.

3 Q And we talked about a couple of items of evidence where
4 you removed hairs and your forensic report conflicts with what
5 you said at the preliminary hearing, right?

6 A It does not reflect all the hairs I looked at, that's
7 correct.

8 Q Well, Ms. Gilchrist, as to the conflicts we talked about
9 on the sleeping bag and the bedspread, is your testimony at
10 the preliminary hearing more accurate or is your forensic
11 report more accurate?

12 A My forensic report is more accurate. At the time of the
13 prelim, the main objective was to show that there were hairs
14 found that were foreign to the victim. I made no association
15 with other people at that time, very many people at that time.
16 So in that respect, I was not completed, not finished with my
17 analysis, so that all I could say is that I had these hairs
18 and that was it.

19 Q So as to those two items, the forensic report is more
20 accurate than at the preliminary hearing, correct?

21 A Correct.

22 Q But as to the one pubic hair, the only pubic hair you say
23 is consistent with Curtis Edward McCarty, your rough notes
24 from the preliminary hearing are more accurate than your
25 forensic report, is that right?

1 A Yeah, because of the error, yes.

2 Q Okay. Now, with respect to this pubic hair, you filed an
3 amended forensic report, didn't you?

4 A Yes, I did.

5 Q And you said that what you had said in your original
6 report was a typographical error?

7 A Correct.

8 Q And that report -- now I'm talking about the amended
9 report -- was submitted on September 12, 1989, is that
10 right?

11 A September 12, 1989, correct.

12 Q Okay. And just so I'm clear on it, in your initial
13 forensic report, with respect to this pubic hair, you
14 positively excluded Curtis Edward McCarty as being the source
15 for it, if we read the report as written.

16 A If you read the report as written, that's what it says.

17 Q Well, Ms. Gilchrist, was that typographical error in the
18 forensic report due to your negligence or was it due to the
19 fact that in actuality that pubic hair does not match Curtis
20 Edward McCarty?

21 A It was due to my negligence, Mr. Autry.

22 Q Okay. Now, Ms. Gilchrist, does your forensic report
23 state that from the fitted sheet that you testified about
24 earlier, you found a total of 36 scalp hairs?

25 A Thirty six, yes.

1 Q Twenty-nine being consistent with [REDACTED] ?

2 A Correct.

3 Q Four supposedly consistent with Curtis Edward McCarty?

4 A Uh-huh.

5 Q And three consistent with neither [REDACTED] nor Curtis
6 Edward McCarty.

7 A That's correct.

8 Q Do you recall testifying at the preliminary hearing that
9 you obtained from the fitted sheet four scalp hairs, five
10 pubic hairs, four body hairs, and that the scalp and pubic
11 hairs were inconsistent with [REDACTED] ?

12 A That I had how many scalp hairs then?

13 Q Okay. I'll repeat it. I probably went too fast. From
14 the fitted sheet, at the preliminary hearing, four scalp
15 hairs, five pubic hairs, four body hairs, and that the
16 scalp and pubic hairs were inconsistent with [REDACTED]
17 [REDACTED]

18 A I do recall that, yes.

19 Q So are the five pubic hairs and four body hairs you
20 mentioned at the preliminary hearing hairs that you didn't
21 include in the forensic report?

22 A Correct. I could not make an association with anyone.

23 Q Well, Ms. Gilchrist, when you compile a forensic report,
24 you want it to be complete, don't you?

25 A I certainly do.

1 Q And you want it to be accurate.

2 A Yes.

3 Q And you want it to reflect all of the evidence you have
4 looked at and what your results were, don't you?

5 A As much as possible, yes.

6 Q As to the bedspread and the sleeping bag and fitted
7 sheet, when I asked you about contradictions between your
8 report and the preliminary hearing, you said you did not
9 include those hairs in your report because you couldn't
10 associate them with anyone or say that they were
11 microscopically consistent with anyone, is that right?

12 A Some of those hairs, yes, I could not make an
13 association.

14 Q Well, Ms. Gilchrist, you mention numerous hairs in your
15 report that you could not associate either with Curtis Edward
16 McCarty or [REDACTED] don't you?

17 A Yes, I do.

18 Q And again, Ms. Gilchrist, did the five pubic hairs and
19 the four body hairs that you originally testified were
20 recovered from the fitted sheet just vanish or do you have
21 them in your possession?

22 A I still have them in my possession. They did not match
23 up to [REDACTED] or Curtis McCarty, and I looked at hairs from
24 Melanie Coffman, and they didn't match up to any of those
25 people or all of the other people I looked at, also.

