

1 MR. MCCORD: I think my examination
2 will be rather brief, Your Honor.

3 THE COURT: How much do you anticipate?

4 MR. MCCORD: I don't expect there will
5 be an extended cross-examination.

6 THE COURT: Well, there's two witnesses
7 from the Crime Lab that are over here we'd like
8 to get through with this afternoon.

9 Does anybody need to make a telephone
10 call this afternoon? I don't expect we'll
11 probably go longer than maybe 25 more minutes.

12 MR. RICHTER: I don't think we'll go
13 past 5:30 this afternoon, Your Honor.

14 THE COURT: Would anybody need to make
15 a telephone call?

16 Apparently not.

17 All right. Call your next witness.

18 MR. RICHTER: At this time I call Janet
19 Gettings to the stand.

20 + JANET K. GETTINGS,
21 having been duly sworn, was examined and testified as
22 follows:

23 + DIRECT EXAMINATION

24 BY MR. RICHTER:

25 Q. Please state your name and occupation.

1 A. Janet K. Gettings, microanalyst.

2 Q. And where do you work, please, ma'am?

3 A. I work for the Georgia State Crime Laboratory.

4 Q. What is your educational background?

5 A. I have a Bachelor of Science Degree in forensic
6 science received from the University of Central Florida,
7 with a minor in chemistry.

8 Q. How long have you been employed at the State
9 Crime Laboratory of Georgia?

10 A. I've been there just over a year now.

11 Q. When did you receive your degree from college?

12 A. December of 1984.

13 Q. Where did you work prior to the Crime Laboratory
14 here?

15 A. Various miscellaneous jobs in Florida.

16 Q. Anything related to your current field?

17 A. No, sir.

18 Q. What specific area do you work in at the Crime
19 Laboratory?

20 A. I work in the criminalistic section, the Trace
21 Evidence Section. Within that we work with hairs and
22 fibers and shoe prints and such.

23 Q. Is part of your job to look at hairs and compare
24 them?

25 A. Yes, it is.

1 Q. How much on-the-job type experience have you had
2 since you've been at the Crime Lab?

3 A. About 90 percent of my time has been spent
4 comparing hairs.

5 Q. Do you do that every day?

6 A. Yes, I do.

7 Q. Did you have training in that in school?

8 A. Yes, I did.

9 MR. RICHTER: Your Honor, I ask that
10 this witness be qualified as an expert.

11 THE COURT: Do you want to voir dire
12 her?

13 MR. MCCORD: No, Your Honor.

14 THE COURT: All right. Proceed.

15 Q. (BY MR. RICHTER) I would ask you, first of all,
16 to take a look at State's Exhibit 14 and I'd ask you,
17 without opening the bag, what are the items that are
18 contained in that particular bag?

19 A. These are the slides containing the hairs that I
20 mounted on to them that I removed from the clothing and
21 the known hairs that were submitted.

22 Q. In connection with this case?

23 A. In connection with this case.

24 Q. ~~Now, first of all, could you tell us whether or~~
25 ~~not you examined the victim's clothing for any kind of~~

1 hairs?

2 A. Yes, I did.

3 Q. Did you find anything there?

4 A. There was no hair on the panty hose. Off of the
5 jacket I found two negroid hairs that were consistent with
6 the victim's own hair and one negroid hair which was too
7 small for a comparison, and off of the dress I found seven
8 negroid hairs, which was consistent with the victim's own
9 hair and six negroid hairs which were too small for
10 comparison, ~~along with one negroid hair which did not~~
11 ~~match the victim or the defendant in this case.~~ A REASONABLE DOUBT

12 Q. When you say "match" or "consistent," those kinds
13 of words about hairs, first of all, is hair comparison
14 like fingerprint comparison?

15 A. No, it is not.

16 Q. How far are you able to go when you say that some
17 piece of hair is consistent with or like another piece of
18 hair? What are you saying? Are you saying a hundred
19 percent? Can you even put it into numbers?

