

1861:11 the area to them?
1861:12 THE COURT: That's the next question I have.
1861:13 MR. JOHNSON: We're getting to it.
1861:14 MR. CRESWELL: I certainly object to a State's
1861:15 Attorney Scott Mayer being the shower.
1861:16 MR. ARTHUR: So do I, Judge, because he's
1861:17 on trial tomorrow.
1861:18 MR. CRESWELL: Or any State's Attorney for that
1861:19 matter.
1861:20 THE COURT: I wouldn't think that would be
1861:21 appropriate. Off the record.
1861:22 (Whereupon proceedings were
1861:23 had outside the record, after
1861:24 which the following proceedings
1862:01 were had in the presence
1862:02 and hearing of the jury:)
1862:03 THE COURT: I realize you've been here a while
1862:04 today, but we have been busy and occupied. And about
1862:05 that I'll talk to you a little later in the day.
1862:06 But we'll now resume with Mr. Podlecki.
1863:01 MICHAEL PODLECKI,
1863:02 a witness, called on behalf of the People of the
1863:03 State of Illinois, having been previously duly sworn,
1863:04 was examined and testified further as follows:
1863:05 THE COURT: Are you the same Mr. Podlecki that
1863:06 was testifying Tuesday last?
1863:07 THE WITNESS: Yes.
1863:08 THE COURT: You're still under oath?
1863:09 THE WITNESS: Yes.
1863:10 THE COURT: Very good.
1863:11 DIRECT EXAMINATION (Resumed)
1863:12 By Mr. Johnson:
1863:13 Q Mr. Podlecki, I show you once again
1863:14 People's Exhibit Number 63 for Identification, 64
1863:15 for Identification, 65 for Identification, 66 and 67
1863:16 for Identification. Once again do you recognize
1863:17 those slides? You took hair from various places and
1863:18 had occasion to mount them, is that correct?
1863:19 A Yes, sir.
1863:20 Q Now, sir, with respect to these People's
1863:21 Exhibits and the hairs contained thereon, what if
1863:22 anything in a general way in common do they share?
1864:01 A That they were human and that they were
1864:02 Caucasian and that they were head hairs.
1864:03 Q Now, how, if at all, would a head hair

1864:04 differ from a body hair, say chest or pubic area?

1864:05 A The shaft, diameter, characteristics within
1864:06 the hair. I'd have to draw it again like I drew
1864:07 before.

1864:08 Q Okay.

1864:09 A As I stated before, the hair coming from
1864:10 basically the head would be long and straight.
1864:11 If it came from the pubic area it would be wavy.
1864:12 This would be the same like in underarm hair. If
1864:13 it came from like the hair on your arm, it would be
1864:14 like this. We discussed the cuticle, the cortex
1864:15 which would be here, the area I'm coloring, and the
1864:16 medulla in a Caucasian.

1864:17 Also in a Negroid you have a medulla some-
1864:18 times, but we have very heavy pigmentation, very
1864:19 dark, very brown and we have those through these.
1864:20 But when you look at it through a microscope picture
1864:21 a black shoe string. You barely can see through that
1864:22 black shoe string. You barely can see through it.
1864:23 Very opaque, very hard to see through because of
1864:24 the intensity and the color. So, when we view them
1865:01 we have to look for the characteristics toward the
1865:02 outer part and some inside and the outside and we
1865:03 have to intensify the illumination, try to get as
1865:04 much light as we can get through the hair. Those would
1865:05 be the basic differences.

1865:06 Q How do you distinguish human hair, be it
1865:07 head, body or pubic hair, from animal hair?

1865:08 A Okay, basically human hair has a medulla
1865:09 like we just had here, okay, and we have the color
1865:10 and it is fragmented. Sometimes it will be continuous.
1865:11 Now, animal hair has color but it will have the
1865:12 appearance of like a saw tooth appearance over the
1865:13 cuticle. You know what the end of a saw looks like.
1865:14 It has the blade and jagged edges. It looks like
1865:15 that.

1865:16 And also, because the medulla being within
1865:17 a third or less than a third in the human hair,
1865:18 in animal hair it will take up most of the center
1865:19 portion of the hair. And instead of looking like in
1865:20 this case something like this, instead of looking
1865:21 like this it might look like this or like this. So,
1865:22 we can identify hair to the point we can tell what
1865:23 race it is, between animal, human and what race it
1865:24 came from and from what part of the body it came from.

1866:01 We can identify hair in those means.
1866:02 But when we're trying to compare them among
1866:03 each other, that is the point where we can't identify
1866:04 but we can use it in an exclusionary measure. We
1866:05 show the similarities.
1866:06 Q All right. You can take the stand again.
1866:07 Now, when you say you can use it as an exclusionary
1866:08 measure, what do you mean by that?
1866:09 A The possibility always exists that in looking
1866:10 at hair it possibly could have come from another
1866:11 person. In other words I couldn't say that if I
1866:12 take a hair from this slide there couldn't be another
1866:13 person in the world that has the same color hair.
1866:14 It's possible. It's possible with a lot of things
1866:15 you do in science. I couldn't say beyond a reasonable
1866:16 doubt.
1866:17 Q But what could you say?
1866:18 A By excluding I could say that in looking at
1866:19 the hairs I could not exclude these hairs coming from
1866:20 a person from not being where they were found.
1866:21 Q In other words you definitely could not
1866:22 exclude them.
1866:23 A That is correct.
1866:24 Q And when you viewed the head hair of Larry
1867:01 Lionberg which is People's Exhibit 63 and People's
1867:02 Exhibit Number 65, the hair found in the rear of the
1867:03 Toyota, and when you compared 64, the head hair of
1867:04 Carol Schmal, with 66 and 67, that taken from the
1867:05 trunk in the rear area of that red Toyota, what
1867:06 powers of microscope did you use?
1867:07 A Basically when we're looking at it through
1867:08 the microscope you use a variety of powers. When I
1867:09 examine hairs -- different analysts use different
1867:10 types of examination in hair. Basically they have
1867:11 their own way if they want to look at all the items
1867:12 first or each one separately. The first thing I
1867:13 do is I look at everything and get a basic under-
1867:14 standing. Then I look at both known standards to
1867:15 see if they're similar. Sometimes there's a possibility
1867:16 where both of the hairs in the standards would be
1867:17 similar and distinguishable. In this case they were
1867:18 different. They did not look the same.
1867:19 Then I would start on a low power and I
1867:20 would look. Basically it's like four. Then I would
1867:21 look for dissimilarities. If I didn't see any dis-

1867:22 similarities I would increase the magnification to
1867:23 fifty. I would look for dissimilarities. If I
1867:24 couldn't see any I would increase it again. In other
1868:01 words the more you increase the magnification, the
1868:02 more you're going to see. The possibility of some-
1868:03 thing different should be obvious, come out to you
1868:04 right away. As you increase the magnification there's
1868:05 more things, characteristics that will start to come
1868:06 out.

1868:07 In this case I use the highest power which
1868:08 is five hundred. I still couldn't see any dis-
1868:09 similarities among the hairs.

1868:10 Q Now, when you initially described your
1868:11 function as a forensic scientist I believe you indicated
1868:12 that you were a chemist as well as a serologist, is
1868:13 that correct?

1868:14 A Yes, sir.

1868:15 Q Would you explain what Serology is?

1868:16 A Basic Serology is basically the identification
1868:17 of blood. It also entails the identification of body
1868:18 fluids, physiological fluids; saliva, semen, perspiration,
1868:19 also the identification of blood also as I stated
1868:20 before.

1868:21 Q Could you explain some of your duties
1868:22 acting in your capacity as a serologist? In other
1868:23 words what are the different things you do to examine
1868:24 blood or bodily fluids for purposes of identification?

1869:01 A We examined blood to determine -- an item
1869:02 of evidence would be brought into the laboratory and
1869:03 we would determine if there's blood on it. That's
1869:04 the first thing we determine.

1869:05 The second thing is is that blood human or
1869:06 is it animal. We can do that. We can tell if blood
1869:07 came from a dog, rabbit, donkey, chicken, mouse or
1869:08 squirrel. We do that next.

1869:09 After that we can determine if it's a non-
1869:10 animal or human. Then we determine what type it is.
1869:11 We can do this by the basic A, B, O system.

1869:12 Q Now, what is seminal fluid?

1869:13 A Seminal fluid is mainly the material that
1869:14 is found ejaculated from the penis, produced in the
1869:15 testicles and also a variety of other glands. Which
1869:16 is made up of various amounts of protein and also
1869:17 spermatozoa, sperm cells.

1869:18 Q Now, what, if any, test or procedures

1869:19 exist to determine the presence of seminal fluid?

1869:20 A In this case?

1869:21 Q In any case.

1869:22 A Basically the two tests that I use or perform
1869:23 is basically the first one is Phosphatase. A Phosphatase
1869:24 is an enzyme. It would be a chemical that is found
1870:01 in seminal fluid and carries on a reaction. This is
1870:02 the first test I test for. I test for the presence
1870:03 of enzymes.