1 Q Now, you took some hairs from a green robe, didn't you?

2 A Yes, I did.

3 Q And was that a green robe that was lying on the couch?

4 A Yes, it was.

5 Q And in your forensic report, you show that you found one
6 scalp hair consistent with [REDACTED] and one pubic hair
7 consistent with neither [REDACTED] nor Curtis Edward
8 McCarty, is that right?

9 A Let me find that.

10 One scalp hair consistent with [REDACTED] and one pubic
11 hair not consistent with either one of them, correct.

12 Q And at the preliminary hearing, do you recall testifying
13 that you found a total of ten hairs on the green robe, eight
14 of them being scalp hairs, one of them being a pubic hair, and
15 one of them being a body hair?

16 A Yes, I do.

17 Q And if I asked you the same series of questions I asked
18 you with respect to the bedspread, the fitted sheet and the
19 sleeping bag, as to why or where or what those hairs are,
20 would you give me the same series of answers?

21 A I'd say that the hairs on the robe I was able to
22 associate with Melanie Coffman.

23 Q Ms. Gilchrist, where in your forensic report do you
24 associate any hairs with Melanie Coffman?

25 A It's not included in my forensic report.

1 Q As a matter of fact, Ms. Gilchrist, haven't you testified
2 in previous proceedings in this case that you didn't find a
3 single hair in that house or on any item of evidence that was
4 microscopically consistent with Melanie Coffman?

5 A I don't recall testifying to that, no.

6 Q Is it possible?

7 A I don't recall testifying to that.

8 Q You just don't remember?

9 A No, I don't.

10 Q Now, Ms. Gilchrist, you looked at a white sweater, didn't
11 you?

12 A Yes, I did.

13 Q And does your forensic report show that you found eight
14 scalp hairs and one pubic hair?

15 A Yes, it does.

16 Q Okay. And just to speed things up, does your report
17 indicate that seven scalp hairs were consistent with [REDACTED]
18 [REDACTED], one scalp hair was supposedly microscopically
19 consistent with Curtis Edward McCarty, and the pubic hair was
20 consistent with neither one of them?

21 A Yes, it does.

22 Q Now, at the preliminary hearing, do you recall testifying
23 that you found six hairs total from the white sweater, four
24 scalp hairs and three body hairs, all of which were
25 inconsistent with [REDACTED]?

1 A That's correct.

2 Q Can you explain -- well, okay. There are varying numbers
3 from your forensic report and your preliminary hearing
4 testimony as to what type and how many hairs were found,
5 aren't there?

6 A There is.

7 Q Which is more accurate, the forensic report or the
8 preliminary hearing testimony?

9 A My forensic report is.

10 Q Well, when did these additional hairs you mentioned in
11 your forensic report turn up?

12 A What additional hairs are you referring to?

13 Q Well, you, according to your forensic report, found more
14 hairs on this item than you testified to finding at
15 preliminary hearing, if you remember us going over the numbers
16 just a minute ago.

17 A From the sweater there were four scalp hairs and two body
18 hairs.

19 Q Okay. Well, when did these additional hairs that you put
20 in your forensic report above and beyond those that you
21 mentioned at preliminary hearing come up? When did you
22 discover them?

23 A Oh, when I mentioned those in prelim, those were hairs
24 that were found to be foreign to the victim, and that's what I
25 was referring to.

1 Q Okay, fine. Now, on the flat sheet, does your forensic
2 report and the testimony earlier today when Mr. Albert was
3 questioning you show that you found a total of 36 hairs?

4 A I'd have to count them.

5 I have 31 here.

6 Q Thirty-one?

7 A Yes. I have 31 in my report.

8 Q Do you recall testifying on direct a few hours ago that
9 it was 36?

10 A No.

11 Q Well, Ms. Gilchrist --

12 A Not on the flat sheet.

13 Q Flat sheet?

14 A Not on the flat sheet.

15 Q Well, Ms. Gilchrist, at the preliminary hearing did you
16 state to the Court that you had found two scalp hairs, one
17 pubic hair and four body hairs and some fibers on that item?

18 A I did.

19 Q And that, again, is because you had not in the
20 considerable period of time between the offense in this case
21 and the preliminary hearing counted up everything?

22 A No. Those are hairs that were found to be inconsistent
23 with those of [REDACTED].

24 Q Now, Ms. Gilchrist, it would be fair to say, wouldn't it,
25 there are a lot of hairs that you found on the body or objects

1 at the scene that were not at all consistent with Curtis
2 Edward McCarty?

3 A There were a number of hairs, yes, that were not
4 consistent with Eddie McCarty.

5 Q And that he could not have been the donor of those hairs?

6 A No, he could not have been.

7 Q In the pubic combing, I believe you told Mr. Albert that
8 you found four pubic hairs that were foreign to [REDACTED]

9 [REDACTED] is that right?