20 A. No, I don't put it into numbers. It's not a
21 hundred percent. Each person has a range of variation
22 within their hair and there is enough difference between
23 people that we can distinguish between people, but the
24 possibilities exist that somebody's -- somebody may have a
25 hair that falls within the range of another persons that

1 we cannot say that it is -- that it is this person's hair
2 for sure.

3 The microscopic characteristics when I look at a
4 hair are consistent enough within that range that I can
5 say in my -- my terms this could have had a common origin
6 as the known hair from this person.

7 Q. Now, I'd ask you to take a look at State's
8 Exhibit Number 15 and just look into the bag. You
9 recognize what these items are?

10 A. This is the clothing that was received in this
11 case.

12 Q. Are those the items that you examined?

13 A. Yes, they are.

14 Q. You just were talking about now?

15 A. Yes, they are.

16 Q. Is it possible when, for example, as black people
17 commonly do, some black people will use things to process
18 their hair to change the way that the hair appears, to
19 straighten it or to change the color. Can that have an
20 effect on whether or not you're able to make any kind of
21 comparison?

22 A. It can have an effect. If some of that hair that
23 was treated is not included in the known sample, if the
24 known sample, say, the hair is streaked and the known hair
25 sample is taken from an area where the streaking is not

1 included, that could have an effect.

2 Q. Was there anything unusual about the questioned
3 hair that didn't match either the victim or the defendant
4 in this case?

5 A. The questioned hair that did not match either
6 appeared to be possibly chemically treated or colored, and
7 the reason I reached the conclusion that it did not match
8 the victim's. There were no colored hairs in the victim's
9 known.

10 Q. Would it be safe to say then that -- that hairs
11 most probably did not come from a black person who wore
12 his or her hair in a normal afro style untreated?

13 A. That's correct.

14 Q. And, of course, when you received the clothes you
15 have no way of knowing who could have come in contact with
16 the clothes to deposit the hair, is there?

17 A. That's correct.

18 MR. RICHTER: That's all I have of this
19 witness.

20 THE COURT: Your witness.

21 + CROSS-EXAMINATION

22 BY MR. MCCORD:

23 Q. When you say that you can never be a hundred
24 percent sure about hair comparison, are you talking -- are
25 you referring to an opinion as to their common origin?

1 A. I'm -- I'm saying that you cannot be a hundred
2 percent sure like you can with a fingerprint. You can't
3 say that this hair came from this person.

4 Q. But you could say with virtual certainty, can you
5 not, that this hair did not come from this person?

6 A. That's correct.

7 Q. And it's your expert opinion that one of those
8 hairs that you found on the victim's clothing did not come
9 from either of the victim or the suspect?

10 A. That is correct.

11 Q. Was that a head hair or a pubic hair?

12 A. It was a head hair.

13 Q. And from what article of clothing was it taken?

14 A. It came off of the dress.

15 Q. Do you remember where on the dress it was?

16 A. No, I don't.

17 Q. You didn't record that?

18 A. No, I did not.

19 MR. MCCORD: Okay. That's all I have.

20 MR. RICHTER: One other matter.

21 + REDIRECT EXAMINATION

22 BY MR. RICHTER:

23 Q. If, for example, a woman such as the victim even
24 used some kind of hair straightening process, would that
25 kind of process possibly even make it impossible for you

1 to tell one of her own hairs from a known hair?

2 A. A straightening process would not.

3 Q. Would not?

4 A. Would not.

5 Q. So this would have been some kind of paroxided
6 hair?

7 A. Coloring.

8 Q. Coloring.

9 MR. RICHTER: Okay. That's all I have
10 of this witness.

11 MR. MCCORD: No further questions.

12 THE COURT: You may go down.

13 THE WITNESS: May I be excused?

14 THE COURT: May this witness be
15 excused?

16 MR. RICHTER: Yes, Your Honor.

17 THE COURT: Do you have any objection?

18 MR. MCCORD: No objection.

19 THE COURT: All right. Call your next
20 witness.

21 MR. RICHTER: I call Connie Pickens to
22 the stand.

23 + CONNIE PICKENS,

24 having been duly sworn, was examined and testified as
25 follows:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

+ DIRECT EXAMINATION

BY MR. RICHTER:

Q. Please state your name and occupation.

A. My name is Connie Pickens and I'm employed as a forensic serologist at the Georgia Bureau of Investigations Division of Forensic Sciences.