1870:04 If I find this enzyme I then do another
1870:05 test called a Precipitate test. A test for certain
1870:06 proteins that are found in seminal fluid. I use this
1870:07 test basically -- the technique is called Ouchterlony.
1870:08 It's a gelled double diffusion test whereby you use
1870:09 antiserum which is known semen that is injected into
1870:10 a rabbit which produces antibodies. This would be
1870:11 the standard. This would be your known antibodies.
1870:12 Then we react it with the antigens found in seminal
1870:13 fluid. In this case it would be dry. We look for
1870:14 Precipitate which would form. If both of them were
1870:15 put together in a gel they just diffuse by the
1870:16 diffusion characteristics.

1870:17 In other words like if you put water and
1870:18 ink on a piece of paper or filter paper, like Gala
1870:19 towel, and you put the ink on one end of the towel
1870:20 and pour the water, they'll diffuse, they'll come
1870:21 together. If the seminal material that is found is
1870:22 human it would be specific with this antiserum so
1870:23 they would come together and form and form like a
1870:24 puzzle. They would lock together and precipitate.
1871:01 This would be a reaction that would show that seminal
1871:02 fluid is present, human seminal fluid.

1871:03 Q Would either one of these two tests indicate
1871:04 the presence of spermatozoa?

1871:05 A No, they wouldn't.

1871:06 Q What, if any, test or examination exists
1871:07 to determine the presence of spermatozoa?

1871:08 A Basically it would be a microscopic examination
1871:09 whereby you would have to stain a slide. In other
1871:10 words the slide would be presented with film that
1871:11 was removed from the woman's vagina and would be
1871:12 swabbed on a slide. The hospital would do this. I
1871:13 would get the slide. I would then stain it. Medical
1871:14 technologists have a stain called Giemsa stain used
1871:15 to stain bacteria. The same thing we use to stain

1871:16 for the presence of sperm cells. Now, in staining
1871:17 you couldn't see the sperm very well under a micro-
1871:18 scope unless they were colored. All you'd see would
1871:19 be the light coming through. You might be able to
1871:20 see some of them. But by coloring them is like
1871:21 dying them. Then we can identify the three major
1871:22 portions. Could I go to the board?
1871:23 Q Please do.
1871:24 A In looking at sperm cells you have three
1872:01 portions. You have the head. That contains the
1872:02 nucleated material found in the head. You have the
1872:03 neck and you also have the tail which causes the
1872:04 sperm cells to swim.
1872:05 Now, the sperm can degenerate in certain
1872:06 kinds of environments and we can show that by the
1872:07 tails start to disappear. Those are the first things
1872:08 that disappear after degenerating and this can be
1872:09 a factor of time in how long the sperm can live.
1872:10 When I say intact I mean the tails are here. When
1872:11 I say intact spermatozoa that would mean the tails
1872:12 would be here and during a certain time you could
1872:13 see, sooner or later the head would disappear and
1872:14 the tail would disappear because of bacteria that
1872:15 you could see would eat them up. They would digest
1872:16 the sperm cells.
1872:17 Q And the first thing to go I guess is the
1872:18 tail?
1872:19 A Yes, sir.
1872:20 Q Okay, you can take the stand. Now,
1872:21 directing your attention once again to 5-15 at the
1872:22 Illinois Crime Lab, did you have an occasion to
1872:23 receive many different things from Genty?
1872:24 A Yes, sir.
1873:01 Q I now show you what's been previously
1873:02 marked as People's Exhibit Number 16-D for Identification.
1873:03 Would you examine People's Exhibit Number 16-D for
1873:04 Identification, please?
1873:05 A Yes, sir.
1873:06 Q Do you recognize it?
1873:07 A Yes, sir; by my case number, my initials,
1873:08 the date and item number.
1873:09 Q What do you recognize it to be? What is that?
1873:10 A Two cardboard containers containing several
1873:11 slides.
1873:12 Q And did you have an occasion to examine

1873:13 any of those slides?

1873:14 A Yes, sir.

1873:15 MR. JOHNSON: Mark this 16-D-1.

1873:16 (Whereupon said document

1873:17 was thereupon marked as

1873:18 People's Exhibit Number

1873:19 16-D-1 for Identification

1873:20 by the Court Reporter.)

1873:21 MR. JOHNSON: I tender People's Exhibit 16-D-1

1873:22 to Counsel for their examination.

1873:23 I show you, Mr. Witness, People's Exhibit

1873:24 Number 16-D-1 for Identification. Do you recognize

1874:01 this exhibit?

1874:02 A Yes, sir.

1874:03 Q What do you recognize it to be?

1874:04 A It's a smear slide of the vaginal area

1874:05 of the deceased, Schmal, Carol Schmal.

1874:06 Q And what if anything did you have an

1874:07 occasion to do with that People's Exhibit?

1874:08 A Basically it was received from Mr. Genty,

1874:09 logged into evidence and then I performed the test

1874:10 as I explained to the jury, the Giemsa stain test,

1874:11 in other words dying this slide.

1874:12 Q And after you dyed it, what did you do with

1874:13 it?

1874:14 A I viewed it under a microscope.

1874:15 Q And what if anything did you see when you

1874:16 viewed People's Exhibit 16-D-1 under a microscope?

1874:17 A I saw intact spermatozoa which would be

1874:18 sperm cells with tail intact.

1874:19 Q Now, at what point do the sperm cells begin

1874:20 to break down? In other words, not being intact?

1874:21 A Basically from my readings it would be

1874:22 between twenty-four to thirty-six hours in certain

1874:23 cases.

1874:24 Q Yes. And are there any conditions that are,

1875:01 you know, variables involved in this?

1875:02 A Yes, sir.

1875:03 Q What are those, could you tell the ladies

1875:04 and gentlemen of the jury?

1875:05 A Basically it would be the environment or

1875:06 the condition that it was in. Sperm cells would

1875:07 stay intact if they were on clothing. But if they

1875:08 were found in a moist area, in this case the vagina,

1875:09 they have a tendency to break down in a period of time

1875:10 because the bacteria and the enzymes. They have a
1875:11 tendency to digest it. So, after a certain period
1875:12 of time the tail would literally disappear. I wouldn't
1875:13 be able to see anything.

1875:14 Q However, in this case you found intact
1875:15 spermatozoa indicative, you know, that it was present,
1875:16 it was there, that it hadn't begun to break down
1875:17 yet, is that correct?

1875:18 A Yes, sir. As long as the swabbing of the
1875:19 area in which this slide was taken was taken in a
1875:20 certain amount of time the cells will not break
1875:21 down as long as they are taken out and swabbed on the
1875:22 slide. Once they're on the slide they won't degenerate.

1875:23 Q You now say if we were to take a look at
1875:24 that People's Exhibit now under a microscope we would
1876:01 still see intact spermatozoa?

1876:02 A Yes, sir. If you looked at it five years
1876:03 from today it would still look the same.

1876:04 Q Once again directing your attention to
1876:05 that date, 5-15-78, among the items that you received
1876:06 from Genty I show you People's Exhibit 16 for Identi-
1876:07 fication. Would you examine it, please?

1876:08 A Yes.

1876:09 Q Do you recognize it, sir?

1876:10 A Yes, sir.

1876:11 Q What do you recognize it to be?

1876:12 A One brown paper bag containing a variety
1876:13 of items, three swabs, two slide containers, finger-
1876:14 nail scrapings, head and pubic hair standards of
1876:15 Carol Schmal.

1876:16 Q And did you have an occasion to do anything
1876:17 with that People's Exhibit?

1876:18 A Yes, sir; I opened it and removed the items.

1876:19 Q I now show you what's been previously marked
1876:20 as People's Exhibit Number 16-A for Identification.
1876:21 Would you examine People's Exhibit Number 16-A for
1876:22 Identification?

1876:23 A 16-A is the vaginal swab standard of Carol
1876:24 Schmal.

1877:01 Q And what if anything did you have an
1877:02 occasion to do with respect to People's Exhibit Number
1877:03 16-A relative to the presence of seminal fluid?

1877:04 A I tested it for the presence of seminal
1877:05 materials, seminal fluid.