10 A Let me look at my number again.

11 Four pubic hairs and four body hairs, yes.

12 Q And all of those are also foreign to Curtis Edward
13 McCarty, aren't they?

14 A Yes, they are.

15 Q And you personally at the scene, I believe, took nine
16 scalp hairs that you found lying loose on the chest of [REDACTED]

17 [REDACTED]?

18 A Eight scalp hairs -- yeah, nine scalp hairs.

19 Q Nine scalp hairs. And some of those matched [REDACTED]

20 [REDACTED] all but one, is that right?

21 A That's correct.

22 Q And the single scalp hair that did not match her also
23 could not have been contributed by Curtis Edward McCarty?

24 A That's correct.

25 Q And I probably asked you this again, or I probably asked

1 you this before. But am I correct that there's only one pubic
2 hair in this entire case that you say could have come from or
3 is consistent with Curtis Edward McCarty?

4 A That is correct.

5 Q Did you collect at the crime scene all of the loose hairs
6 you saw on [REDACTED] body?

7 A No, I did not.

8 Q Which ones did you leave?

9 A There were some that were stuck to the body in blood, and
10 I left those there for the M.E. to take off. I just took the
11 ones that were just lying there loose and could have been
12 lost, so I took those with the M.E.'s permission.

13 Q Okay. And according to what you remember, the medical
14 examiner later took some hairs that were matted in blood,
15 right?

16 A Correct.

17 Q Now, you've seen the submittal envelope from the medical
18 examiner's office as to what items of evidence they recovered,
19 haven't you?

20 A Yes.

21 Q And as to hairs on the chest that they say they
22 recovered, does that submittal sheet say hairs on chest loose?

23 A It does.

24 Q It doesn't say hairs on chest matted in blood, does it, Ms.
25 Gilchrist?

1 A No, it doesn't.

2 Q And I take it you weren't present when the medical
3 examiner collected those hairs?

4 A No, I wasn't.

5 Q Now, Ms. Gilchrist, I don't know if Mr. Albert asked you
6 about this or not. My notes may not be complete. But you
7 found a pubic hair fragment on the rectal swab, didn't you?

8 A I did.

9 Q And that hair was not consistent with [REDACTED]?

10 A No, it wasn't.

11 Q And it was also not consistent with any reference hairs
12 from Curtis Edward McCarty?

13 A No, it wasn't.

14 Q So that pubic hair fragment found on the rectal swab
15 could not have been donated by Curtis Edward McCarty, is that
16 right?

17 A That is correct.

18 Q Was there anything that you saw, Ms. Gilchrist, when you
19 analyzed this particular hair that indicated it might have
20 Negroid characteristics?

21 A No.

22 Q Did you find any pubic hairs in this case that had
23 Negroid characteristics?

24 A No. There were no Negroid hairs in this case.

25 Q Well, let me see if I can clear up a little ambiguity.

1 I'll ask you if you were asked the following questions and
2 gave the following answers in a previous proceeding in this
3 case. Counsel, it's Volume 6, page 216, lines 18 through 25.

4 "Question: And you further testified that those
5 Caucasian hairs that were taken, that they were straight, no
6 curly hair, is that correct?"

7 Your answer: "Relatively straight hairs, yes."

8 "Question: And that every piece of evidence relating to
9 this hair, or to the hair, was of this type, straight
10 Caucasian hair?"

11 "Answer: Except for the pubic hairs, every piece of
12 evidence that I analyzed was Caucasian hairs."

13 Do you recall giving that answer to that question?

14 A I was referring to whether or not it was straight or
15 curly. I recall stating that, yes.

16 Q Okay. So the "except for the pubic hairs" doesn't refer
17 to Negroid, Mongoloid, Caucasian?

18 A No. It refers to the state of curliness.

19 Q All right. I just wanted to clear that up.

20 Now, on the flat sheet where you recovered either 31 or
21 36 scalp hairs, not a single hair, whether it was a scalp
22 hair, a pubic hair or body hair, was consistent with the
23 reference hairs from Curtis Edward McCarty, is that right?

24 A From the flat sheet?

25 Q Yes, ma'am.

1 A That is correct.

2 Q And Mr. McCarty could have contributed none of those
3 hairs, I take it?

4 A He could not have.

5 Q How many of those hairs were consistent with [REDACTED]
6 [REDACTED]?

7 A Twenty-nine scalp hairs.

8 Q And how many were inconsistent with both her and
9 Mr. McCarty?

10 A Two scalp hairs, one pubic hair, and four body hairs.

11 Q Okay. And the scalp hair fragment that you found in the
12 blue jeans was foreign both to [REDACTED] and Curtis Edward
13 McCarty?