Q. Ma'am, would you please describe your educational background as it relates to your employment?

A. I have a Bachelors of Science Degree in biology from Savannah State College. I'm also a registered medical technologist. I received that training at the Medical Center in Columbus, Georgia.

I have attended numerous scientific workshops and seminars related to the field of forensic serology.

Q. How long have you worked at the State Crime Laboratory?

A. I've been with the Crime Laboratory for seven years.

Q. As part of your work at the Crime Lab, do you frequently have requests for you to examine rape kits or slides and samples from Grady Hospital, for example, to determine whether or not spermatozoa or seminal fluid are present in a sample?

A. Yes, sir, I do.

Q. How often do you do that?

1 THE COURT: Just one moment, please.

2 Do you want to cross-examine her?

3 MR. RICHTER: I'm sorry, Your Honor.

4 MR. MCCORD: No. I don't have any voir
5 dire questions.

6 MR. RICHTER: Okay. For the record
7 then are you stipulating she's an expert?

8 THE COURT: Well he doesn't have any
9 questions, so you can proceed.

10 MR. RICHTER: Okay. All right, sir.

11 Q. (BY MR. RICHTER) How commonly do you do that
12 sort of analysis?

13 A. At the Crime Lab we receive approximately 25 rape
14 kits per month.

15 Q. Do you also have requests for you to type items
16 by blood type?

17 A. Yes, sir, we do.

18 Q. Now, in this case have you examined the known
19 blood of the victim and also of the defendant?

20 A. Yes, I did.

21 Q. What type of blood does the victim have?

22 A. The blood sample that was identified to me as
23 belonging to Ma. Duncan, my examination revealed the
24 presence of International Blood Group A. It also revealed
25 that the donor of that blood sample was a secretor.

1 Q. We'll get to that, what a secretor is in just a
2 minute. What did the blood sample of the defendant's
3 blood reveal in terms of an International Blood type?

4 A. The blood identified as Mr. Harrison's I found to
5 be International Blood Group O, and it also revealed the
6 donor to be a secretor.

7 Q. When you say someone is a secretor, what exactly
8 does that mean?

9 A. Approximately 80 percent of the population fall
10 into a classification that we call secretors. That means
11 these people will secrete their blood type substance in
12 body fluids other than blood. We're able to find their
13 body fluids in saliva, seminal fluid, and in vaginal
14 secretions.

15 Q. In other words, if I was a person who secretes,
16 you could conceivably find out what type of blood I have
17 just from sweat, or seminal fluid, or saliva?

18 A. Yes, sir, that's correct.

19 Q. And in this case is it your testimony that both
20 of the individuals involved are secretors?

21 A. Yes, sir, that's right.

22 X Q. In some cases is it possible for one to be able
23 to tell from seminal fluid that is recovered from a rape
24 victim then the blood type of the alleged assailant?

25 A. In some cases, yes, we are able to determine what

1 the blood type of a semen donor by examining vaginal swabs
2 that were perhaps taken from the victim's body.

3 Q. Now, first of all, in this case did you examine
4 some slides or smears that were taken by a doctor at Grady
5 from the victim in this case, a Ms. Duncan, just to
6 determine whether or not there were any spermatozoa
7 present?

8 A. Yes, sir, I did.

9 Q. Do you have an opinion as to whether there were
10 any?

11 X A. Yes. My microscopic examination of those smears
12 revealed the presence of spermatozoa, or sperm cells.

13 Q. Now, after you received the samples of the blood
14 of both Ms. Duncan and of the defendant, did you attempt
15 to determine from the seminal fluid samples that had
16 already been submitted to you whether or not it was
17 possible to tell any kind of information about the blood
18 types contained therein?

19 A. My examination of the swabs that were a part of
20 the rape evidence kits revealed the presence of sufficient
21 semen on the swabs. I then proceeded to determine the
22 blood type of the material on the swab.