1877:06 Q Can you describe once again to the ladies

1877:07 and gentlemen of the jury how you did it?
1877:08 A Basically it's found in a tube like this.
1877:09 I opened it, removed a portion of it and tested for
1877:10 the presence of enzyme as I explained before,
1877:11 Phosphatase. The enzyme was present. Basically
1877:12 the material was removed. A drop of reagent was put
1877:13 on a piece of cotton and indicative of a purple
1877:14 color would show the presence of this enzyme.
1877:15 The next thing I did was another portion
1877:16 of that item inside was then removed and then under
1877:17 gone by test gel diffusion agglutination to test
1877:18 for the proteins found. The test was run, positive
1877:19 results were concluded. It showed the presence
1877:20 of proteins.
1877:21 Both of these tests in conjunction with
1877:22 one another indicated the presence of seminal
1877:23 material.
1877:24 Q Once again on that 5-15 date one of the
1878:01 items you received from Genty, did you have occasion
1878:02 to receive People's Exhibit Number 8 for Identification?
1878:03 A Yes.
1878:04 Q Okay. And do you recognize People's
1878:05 Exhibit Number 8 for Identification?
1878:06 A Yes, sir; it's one brown paper bag. I
1878:07 have my date, case number, my initials and also the
1878:08 item number identified as containing a pair of
1878:09 slacks, pink slacks.
1878:10 Q What if anything did you have occasion to
1878:11 do with People's Exhibit Number 8 for Identification?
1878:12 A It was logged into evidence and it was
1878:13 opened and then the item was analyzed.
1878:14 Q I now show you what's been previously
1878:15 marked as People's Exhibit Number 8-A for Identification.
1878:16 Would you examine that People's Exhibit, please?
1878:17 A Yes.
1878:18 Q Do you recognize People's Exhibit Number 8-A
1878:19 for Identification?
1878:20 A Yes, sir. Here I have my markings. One
1878:21 pair of pinkish colored trousers.
1878:22 Q What if anything did you have an occasion to
1878:23 do with that People's Exhibit relative to the presence
1878:24 of seminal fluid?
1879:01 A Basically I tested the item to see if there
1879:02 was any seminal fluid or sperm present.
1879:03 Q Would you explain to the ladies and gentlemen

1879:04 how you do that with a garment such as that?
1879:05 A Basically a sample section of the crotch
1879:06 area, a hole was removed, cut and was tested in
1879:07 the same procedures that I used to test the swab.
1879:08 Q And what was the results of your examination
1879:09 or test?
1879:10 A That seminal fluid was present.
1879:11 Q Did you have an occasion to perform any
1879:12 further examination of that People's Exhibit?
1879:13 A Could I refer to my report on that, sir?
1879:14 I have a copy here in my pocket.
1879:15 Q Do you have it?
1879:16 A Yes, sir.
1879:17 Q All right.
1879:18 MR. CRESWELL: Could we have that marked your
1879:19 Honor?
1879:20 MR. JOHNSON: Mark it was People's Exhibit Number
1879:21 105 for Identification.
1879:22 THE COURT: What number?
1879:23 MR. JOHNSON: 105.
1880:01 (Whereupon said document
1880:02 was thereupon marked as
1880:03 People's Exhibit Number
1880:04 105 for Identification by
1880:05 the Court Reporter.)
1880:06 THE WITNESS: Yes, sir; the item was tested for
1880:07 the presence of intact spermatozoa.
1880:08 MR. JOHNSON: Q Could you tell, please, the
1880:09 ladies and gentlemen of the jury in what manner you
1880:10 tested for the spermatozoa?
1880:11 A Basically the crotch area was removed, a
1880:12 section of it was then immersed in saline which is
1880:13 basically salt water and was set on we have like a
1880:14 little mixer. I can't remove it from the cloth.
1880:15 I wouldn't be able to see it so I put it in saline.
1880:16 Put a portion of the cloth in there. Put it on
1880:17 like a little mixer to break the sperm from being
1880:18 attached to the clothing fibers. Then the fibers --
1880:19 strike that. Not fibers but the saline would then
1880:20 be removed and would be put on a slide like so forth
1880:21 and then stained and checked for the presence of
1880:22 sperm cells and viewed under the microscope.
1880:23 Q And did you have in fact occasion to do
1880:24 that with People's Exhibit Number 8-A for Identification?
1881:01 A Yes, sir.

1881:02 Q And what was the result of your examination
1881:03 or test?
1881:04 A That it indicated the presence of seminal
1881:05 material and also sperm cells.
1881:06 Q And in what form or what condition were
1881:07 those sperm cells found by you?
1881:08 A They were intact with the tails attached.
1881:09 Q Now, after you had finished your examinations
1881:10 or testings of People's Exhibit Number 8-A for
1881:11 Identification, what did you do with that exhibit when
1881:12 you were done with it?
1881:13 A This item here was then placed in the paper
1881:14 bag and sealed and then logged into the evidence vault
1881:15 with the rest of the evidence.
1881:16 Q Now, could you pick up again, if you would,
1881:17 People's Exhibit Number 16-A for Identification. Did
1881:18 you have an occasion to perform any other test or
1881:19 examination on People's Exhibit Number 16-A for
1881:20 Identification?
1881:21 A Yes, sir.
1881:22 Q What kind of test did you perform and
1881:23 for what purpose did you perform it?
1881:24 A Basically a final test I made was as I
1882:01 concluded the seminal material was found thereon this
1882:02 item I tried to determine to see if I could resolve
1882:03 a blood type from this item.
1882:04 Q Could you tell us how that's done or how
1882:05 it could be that you could come up with a blood type
1882:06 from seminal fluid?
1882:07 MR. CRESWELL: I'll object. He hasn't said that
1882:08 he has come up with a blood type. He said he tried to.
1882:09 I don't know whether he has or hasn't.
1882:10 MR. JOHNSON: I'm asking in generalities.
1882:11 THE COURT: Overruled.
1882:12 MR. CREWSELL: I'll withdraw the objection if
1882:13 it is generalities.
1882:14 THE WITNESS: I was able to test it. I was able
1882:15 to come up --
1882:16 MR. JOHNSON: Q Excuse me, Mr. Podlecki. The
1882:17 question is how can it be that you can test seminal
1882:18 fluid and come up with a blood type? How can you do
1882:19 this?
1882:20 A Basically there are people that have a gene
1882:21 in their blood called secretor gene which is inherited
1882:22 through your characteristics, your parents, and eighty

1882:23 percent of the population has this. Twenty percent
1882:24 don't.

1883:01 Basically what it is is you can secrete
1883:02 antigens. Antigens found in your blood that deter-
1883:03 mine your blood type as A, B, AB or O. And antigens
1883:04 can also be found in water soluble physiological
1883:05 fluids, perspiration, vaginal secretions, seminal
1883:06 material, so forth.

1883:07 Q And from that what can you determine?
1883:08 A We can determine the blood type.
1883:09 Q And what test did you use to do this?
1883:10 A Basically it's an absorption inhibition
1883:11 test a test whereby you inhibit an antigen antibody
1883:12 reaction.

1883:13 Q And from that you can determine blood type,
1883:14 is that correct?
1883:15 A We can determine the presence of a blood
1883:16 group substance.

1883:17 Q Blood group substance, okay. Now, what if
1883:18 anything did you have an occasion to do with People's
1883:19 Exhibit Number 16-A?
1883:20 A I performed the test as I explained, the
1883:21 absorption inhibition test.

1883:22 Q Tell us exactly what you did, if you can?
1883:23 A Basically a section of the item was removed
1883:24 and placed -- could I draw it on the board? It would
1884:01 be easier.

1884:02 Q Sure.
1884:03 A What I use is I use a porcelain plate. Okay,
1884:04 then what I would do is I take a sample of the swab,
1884:05 the cotton fibers. I'd mark this A and this B and
1884:06 I'd mark this O. Just in relativity, okay.

1884:07 Then what I did was I put the fibers of the
1884:08 vaginal swab in each one of these wells. Then what
1884:09 I'd do was I took known seminal fluid that was dried
1884:10 on filter paper from a person who secretes his blood
1884:11 type and just labelled this secretor A. So, the person
1884:12 has Group A blood type with known seminal material
1884:13 found on a piece of filter paper.

1884:14 Then I took another one but from somebody
1884:15 who doesn't secrete his blood type. I did the same
1884:16 with secretor for AB and a secretor for Group B.

1884:17 The plates I used only have four wells down
1884:18 here, three rows with four down, so I had to use
1884:19 another plate. But then I also have a control or

1884:20 blank. What a blank would be is just a piece of
1884:21 paper. Now, if I received a reaction in the blank
1884:22 that would mean something is wrong here. The blank
1884:23 is something that doesn't have anything on it. That
1884:24 should come up as a negative reaction. And when I
1885:01 ran the test I looked for the presence of agglutination
1885:02 which would be the clumping of cells, and I found a
1885:03 strong reaction here, very slight reaction there,
1885:04 strong reaction here.

1885:05 In other words, what you're looking for is
1885:06 inhibiting. If you inhibit the antigen and it's taken
1885:07 up and inhibiting isn't there, so it's going to react.

1885:08 Q You mean the clumping?

1885:09 A Right, the clumping. It looks something
1885:10 like this, basic blood cell clumping. In other words
1885:11 a positive reaction would be a negative reaction.

1885:12 Q So, when you got the reaction --

1885:13 A This reaction here would indicate the same
1885:14 as a reaction in the A, but I had a slight
1885:15 agglutination reaction in the A well which would
1885:16 indicate to me that there exists a possibility of a
1885:17 trace of O. Not so much a person with Group O, it
1885:18 possibly could be but I could not rule that out or
1885:19 people with Group O Blood secrete a substance called
1885:20 A substance, a substance found in your blood. I
1885:21 could only make three determinations from that.

1885:22 One, the person with Group O blood, seminal
1885:23 fluid and a person with Group O seminal fluid, it
1885:24 would be a combination. Two, it would just be a person
1886:01 with Group A blood, but there could be a trace of O
1886:02 if the victim is a Group O blood, from Group O blood.