14 A That is correct.

15 Q And the same would be true for the scalp hair fragment
16 that you recovered from the panties, is that right,
17 Ms. Gilchrist?

18 A That's correct.

19 Q Okay. Now, you told Mr. Albert that you found a long
20 blond hair on the window curtain in the bedroom?

21 A That's correct.

22 Q Do you recall how long that hair was?

23 A It was about six to ten inches long.

24 Q Okay. I take it you made no association?

25 A I was not able to make association with any of the hairs

1 that I collected in this case.

2 Q Okay. I mean, you didn't find any microscopic
3 consistencies between that particular hair and any of the
4 reference hairs you looked at?

5 A That's what I just said.

6 Q Okay. I didn't understand you.

7 Did you analyze hair against Melanie Coffman?

8 A I did.

9 Q And it wasn't consistent with her?

10 A It was not consistent.

11 Q And none of the hairs you found on the teddy bear,
12 including the pubic hair, were consistent with the reference
13 hairs of Curtis Edward McCarty, is that right?

14 A That's correct.

15 Q The same with the hairs you found on the pillow?

16 A That's correct.

17 Q And also with the hairs you found on the green robe?

18 A Correct.

19 Q One of those was a pubic hair, is that right?

20 A I believe so.

21 Q Okay. Did you find any hairs clutched in

22 [REDACTED] hand or anything like that?

23 A No, I did not.

24 Q And you didn't find any kind of trace evidence of any
25 sort under her fingernails?

1 A No, I didn't.

2 Q Now, on the bedspread, out of 11 hairs, is my estimate
3 right, you found one hair that was consistent with Curtis
4 Edward McCarty's reference hairs?

5 A Yes, that's correct.

6 Q And one hair on the sleeping bag, scalp hair, out of
7 eight hairs that was consistent with Eddie McCarty?

8 A That's correct.

9 Q Now, on this hair fragment that you found on the window,
10 was that about a fourth of an inch long?

11 A About.

12 Q A very small fragment?

13 A Yes, it was.

14 Q Do you feel comfortable analyzing fragments that small?

15 A I do, yes.

16 Q Okay. And I believe you told Mr. Albert that you could
17 not come to any meaningful conclusion on that?

18 A That's correct.

19 Q So you can't tell this jury that that particular small
20 fragment was microscopically consistent with any reference
21 hairs from Curtis Edward McCarty?

22 A No, I can't.

23 Q Okay. Was there a root on that hair?

24 A It was a fragment. Both the tip end and the root end was
25 missing.

1 Q Just so I understand, when you say a fragment, does that
2 mean both the root and the tip are missing?

3 A It can sometimes. It just depends.

4 Q And that's the same as to the hair that was found in one
5 of the wounds or wound. It was a fragment also, wasn't it?

6 A It was a fragment. Both the root and tip end were
7 missing.

8 Q Okay. And am I correct in saying that it's best to have
9 full hairs for comparison?

10 A You are correct.

11 Q Because if the root and the tip are gone, there are
12 characteristics there that you just can't see?

13 A That's correct.

14 Q Okay. Ms. Gilchrist, you can't say that any hair, any
15 hair you found in this case on any object, came from Curtis
16 Edward McCarty, can you?

17 A No.

18 Q And you can't say that any --

19 THE COURT: Mr. Autry, I suggest that you've asked
20 that question about four straight times in this record and
21 therefore it's repetitious.

22 MR. AUTRY: All right, Your Honor. May I have a
23 moment?

24 THE COURT: Yes.

25 MR. AUTRY: Thank you.

1 Thank you, Ms. Gilchrist. I don't have anything
2 further at this time.

3 THE COURT: Redirect?

4 MR. ALBERT: We have no further questions of this
5 witness, Your Honor.

6 THE COURT: Thank you, Ms. Gilchrist. You may step
7 down.

8 THE WITNESS: Thank you, Your Honor.

9 THE COURT: Call your next witness.

10 MR. ALBERT: Yes, Your Honor.

11 JOHN G. HILL

12 was recalled as a witness, after having been first duly sworn,
13 and testified further as follows:

14 DIRECT EXAMINATION

15 BY MR. ALBERT:

16 Q Will you state your name for the Court and the jury,
17 please?

18 A John G. Hill.

19 Q And what is your occupation or profession at this time,
20 Mr. Hill?

21 A I'm a security guard for Safety and Security Services.

22 Q Okay. And have you formerly been a police officer with
23 the Oklahoma City Police Department?

24 A I have, sir.

25 Q And you're retired from that employment at this time?