23 Q. Okay. I'd like you to just identify just by the
24 envelope what's been marked as State's exhibits 13. Are
25 you familiar with what that is?

1 types, A and O, being involved in this case?

2 A. My examination of the semen on the swabs would be
3 consistent with persons who are A and O and we also cannot
4 eliminate a non-secretor semen donor. ^{SEE... VOL II. Page 92, LINES 6-8}

5 Q. Are you saying it's possible that some people
6 whose saliva or seminal fluid would not tell us their
7 blood type a person like that could be involved in this
8 case? ^{SEE... VOL II. Page 78, LINES 10-11}

9 A. That's correct. ^{A REASONABLE DOUBT}

10 Q. Is there any way of estimating -- does this
11 eliminate any people, any percentage of society as
12 possible suspects?

13 A. The only group of the society that could be
14 definitely eliminated would be type B secretors and type
15 AB secretors.

16 Q. Is there any way of quantifying that or saying a
17 percentage of people then that that eliminates?

18 A. That would eliminate approximately 22 percent --
19 ^{MISLEAD} ~~INTENTIONAL MISLEAD JURY.~~
I think that's right, about 22 percent of the population.

20 Q. Does that leave you in a position then with your
21 findings that we can neither eliminate either way as far
22 as -- as far as this particular defendant?

23 A. Yes, sir. Considering that Mr. Harrison is a
24 type O secretor, he would fall within that group of the
25 population who could not be eliminated as a semen donor.

1 Q. Did you examine the clothing of the victim to
2 determine whether or not there was any blood on her
3 clothing?

4 A. Yes, sir, I did.

5 Q. Did you find anything there?

6 A. Yes. On my examination of a black and red dress
7 that was submitted to the lab I found the presence of
8 human blood on the front of the dress.

9 Q. Okay. Were you able to determine a blood type of
10 that blood?

11 A. No, sir, I was not.

12 Q. And if I gave you the following hypothetical
13 facts about the storage condition of those garments and
14 then I'll ask you a question about how that might affect
15 your inability to find a specific type. Supposing
16 garments were in contact with blood but then allowed to be
17 out in a driving rain and become totally saturated and wet
18 and muddy and in contact with the elements unattended or
19 preserved for a few minutes, a half an hour, some period
20 of time, could that affect your ability to find a blood
21 type?

22 A. Yes, sir. My ability to determine a specific
23 blood type or reliable results is very much dependant upon
24 the conditions that the material had been subjected to.

25 MR. RICHTER: Your witness.

CROSS-EXAMINATION

BY MR. MCCORD:

Q. Would the passage of time also affect the ability to determine blood type?

A. It's possible that it could.

Q. And when did you perform the tests to determine the blood type on the garments?

A. My examinations for the presence of blood on the dress actually began on March the 12th of 1987, this year.

Q. All right. Was any examination of that requested at the time the garments were initially submitted to you?

A. No, sir. No one requested that I examine the clothing for blood at that time.

Q. And when were the -- when was the dress initially submitted to the Crime Lab?

A. The dress initially came into the Crime Lab on November the 14th, 1986.

Q. And so the reason you didn't do any blood typing between then and this week is that nobody asked you to?

A. That's correct.

Q. Was there any other sign of blood on any of the clothing besides that spot on the front that you mentioned?

A. Because of the time factor I limited my examination to the dress. there were some obvious red

1 brown stains on the dress and I limited my examination in
2 the attempt to type those particular stains. I did a
3 visual examination of the jacket. That's also a part of
4 the evidence, and there were no obvious red brown stain
5 areas on the jacket.

6 Q. Did you -- did you have the panty hose and the
7 panties also?

8 A. I believe the panty hose are a part of the
9 evidence. I did not examine those.

10 Q. You didn't even visually examine those?

11 A. No, sir.

12 Q. Did you visually examine the panties?

13 A. I don't believe we have panties. My evidence
14 sheet lists panty hose, jacket, and dress.

15 Q. Okay. Now, getting to the types of blood and
16 saliva submitted to you. Do I understand correctly that
17 based on the tests you've done the person whose seminal
18 fluid was found in the victim could have been a type O
19 secretor or any type non-secretor?