1886:03 Q Through her vaginal discharge?

1886:04 A Correct. Or, third, it could be a person
1886:05 with Group A blood that has a slight secretion that
1886:06 I would find here of A. Why I would get a very
1886:07 light agglutination there.

1886:08 Q And did you have an occasion to perform
1886:09 this test on 16-A and what was your --

1886:10 MR. CRESWELL: Wait a minute. Don't take that
1886:11 off of there.

1886:12 MR. JOHNSON: He can reproduce it at anytime,
1886:13 Judge.

1886:14 THE COURT: Well, it's better to leave it so
1886:15 they can cross examine on it in the same form in
1886:16 which the witness testified.

1886:17 MR. JOHNSON: Q And did you have occasion to
1886:18 perform this test on 16-A and does this represent
1886:19 your results?
1886:20 A Yes, sir.
1886:21 Q So, what blood group substance did you
1886:22 find on 16-A?
1886:23 A I would have to say my conclusions were
1886:24 it indicated the presence of Group A and Group O
1887:01 blood group substance.
1887:02 Q Strong A and then you explained the O
1887:03 reaction, why you had to indicate O on your report,
1887:04 is that correct?
1887:05 A Yes, sir; I had to put that down.
1887:06 Q Which was attributable to one of those
1887:07 three things you went through?
1887:08 MR. WESTON: I object to the leading type of
1887:09 questions.
1887:10 THE COURT: Sustained.
1887:11 MR. CRESWELL: Could I have the witness' answer
1887:12 to that read back?
1887:13 THE COURT: The previous question?
1887:14 MR. CRESWELL: Yes, sir. It indicated a group
1887:15 A or something like that. I don't know.
1887:16 THE COURT: Yes, you may. I'll direct that right
1887:17 now.
1887:18 MR. CRESWELL: Thank you.
1887:19 (Record read by Reporter.)
1887:20 MR. JOHNSON: Q And what if anything would
1887:21 explain the presence of the Group O substance?
1887:22 A It's Group A substance that would be found
1887:23 there which would indicate Group O.
1887:24 Q How can you explain this? How would you
1888:01 explain it?
1888:02 A Basically for those three items you want
1888:03 me to discuss those again. Basically we run tests
1888:04 in the laboratory and we report what we see. By what
1888:05 we see we have to draw conclusions, scientifically.
1888:06 We don't guess or make up things. We see what we
1888:07 have. We see everything that would be attributable
1888:08 to that scientifically. In other words what con-
1888:09 conclusion can be brought when we run a test like this,
1888:10 all controls and things that like come out.
1888:11 First thing, we could assume that a person
1888:12 with Group A is a secretor, Group A blood. This is
1888:13 looking at the top one there that I marked.

1888:14 The second would be a combination of
1888:15 Group A and Group O because of that slight
1888:16 agglutination reaction I showed there in the well
1888:17 marked under A. Or it could be a person with Group A
1888:18 that had a slight H substance found in the blood. H
1888:19 substance is a substance found in Group O blood.
1888:20 MR. CRESWELL: Found in Group O blood?
1888:21 THE WITNESS: Yes, sir. H substance.
1888:22 MR. JOHNSON: Q What else could you attribute
1888:23 this to? What could you attribute this to?
1888:24 A To a person with Group A blood, a slight H
1889:01 substance. Some people secrete B substances in their
1889:02 blood and some do not.
1889:03 Q Or any other?
1889:04 A Or the last one would be the possibility
1889:05 of vaginal secretions, secretions from the vagina
1889:06 area of a person that has Group O blood.
1889:07 Q Directing your attention to June 7, 1978,
1889:08 did you have occasion to go to locker thirteen at
1889:09 the Maywood facility of the Illinois State Crime Lab?
1889:10 A Yes, sir.
1889:11 Q And from there did you have an occasion
1889:12 to see People's Exhibit Number 11 for Identification?
1889:13 A Yes, sir.
1889:14 Q And do you recognize People's Exhibit Number
1889:15 11?
1889:16 A Yes, sir.
1889:17 Q What do you recognize that to be?
1889:18 A One sealed manila envelope containing
1889:19 several standards.
1889:20 Q I show you People's Exhibit Number 13 for
1889:21 Identification. Do you recognize that?
1889:22 A Yes, sir. A sealed manila envelope containing
1889:23 several standards.
1889:24 Q I show you People's Exhibit Number 12 for
1889:25 Identification. Do you recognize that People's
1890:01 Exhibit?
1890:02 A A sealed manila envelope containing several
1890:03 standards.
1890:04 Q I show you People's Exhibit Number 11-B
1890:05 for Identification. Do you recognize that?
1890:06 A Yes, sir.
1890:07 Q What do you recognize it to be?
1890:08 A A tube containing what was left of a saliva
1890:09 standard of Dennis Williams.

1890:10 Q I show you People's Exhibit Number 13-B
1890:11 for Identification. Do you recognize People's
1890:12 Exhibit Number 13-B for Identification?
1890:13 A Yes, sir.
1890:14 Q What do you recognize it to be?
1890:15 A Containing the remains of a saliva standard
1890:16 of Mr. Willie Rainge.
1890:17 Q I show you People's Exhibit Number 12-B for
1890:18 Identification. Do you recognize People's Exhibit
1890:19 Number 12-B for Identification?
1890:20 A Yes, sir.
1890:21 Q What do you recognize it to be?
1890:22 A The remains of a saliva standard of Mr. Kenny
1890:23 Adams.
1890:24 Q Now, looking at all these exhibits, 11, 11-B,
1891:01 13-B and 12-B, how is it that you recognize those
1891:02 items to be what they are?
1891:03 A The tape around them, basically, and my
1891:04 markings on each one.
1891:05 Q On each and every one, is that correct?
1891:06 A Yes, sir.
1891:07 Q Now, what if anything did you have an
1891:08 occasion to do with People's Exhibit Number 11-B,
1891:09 13-B and 12-B for Identification?
1891:10 A These three items from each separate
1891:11 defendant, the three saliva standards?
1891:12 Q That's correct.
1891:13 A Basically absorption inhibition test to
1891:14 see if I could determine if the people were secretors
1891:15 and also if they could secrete their blood type
1891:16 through their body fluids in this case which is saliva.
1891:17 Q What did you do with the saliva initially?
1891:18 A Basically a portion of the saliva was
1891:19 removed from each one of these individual tubes and
1891:20 put in separate tubes that were marked separately so
1891:21 I could identify each one. They were then immersed,
1891:22 tubes with the saliva inside immersed in boiling water
1891:23 basically to break down any enzymes that possibly
1891:24 could break down these blood group substances. It
1892:01 was boiled for thirty seconds or so. Then it was
1892:02 removed, the saliva was removed and put on filter
1892:03 paper.
1892:04 When I did all these examinations I wanted
1892:05 to keep the same kind of testing procedure and the
1892:06 same kind of environment that everything was done on

1892:07 in the previous case where I explained the vaginal
1892:08 swab was dry, was not wet, and I wanted to test each
1892:09 one of these saliva standards in a dry state. And
1892:10 I did the testing as I show basically up there on
1892:11 the board.
1892:12 Q Now, with respect to People's Exhibit Number
1892:13 11-B for Identification, that saliva standard identified
1892:14 as coming from the Defendant Dennis Williams, what if
1892:15 anything was the result -- what if any determinations
1892:16 were you able to make of People's Exhibit Number 11-B
1892:17 for Identification?
1892:18 A I was able to determine that he was a
1892:19 secretor and also that his saliva contained Group A
1892:20 blood group substance.
1892:21 Q Now, directing your attention to People's
1892:22 Exhibit Number 12-B for Identification, would you
1892:23 please explain to the ladies and gentlemen of these
1892:24 two juries what if any determination you made
1893:01 relative to 11-B?
1893:02 A 13-B, sir?
1893:03 Q 13-B for Identification, yes.
1893:04 THE COURT: 13-B you're inquiring about?
1893:05 MR. JOHNSON: Yes. That saliva standard as
1893:06 has been previously identified taken from the
1893:07 defendant Willie Raigne.
1893:08 THE COURT: All right.
1893:09 THE WITNESS: Basically the same test.
1893:10 MR. JOHNSON: Q Okay. And what was the
1893:11 results or determination you were able to make on
1893:12 that?
1893:13 A That it was a secretor and also that it
1893:14 contained blood group O blood group substance.
1893:15 Q Now, directing your attention to People's
1893:16 Exhibit Number 12-B for Identification, did you have
1893:17 occasion to perform that test once again?
1893:18 A Yes, sir; the basic same test that was
1893:19 done with the other two items.
1893:20 Q Now, relative to that People's Exhibit
1893:21 were you able to make any determination relative
1893:22 to that exhibit?
1893:23 A Yes, sir.
1893:24 Q Okay. And what determination did you make?
1894:01 A Basically it contained Group A blood group
1894:02 substance.
1894:03 Q Now, Mr. Podlecki, in making your examination

1894:04 of People's Exhibit Number 12-B for Identification,
1894:05 the saliva standard taken from the defendant Kenneth
1894:06 Adams, what if anything in particular did you notice
1894:07 in common between that exhibit and People's Exhibit
1894:08 Number 16-A?
1894:09 A The vaginal?
1894:10 Q Correct.
1894:11 A When this examination, this item was run,
1894:12 it has the same results --
1894:13 MR. CRESWELL: What is he holding? I don't know.
1894:14 THE WITNESS: 12-B.
1894:15 MR. CRESWELL: Thank you.
1894:16 THE WITNESS: I received the same reaction, the
1894:17 same visual examination or reaction I could see as
1894:18 I received in this item here, the vaginal swab as
1894:19 you would see on the top of the first row, same kind
1894:20 of reaction with a slight H reaction. That would be
1894:21 the A column. Strong B reaction as you see in the B
1894:22 and the slight -- no reaction as you would see in the O.
1894:23 MR. JOHNSON: Q Would the testing of seminal
1895:01 fluid and saliva, if they were from the same person,
1895:02 would they correspond in the same manner?
1895:03 MR. WESTON: Objection to the suggestive and
1895:04 leading nature.
1895:05 MR. JOHNSON: Would they correspond?
1895:06 THE COURT: Overruled.
1895:07 THE WITNESS: Yes, sir; any bodily secretions
1895:08 from the person would as well as his blood type.
1895:09 MR. JOHNSON: Q Are you familiar with human
1895:10 blood groupings?
1895:11 A Yes, sir.
1895:12 Q And what examination or what manner, what
1895:13 do you use to group blood, what method, methodology?
1895:14 A Basically a direct antiserum over the
1895:15 whole blood cells.
1895:16 Q But in describing the types of blood you
1895:17 already talked about A, B, AB system which is
1895:18 probably the most common used, is that correct?
1895:19 A Yes, sir.
1895:20 Q Is that the one that you used?
1895:21 A Yes, sir.
1895:22 Q Now, could you explain to the ladies and
1895:23 gentlemen of the jury what are human blood groupings?
1895:24 You know, basically what are they?
1896:01 A Basically blood groups in this case which

1896:02 would be the ABO blood system is basically four types;
1896:03 Group A, B, AB and Group O. Each one is attributable
1896:04 to an antigen. Group A contains A antigen, B contains
1896:05 Group B antigens, AB contains Group AB antigens and
1896:06 Group O contains no antigens. Each one has their
1896:07 own certain frequency.

1896:08 Q And from that they become identifiable under
1896:09 those groups, is that correct?

1896:10 A Yes, sir.

1896:11 Q What is whole blood?

1896:12 A Basically whole blood is a mixture of red
1896:13 blood cells and white blood cells. A clear portion
1896:14 which contains the antibodies and also the red portion.
1896:15 In other words if you took a test tube of blood and
1896:16 spin it down at ten thousand revolutions per minute
1896:17 you would see on the bottom red cells and on top a
1896:18 clear portion, white, which would be the serum.
1896:19 You would have red blood cells on the bottom. The
1896:20 red portion. And on the top you would see the clear
1896:21 portion which would look like water almost. That
1896:22 would be containing the antibodies or the white blood
1896:23 cells.

1896:24 Q Now, having a sample of whole blood how,
1897:01 if at all, do you test for the blood groupings?

1897:02 A Basically the test tube would be spun down,
1897:03 washed with saline to take out any impurities. Cells
1897:04 are then removed, basically put on a spot plate just
1897:05 like I showed there and antisera were then added.
1897:06 In this case there was Group A and the antiserum.
1897:07 Group B was added to the second well. Group O
1897:08 antiserum or H is what it would be added to the third
1897:09 row. We look for agglutinations.

1897:10 Q That's clumping of cells, is that correct?

1897:11 A Yes, sir. In other words if you had --
1897:12 If you had a person with A blood you would get
1897:13 clumping in the A well with a negative in the B and
1897:14 negative in the O. If you ran the test with Group O,
1897:15 no reaction in A, no reaction in B, but you show
1897:16 clumping in the Group O well.

1897:17 Q So, in that case the positive would be a
1897:18 positive, is that correct?

1897:19 A Yes, sir.

1897:20 Q Whereas in the absorption inhibition the
1897:21 negative means a positive, is that correct?

1897:22 A Yes, sir.

1897:23 Q Now, showing you People's Exhibit Number 18
1897:24 for Identification, do you recognize this, sir?
1898:01 A Yes, sir.
1898:02 Q And what do you recognize it to be?
1898:03 A Basically it's an opened brown paper bag
1898:04 identified as containing a small bottle containing a
1898:05 liquid blood sample of Mr. Lionberg.
1898:06 Q I show you People's Exhibit Number 18-A
1898:07 for Identification. Do you recognize People's Exhibit
1898:08 Number 18-A for Identification?
1898:09 A Yes, sir; this was the bottle I removed
1898:10 from this bag.
1898:11 Q And what do you recognize it to be?
1898:12 A The liquid blood sample identified as being
1898:13 liquid blood sample of Mr. Lionberg.
1898:14 MR. WESTON: Who?
1898:15 THE WITNESS: Mr. Lionberg.
1898:16 MR. JOHNSON: Q Now, would you please tell the
1898:17 ladies and gentlemen of the jury what if anything
1898:18 relative to blood groupings did you have an occasion
1898:19 to do with People's Exhibit Number 18-A?
1898:20 A A sample of blood was removed, was then
1898:21 put in a test tube, spun down and washed. A portion
1898:22 of that removed, put in a well, as I said, in three
1898:23 separate spots.
1898:24 Also, whenever I ran a test like this in
1899:01 blood typing I always run known controls with it.
1899:02 In other words I ran blood from Group A, Group B,
1899:03 Group AB to make sure everything was correspondingly
1899:04 working in the right order.
1899:05 Q Now, could you please tell the ladies and
1899:06 gentlemen of these two juries what if any determination
1899:07 you were able to make pursuant to this testing of
1899:08 People's Exhibit Number 18-A, Mr. Lionberg's blood?
1899:09 A They contained Group O blood.
1899:10 Q I show you People's Exhibit Number 14 for
1899:11 Identification. Do you recognize it, sir?
1899:12 A One opened brown paper bag identified as
1899:13 containing the liquid blood sample of Carol Schmal.
1899:14 Q I now show you People's Exhibit Number 14-A
1899:15 for Identification. Do you recognize that?
1899:16 A Yes, sir.
1899:17 Q What do you recognize it to be?
1899:18 A The small bottle I removed from People's
1899:19 Exhibit Number 14, liquid blood sample of Carol Schmal.

1899:20 Q And could you tell the ladies and gentlemen
1899:21 of these two juries exactly what if anything you had
1899:22 an occasion to do with People's Exhibit Number 14-A
1899:23 for Identification?

1899:24 A I removed the blood, a portion of the blood
1900:01 from the tube, put in a test tube, spun it down,
1900:02 washed it with saline and then proceeded the basic
1900:03 blood typing as I discussed before which results I
1900:04 found were Group O blood.

1900:05 Q I show you what's been previously marked
1900:06 as People's Exhibit Number 11-A for Identification.
1900:07 Do you recognize People's Exhibit Number 11-A for
1900:08 Identification?

1900:09 A Yes, sir.

1900:10 Q What do you recognize it to be?

1900:11 A A sealed white envelope containing liquid
1900:12 blood sample of Mr. Dennis Williams.

1900:13 Q Have you ever seen that envelope before?

1900:14 A Yes, sir.

1900:15 Q And what was the last time you saw it?

1900:16 A When I was back at work testing it when I
1900:17 sealed it and it was put in this manila envelope.

1900:18 Q So, it still contains your seal, is that
1900:19 correct?

1900:20 A Yes, sir. My seal has not been opened.

1900:21 Q Could you now at this time open it.

1900:22 A Yes.

1900:23 MR. JOHNSON: Mark this 11-A-1.

1901:01 (Whereupon said document
1901:02 was thereupon marked as
1901:03 People's Exhibit Number
1901:04 11-A-1 for Identification.)

1901:05 MR. JOHNSON: I now show Counsel what has been
1901:06 marked People's Exhibit Number 11-A-1 for Identification.

1901:07 Q I tender it to you, Mr. Witness, for
1901:08 your examination. Do you recognize People's Exhibit
1901:09 Number 11-A-1 for Identification?

1901:10 A Yes, sir.

1901:11 Q What do you recognize?

1901:12 A I recognize my markings.

1901:13 Q You had occasion to seal that, is that
1901:14 correct?

1901:15 A Yes, sir.