20 A. Yes, sir, it could have been a type of weak O
21 secretor or a non-secretor, or we cannot eliminate the
22 fact that it could also have been an A secretor because I
23 found a small amount of A antigen present also.

24 Q. Now, you say a weak type O secretor?

25 A. Yes.

1 Q. What is the difference between a weak secretor
2 and another type of secretor?

3 A. We make our determination of the person's
4 secretor status first by examining the blood. Then we try
5 to confirm those tests by an examination of the saliva
6 sample donated by the same donor. In this particular case
X 7 my examination of the saliva samples from Ms. Duncan Vol. 1, P. 57
→ 8 proved to be A secretor without question. However, my
9 examination of the saliva sample donated by Mr. Harrison
10 also revealed a small amount of antigen, so I would
11 classify him not with a lot of antigen as being secreted
12 by this person. ?

13 Q. Well, then there are two types of secretors,
14 strong and weak?

15 A. Well, they can be graded as such, but it would
16 still fall under the general classification as A secretor.

17 Q. But any type O secretor, any type non-secretor
18 could have been the person whose bodily fluid was found?

19 A. Yes, that's right.

20 Q. And if you take those two groups together, you
21 say they together comprised, what, 78 percent of the
22 population?

23 A. Well, actually if you take the type O secretors
24 and non-secretors, that's about 56 percent.

25 Q. Type O, both secretors and non-secretors is 56

1 percent?

2 A. No. Type O secretors and the total non-secretors
3 would equal about 56 percent.

4 Q. All right. Well, then how did you come up with
5 the figure of 22 percent that could be eliminated?

6 A. ^{NOT UNINTENTIONALLY WAS IT.} Okay. My math may have been off. I was trying
7 to subtract 88. Totally we can include 88 percent of the
8 population. When you consider that the donor could have
9 been A secretor, which is approximately 32 percent of the
10 population, O secretor, which is approximately 36 percent
11 of the population, and any non-secretor, which is a total
12 of 20 percent, those added together gives us 88 percent,
13 so I may have been wrong subtracting 88 from a 100 to give
14 me whatever.

15 Q. Okay. All right. But, in any event, a very
16 large proportion of the population could not be
17 eliminated?

18 A. That's correct.

19 Q. So it would be fair to say that these results
20 while they don't eliminate the defendant do not say much
21 about or really are meaningless as far as implicating him
22 specifically?

23 A. Well, the only interpretation is that he falls
24 within that 88 percent, which is a large number.

25 MR. MCCORD: Okay. Thank you.

1 MR. RICHTER: I don't have any further
2 questions.

3 THE COURT: May this witness be
4 excused?

5 MR. RICHTER: Yes, Your Honor??

6 MR. MCCORD: Yes.

7 THE COURT: You may be excused.

8 Does that complete the case for the
9 State?

10 MR. RICHTER: Your Honor, I would like
11 to retender at this time all of the State's
12 exhibits. I would need to consult with the
13 court reporter briefly.

14 Your Honor, I'll tender State's Exhibit
15 2. That's the photo lineup. Three. That's --

16 THE COURT: Wait a minute. Let's take
17 them one at a time.

18 Do you have any objection now to the
19 photo lineup?

20 MR. MCCORD: Yes, Your Honor. I object
21 to that on the ground that it's incomplete based
22 on the testimony of Eva McGuire. She testified
23 that a number of other photographs were
24 displayed to her which are not included.

25 THE COURT: Well, I'll admit these for

C E R T I F I C A T E

STATE OF GEORGIA,

COUNTY OF DEKALB;

This is to certify that the foregoing
97 pages represent a complete, true, and
accurate transcript of the proceedings had in the
captioned case at the time and place therein stated.

This certification is expressly withdrawn and
denied upon the disassembly or photocopying of the
foregoing transcript, or any part thereof, including
exhibits, unless said disassembly or photocopying is
done by the undersigned official court reporter and
original signature and seal is attached thereto.

This 31st day of March, 1987.

Jenny D. Wickham
JENNY D. WICKHAM, CSR RPR (B-622)