1901:16 Q Prior to sealing it did you have an
1901:17 occasion to do anything with People's Exhibit Number

1901:18 11-A-1 for Identification?
1901:19 A Yes, sir; I did the basic blood typing
1901:20 test.
1901:21 Q Much as you described before, is that
1901:22 correct?
1901:23 A Yes, sir.
1901:24 Q Okay. And could you tell the ladies and
1902:01 gentlemen of these two juries what if any determination
1902:02 you were able to make relative to People's Exhibit
1902:03 11-A-1 for Identification?
1902:04 A It contained Group A blood.
1902:05 THE COURT: What type?
1902:06 THE WITNESS: Group A.
1902:07 MR. JOHNSON: Q I direct your attention to
1902:08 People's Exhibit 13-A for Identification. Do
1902:09 you recognize it?
1902:10 A Yes, sir.
1902:11 Q What do you recognize it to be?
1902:12 A One sealed white envelope.
1902:13 Q Does it contain any markings or anything?
1902:14 A Yes, sir; my markings here containing the
1902:15 liquid -- identified as containing the liquid blood
1902:16 sample of Willie Rainge.
1902:17 Q Would you open it, please.
1902:18 A Yes.
1902:19 MR. JOHNSON: Mark this 13-A-1.
1902:20 (Whereupon said document
1902:21 was thereupon marked as
1902:22 People's Exhibit Number
1902:23 13-A-1 for Identification
1902:24 by the Court Reporter.)
1903:01 MR. JOHNSON: I now tender to Counsel what's
1903:02 been marked People's Exhibit 13-A-1 for Identification.
1903:03 Q I now will show you, Mr. Witness,
1903:04 People's Exhibit Number 13-A-1 for Identification.
1903:05 Do you recognize it?
1903:06 A Yes, sir.
1903:07 Q What do you recognize it to be?
1903:08 A Liquid blood sample of Willie Rainge,
1903:09 identified as being the liquid blood sample of Willie
1903:10 Rainge.
1903:11 Q Did you have occasion to perform any test
1903:12 or examinations of that?
1903:13 A Yes, sir; the basic blood test.
1903:14 Q And could you tell these ladies and

1903:15 gentlemen of the juries, both these juries, what if
1903:16 any determination you were able to make?
1903:17 A Yes, sir. It contained Group O blood.
1903:18 Q Now, Mr. Witness, I direct your attention
1903:19 to People's Exhibit Number 12-A for Identification.
1903:20 Do you recognize it?
1903:21 A Yes, sir.
1903:22 Q What do you recognize it to be?
1903:23 A A sealed white envelope identified as con-
1903:24 taining the liquid blood sample of Kenneth Adams.
1904:01 A Okay. Could you open it, please.
1904:02 A Yes.
1904:03 MR. JOHNSON: Mark this 12-A-1.
1904:04 (Whereupon said document
1904:05 was thereupon marked as
1904:06 People's Exhibit Number
1904:07 12-A-1 for Identification
1904:08 by the Court Reporter.)
1904:09 MR. JOHNSON: Now, what I had marked People's
1904:10 Exhibit Number 12-A-1 I tender to Counsel.
1904:11 Q Mr. Witness, I tender it to you for
1904:12 your examination. Would you examine People's
1904:13 Exhibit Number 12-A-1 for Identification? Do you
1904:14 recognize it?
1904:15 A Yes, sir.
1904:16 Q What do you recognize it to be?
1904:17 A Identified as being the liquid blood sample
1904:18 of Mr. Kenneth Adams.
1904:19 Q And what if anything exactly -- exactly
1904:20 what if anything did you have an occasion to do with
1904:21 People's Exhibit Number 12-A-1 for Identification?
1904:22 A The basic simple blood test as I said before
1904:23 in the other blood samples.
1904:24 Q And could you please tell the ladies and
1905:01 gentlemen of these two juries what if any determination
1905:02 you were able to make as a result of your test?
1905:03 A That it contained Group A blood and also
1905:04 had a distinct characteristic of showing up slight
1905:05 agglutination in the O well which would indicate a
1905:06 person had H substance found in his blood.
1905:07 Q Showing you People's Exhibit 12-A-1,
1905:08 People's Exhibit Number 16-A and People's Exhibit
1905:09 Number 12-B, the vaginal swab of Carol Schmal, the
1905:10 saliva standard from Kenneth Adams and the blood
1905:11 standard from Kenneth Adams, what if anything in your

1905:12 examinations did you notice in common between these
1905:13 exhibits, if anything?

1905:14 A Basically the blood was tested showed the
1905:15 same characteristics, Group A with a slight trace of
1905:16 H substance. I also found it in the saliva because
1905:17 if I found it in the blood it would come up in any
1905:18 other body fluid. It came from the saliva, and just
1905:19 being incidental, it also came up on the vaginal
1905:20 swab.

1905:21 MR. CRESWELL: I object to the incidental, your
1905:22 Honor. It's what he found.

1905:23 THE COURT: Sustained.

1905:24 MR. JOHNSON: Q What if anything does this
1906:01 correlation in results mean to you?

1906:02 A With each item - -

1906:03 MR. CRESWELL: I'm going to object to that,
1906:04 Judge.

1906:05 THE COURT: Overruled.

1906:06 THE WITNESS: Basically this contained Group A
1906:07 blood with a slight trace of the H substance blood.
1906:08 Saliva contained Group A with a trace of H. And the
1906:09 swab with those three conclusions that I could draw,
1906:10 it could have contained blood Group A substance with
1906:11 a trace of H also in one of those three conclusions
1906:12 that I said before.

1906:13 Q And what if anything does the correlation
1906:14 between those three exhibits mean to you, if anything?

1906:15 MR. CRESWELL: Same objection, your Honor.

1906:16 THE COURT: Overruled.

1906:17 THE WITNESS: They all have the same results.

1906:18 MR. JOHNS: Q Now showing you People's
1906:19 Exhibit Number 16-A for Identification, 11-A-1 for
1906:20 Identification and 11-B for Identification, showing
1906:21 you those exhibits, in making your examination of
1906:22 those exhibits, Dennis Williams' blood and Dennis
1906:23 Williams' saliva, did you notice any correlation in
1906:24 results from those examinations?

1907:01 A The blood contained --

1907:02 MR. WESTON: Objection

1907:03 THE COURT: Overruled.

1907:04 THE WITNESS: The blood contained Group A blood,
1907:05 the saliva contained Group A blood group substance
1907:06 and also Group A blood group substance also found
1907:07 in the vaginal swab.

1907:08 MR. JOHNSON: Q One more question. People's

1907:09 Exhibit Number 16-A for Identification is a swab?
1907:10 A Yes, sir; vaginal swab.
1907:11 Q Okay. And it's got a relatively small point
1907:12 or edge to it, is that correct?
1907:13 A Yes, sir.
1907:14 Q The swabby part?
1907:15 A Yes, sir.
1907:16 Q How is it you can perform, you know, these
1907:17 tests with such a small sample?
1907:18 A The test that we use in the laboratory
1907:19 are very sensitive to our techniques. We're working
1907:20 with molecular things, antigens and molecular bodies,
1907:21 molecules. We don't need a lot to run these certain
1907:22 tests.
1907:23 MR. JOHNSON: Judge, I have no further questions
1907:24 of this witness at this time.
1908:01 THE COURT: Very well. Would you care to have
1908:02 a short recess before your cross examination?
1908:03 MR. CRESWELL: Fine, Judge.
1908:04 MR. WESTON: That's all right, your Honor. What-
1908:05 ever the Court wants.
1908:06 THE COURT: I'll give you a chance to put your
1908:07 thoughts together.
1908:08 MR. WESTON: I'm ready now.
1908:09 THE COURT: Well, the ladies and gentlemen might
1908:10 want to take a break. Ten minutes if you please.
1908:11 (Whereupon a recess was taken
1908:12 after which the following
1908:13 proceedings were had out-
1908:14 side the presence and
1908:15 hearing of the jury:)
1908:16 MR. ARTHUR: Judge, I advise Mr. Weston that
1908:17 while testimony was in progress at one point when I
1908:18 went in the back to get another towel to erase the
1908:19 blackboard I received a phone call who said she was
1908:20 the secretary for Judge Perry and then I spoke to
1908:21 Judge Perry himself. He indicated to me that he
1908:22 would have no problem if Mr. Weston was not there.
1908:23 He would continue the matter to Monday at 10:00
1908:24 o'clock. So, you know, he'll be glad to accommodate
1909:01 us. I just wanted to get that clear.
1909:02 MR. WESTON: That frees me.
1909:03 MR. ARTHUR: So, in light of that if we can
1909:04 set up a standard time because all these people have
1909:05 to make arrangements.

1909:06 THE COURT: 10:00 o'clock is okay then.
1909:07 MR. WESTON: Sure.
1909:08 THE COURT: And Mr. Creswell?
1909:09 MR. CRESWELL: Yes, sir.
1909:10 MR. WESTON: 10:00 o'clock I'll be here.
1909:11 MR. ARTHUR: There are some other, you know,
1909:12 technical things.
1909:13 THE COURT: We have to release Mr. Weston at
1909:14 4:00 o'clock today.
1909:15 MR. ARTHUR: Well, okay. If that's to happen
1909:16 then obviously we will not finish probably with cross
1909:17 examination. I assume we can pick that up tomorrow
1909:18 afternoon.
1909:19 THE COURT: Right.
1909:20 MR. ARTHUR: But there are other matters to be
1909:21 resolved on the viewing itself that we have to take
1909:22 up sometimes before we leave here.
1909:23 THE COURT: Yes. Let's take them up right now.
1909:24 MR. ARTHUR: Okay. First of all I would tender
1910:01 to the Court and Counsel has copies, or an order.
1910:02 And these documents, your Honor are in order with
1910:03 the documents that were used previously in this
1910:04 County by his Honor Judge Bailey when he ordered such
1910:05 a viewing in the Henry Brisbon trial, the I-57 case.
1910:06 MR. CRESWELL: In the preamble of the order,
1910:07 your Honor, I want the record to be made clear that
1910:08 we had a hearing on this before. Your Honor was
1910:09 presented this draft order for your signature and
1910:10 at that point I argued on behalf of the defendant
1910:11 Adams against allowing this to happen and I would
1910:12 request that the order reflect that my arguments
1910:13 are repeated here verbatim.
1910:14 MR. WESTON: I join therein, your Honor.
1910:15 THE COURT: Very well. Mr. Archie Weston
1910:16 on behalf of the defendants Rainge, Williams and
1910:17 Paula Gray joined in and supplemented the motion.
1910:18 MR. WESTON: Yes, sir.
1910:19 THE COURT: Or [On?] the objection as stated by Mr.
1910:20 Creswell.
1910:21 MR. WESTON: Yes, sir.
1910:22 THE COURT: So, I'll now sign the order as
1910:23 having heard the order and entered it over the
1910:24 objections of the defendants on October 12, 1978.
1911:01 The only other amendments I'll make in the order is
1911:02 to change the word "Hamlin" to "Hammond" wherever

1911:03 it appears.
1911:04 MR. CRESWELL: Yes, sir. In paragraph three and
1911:05 six you have to change the name thereon from Scott A.
1911:06 Mayer to Chief Jack Davis I believe.
1911:07 MR. ARTHUR: Right. That's my understanding,
1911:08 that Chief Davis from East Chicago Heights has
1911:09 volunteered his services, Judge, as the shower in
1911:10 this matter.
1911:11 THE COURT: Yes. Chief Jack Davis.
1911:12 MR. CRESWELL: Today is the 12th, Judge.
1911:13 THE COURT: Right.
1911:14 MR. ARTHUR: Judge, I believe --
1911:15 THE COURT: The viewing will be on the 13th at
1911:16 10:00 o'clock.
1911:17 MR. CRESWELL: Friday.
1911:18 MR. ARTHUR: Friday the 13th, correct.
1911:19 MR. CRESWELL: Would your Honor wish to incorporate
1911:20 in there an additional paragraph or put it on the
1911:21 record that the Court is in its entirety physically
1911:22 moving to the location and the Court Clerk must
1911:23 accompany this.
1911:24 THE COURT: Yes, we'll put that on the record
1912:01 that the Court, the Clerk, the Deputies assigned to
1912:02 the jury will accompany the juries in their res-
1912:03 pective modes of transportation and that they'll
1912:04 be transported, each jury, in a separate bus. And
1912:05 then, before leaving today I'll read to the juries
1912:06 and the deputies the instructions that accompany
1912:07 the order with respect to the manner of procedure
1912:08 of the viewing.
1912:09 MR. CRESWELL: Now, how about -- wait a minute,
1912:10 before you get to that. How about my defendant,
1912:11 Kenneth Adams, being present also, your Honor.
1912:12 THE COURT: Well, they'll be transported by
1912:13 the Sheriff and they'll be appearing on the scene
1912:14 normally without any form of restraint other than
1912:15 the presence of deputies with them.
1912:16 MR. WESTON: I assume all defendants, your Honor?
1912:17 THE COURT: All defendants.
1912:18 MR. CRESWELL: Very well.
1912:19 MR. ARTHUR: Okay.
1912:20 THE COURT: So, while to and from they may be
1912:21 however the Sheriff wants them to be. All right,
1912:22 I think we can resume now.
1912:23 MR. ARTHUR: There are other documents too

1912:24 accompanying this which I think we should take care
1913:01 of. I tender at this time the instructions to the
1913:02 Bailiff and Sheriffs on the viewing filled in and
1913:03 amended and specifically the date and time as well
1913:04 as the name of the shower. I tender copies of that
1913:05 to Counsel and I will make copies of that for the
1913:06 Sheriffs who will be in charge of that maneuver.
1913:07 THE COURT: All right, then hand to each deputy
1913:08 a copy and each bailiff.
1913:09 MR. ARTHUR: Fine.
1913:10 THE COURT: Will you do that?
1913:11 MR. ARTHUR: I will, your Honor. Furthermore,
1913:12 Judge, I tender to the Court copies of which I've
1913:13 tendered to Counsel, a document entitled instructions
1913:14 to the jury on the view. This, of course, contains
1913:15 the date, the time and the amendments with respect
1913:16 to the shower.
1913:17 THE COURT: All right, I'll read this document
1913:18 to the jury this evening upon recess.
1913:19 MR. CRESWELL: This will not be given to the jury
1913:20 however?
1913:21 THE COURT: No, no.
1913:22 MR. ARTHUR: Judge, finally --
1913:23 MR. CRESWELL: Has that been amended on its face?
1913:24 THE COURT: It's corrected in respect to the name
1914:01 of the shower.
1914:02 MR. CRESWELL: All right.
1914:03 THE COURT: Chief Jack Davis.
1914:04 MR. CRESWELL: Okay.
1914:05 MR. ARTHUR: Finally, Judge, I tender to the
1914:06 Court a document entitled shower's card which is
1914:07 an instruction to the shower as far as what he will
1914:08 say at certain points. Copies of this have been
1914:09 tendered to Counsel and the copy that I'm tendering
1914:10 to the Court has been amended by your Honor to show
1914:11 the correct address.
1914:12 THE COURT: All right.
1914:13 MR. CRESWELL: Your Honor, the motion itself
1914:14 as presented by the State technically becomes part
1914:15 of the pleadings in this case?
1914:16 THE COURT: All these documents do.
1914:17 MR. CRESWELL: I assume that they will not be
1914:18 given to the jury at anytime during the course of
1914:19 this trial?
1914:20 THE COURT: Oh, no.

1914:21 MR. CRESWELL: Even during their deliberations
1914:22 because there's certain allegations made in this motion.
1914:23 MR. ARTHUR: Sure, no problem.
1914:24 THE COURT: Tell you what, I'll order them filed,
1915:01 stamped and sealed.
1915:02 MR. CRESWELL: Thank you, sir.
1915:03 MR. ARTHUR: Thank you, your Honor. That's all
1915:04 the preliminary matters I have, Judge.
1915:05 THE COURT: All right, bring up the juries now.
1915:06 (Whereupon the following
1915:07 proceedings were had in
1915:08 the presence and hearing
1915:09 of the jury:)
1915:10 THE COURT: All right, you may proceed with
1915:11 cross examination.
1915:12 MR. WESTON: Yes, your Honor.
1915:13 CROSS EXAMINATION
1915:14 By Mr. Weston:
1915:15 Q Now, Mr. Podlecki, that's the correct
1915:16 pronunciation, sir?
1915:17 A Yes, sir.
1915:18 Q You testified on direct as to a number of
1915:19 tests that you performed?
1915:20 A Yes, sir.
1915:21 Q Specifically liquid blood standards of
1915:22 the defendants herein to the exclusion of Miss Gray,
1916:01 is that right?
1916:02 A Yes, sir.
1916:03 Q And saliva standards, is that right?
1916:04 A Yes, sir.
1916:05 Q Did you examine anything else from these
1916:06 defendants?
1916:07 A Yes, sir.
1916:08 Q What?
1916:09 A There were some pubic hair standards.
1916:10 Q Now, pursuant to your examination first as
1916:11 to the pubic hair standards, did you then submit a
1916:12 report to-wit: June 7th?
1916:13 A Yes, sir.
1916:14 Q That's your report, is that right, sir?
1916:15 A Yes, sir.
1916:16 Q Now, going over this report, in your report
1916:17 you indicated that you received it from an evidence
1916:18 locker number, is that correct, sir?
1916:19 A Yes, sir.

1916:20 Q Now, when you received items from the
1916:21 evidence locker number, what does that mean as opposed
1916:22 to receiving them from the police officer direct?
1916:23 A Presumably a police officer would put it
1916:24 in the locker, lock it and then would stay there
1917:01 until myself opened the locker and removed it.
1917:02 Q You know, of course, that these defendants
1917:03 submitted to these tests pursuant to court order,
1917:04 is that correct?
1917:05 A Sir, all I know is that the evidence that
1917:06 was put in the locker had their names on it.
1917:07 Q You don't know how the evidence got there,
1917:08 the blood test and pubic hair and saliva?
1917:09 A No, sir.
1917:10 Q Now, as to the pubic hair of Willie Rainge,
1917:11 sir, did you find some conclusion from examination
1917:12 of that hair?
1917:13 A No, sir.
1917:14 Q What did you say in your report?
1917:15 A Nothing of evidential value.
1917:16 Q So, what you found was nothing of evidential
1917:17 value, right?
1917:18 A Yes, sir.
1917:19 Q Now, did you also examine pubic hairs from
1917:20 one Dennis Williams, Kenneth Adams and Verneal
1917:21 Jimerson?
1917:22 A Yes, sir.
1917:23 Q Did you then submit the same results,
1917:24 nothing of evidential value?
1918:01 A Yes, sir.
1918:02 Q Now, when you're examining pubic hairs,
1918:03 sir, what were you seeking terms of evidential
1918:04 value?
1918:05 MR. JOHNSON: Objection.
1918:06 THE COURT: Why?
1918:07 MR. JOHNSON: There's nothing of evidential
1918:08 value. It would be irrelevant and immaterial to
1918:09 go into it.
1918:10 THE COURT: As to what he was seeking?
1918:11 MR. JOHNSON: Yes, Judge, yes. Because in his
1918:12 answer that nothing of evidential value was found in
1918:13 it just about says it all, number one.
1918:14 THE COURT: Well that's true. That's true,
1918:15 nothing multiplied by nothing is still nothing.
1918:16 MR. WESTON: Nothing of evidential value.

1918:17 THE COURT: But Mr. Weston says what were you
1918:18 seeking?
1918:19 MR. JOHNSON: Then beyond the scope.
1918:20 THE COURT: Overruled.
1918:21 MR. WESTON: Q What were you seeking?
1918:22 A Basically other hairs to compare them to.
1918:23 Other hairs in the case that were found.
1918:24 Q Other hairs that were found where?
1919:01 A On a few items, sir.
1919:02 Q Now, you took liquid blood standards that
1919:03 you testified to, is that right?
1919:04 A Yes, those were submitted to me.
1919:05 Q And these results came up with a blood type
1919:06 classification, is that right?
1919:07 A Yes, sir.
1919:08 Q Now, you also examined the deceased, the
1919:09 victims, is that right?
1919:10 A Blood, sir?
1919:11 Q Blood.
1919:12 A Yes, sir.
1919:13 Q And then came up with a blood type
1919:14 classification, is that correct?
1919:15 A Yes, sir.
1919:16 Q Now, do you recall what blood type classi-
1919:17 fication both of the victims had, sir?
1919:18 A Group O.
1919:19 Q Do you recall if any defendant had a
1919:20 similar blood type classification?
1919:21 A Basically Group O.
1919:22 Q Were there any defendants with Group A?
1919:23 A Yes, sir.
1919:24 Q Who were they, sir?
1920:01 A Mr. Dennis --
1920:02 Q You want to look at your report?
1920:03 A Yes, sir. Mr. Adams, Mr. Dennis Williams.
1920:04 Q And who else, sir?
1920:05 A Mr. Willie Rainge is Group O.
1920:06 Q What about Mr. Jimerson?
1920:07 A Mr. Jimerson was Group A.
1920:08 Q All right, sir. Now, by that grouping test
1920:09 alone what if any implication or meaning is there to
1920:10 it other than the classification of the blood type?
1920:11 A That's it, sir.
1920:12 Q That's it, is that right?
1920:13 A Yes, sir.

1920:14 Q SO, all of these twenty-four jurors and myself
1920:15 and the Judge and you have some type of blood type,
1920:16 is that right?
1920:17 A Yes, sir.
1920:18 Q Now, is there anything else in your test
1920:19 pertaining to the types of blood that has any evidentiary
1920:20 value other than the fact that it's a classified type?
1920:21 A Basically all you do is determine the blood
1920:22 type and report what you see.
1920:23 Q Now, you made saliva standard tests. The
1920:24 same type of rationale as to the classification purpose
1921:01 only applicable to the saliva test?
1921:02 A Yes sir; to determine the type.
1921:03 Q Now, you also mentioned, sir, that eighty
1921:04 percent of the population have certain scientific
1921:05 matters which I don't know the name of?
1921:06 A Secretors, sir.
1921:07 Q Secretors, yes, sir. And they can then
1921:08 determine what? I didn't quite get that?
1921:09 A A secretor is a person that has the gene,
1921:10 secretor gene. The secretor secretes his blood type
1921:11 in his body fluids. Twenty percent of the population
1921:12 do not.
1921:13 Q Yes, sir. So, theoretically twenty percent
1921:14 of this jury would not be able to do that and the
1921:15 other eighty percent would, is that right, sir?
1921:16 A It's possible if it was a large enough
1921:17 population and random sampling.
1921:18 Q I'm just trying to compare it to something.
1921:19 We're talking about eighty percent of the population,
1921:20 talking about eighty percent of the United States
1921:21 government or eighty percent of the --
1921:22 A Eighty percent of the general population.
1921:23 Q In that twenty percent that cannot secrete
1921:24 whatever these elements are, would that have affected
1922:01 your examinations in any form or fashion?
1922:02 A No, sir.
1922:03 Q So, the fact that eighty percent can and
1922:04 twenty percent can't is immaterial so far as your
1922:05 testimony is concerned?
1922:06 A Basically just to determine who secretes
1922:07 their blood type and who doesn't.
1922:08 Q Now, we got into an aspect of possibilities.
1922:09 We talked in terms of possibilities. Are there other
1922:10 elements in the blood that would tend to affect

1922:11 changes on your examinations?
1922:12 A There's a possibility.
1922:13 Q Possibility. Whatever the number of the
1922:14 State's Exhibit, the pink pants, you stated that
1922:15 somewhere in the crotch, right here, you cut this
1922:16 piece of cloth off, right?
1922:17 A Yes, sir.
1922:18 Q And you found on that cloth what, sir?
1922:19 A Seminal material, sir.
1922:20 Q Seminal material?
1922:21 A And intact spermatozoa.
1922:22 Q Did you know whether or not it had penetrated
1922:23 the entire cloth or was it on the outside or whether
1922:24 it was on the inside?
1923:01 A I don't know that, sir.
1923:02 Q You don't know. Now, that particular sperm
1923:03 that you found on these pants was what, sir? Let
1923:04 me refresh your memory again with the report.
1923:05 A It wouldn't be on this report here. It
1923:06 basically was intact spermatozoa and seminal
1923:07 material that was found in the pants.
1923:08 Q All right. Now, this sperm that you're
1923:09 referring to, what does that mean, sir?
1923:10 A It was human sperm cells and also human
1923:11 seminal material.
1923:12 Q Now, could you determine whether the sperm
1923:13 cells for the human sperm material was male or
1923:14 female?
1923:15 A Sperm cells mainly come from the male.
1923:16 Q Now, coming from a male could you determine
1923:17 whether or not the sperm cell had any characteristics
1923:18 of any of these blood types?
1923:19 A Basically on this item here, sir?
1923:20 Q Yes, sir.
1923:21 A No, sir; I could not.
1923:22 Q When they handed you these pants did they
1923:23 say that the victim had them on during some inter-
1923:24 course?
1924:01 A Sir, they were just put in the bag and I
1924:02 just examined them. I didn't know where they came
1924:03 from.
1924:04 Q They didn't tell you they were off the victim
1924:05 or on the victim?
1924:06 A No, sir. They just came to me in a bag
1924:07 and said they're from the victim.

1924:08 Q From the victim. Belong to the victim?
1924:09 A Yes, sir.
1924:10 Q Now, the deceased male had a blood type
1924:11 too, didn't he, sir?
1924:12 A Yes, sir.
1924:13 Q And from your test of that sperm that
1924:14 was found inside or outside on that cloth, can you
1924:15 ascertain whether or not that sperm was the same
1924:16 type of blood classification as the deceased male?
1924:17 A No, sir; I wasn't able to come up with
1924:18 a conclusive result on the blood typing on that
1924:19 seminal matter.
1924:20 Q Now, getting back to the liquid blood
1924:21 standards and the tests that were ordered by this
1924:22 Court, they were placed in an evidence locker with
1924:23 a number on it, is that right, sir?
1924:24 A Yes, sir.
1925:01 Q Now, you have then a reference number to
1925:02 a case. That case reference number is from you or
1925:03 from whom?
1925:04 A From me. M782033.
1925:05 Q Now, here, is this also one of your reports,
1925:06 to-wit: People's Exhibit Number 105 identified by
1925:07 the State?
1925:08 A Yes, sir; that's my signature on it.
1925:09 Q Now, the note that this indicates it was
1925:10 received May 15th, 1978, is that right?
1925:11 A Yes, sir.
1925:12 Q This wasn't received from a laboratory
1925:13 evidence locker?
1925:14 A No, it was received from Mr. Genty in
1925:15 person.
1925:16 Q Mr. Genty gave this to you, is that right?
1925:17 A Yes, sir.
1925:18 Q Now, do you know where it had been prior
1925:19 to Mr. Genty giving it to you?
1925:20 A No, sir.
1925:21 Q Now, the first item there that you examined
1925:22 was one white comb containing hairlike fibers, is that
1925:23 right?
1925:24 A Yes, sir.
1926:01 Q Now, you made a conclusion after examining
1926:02 that comb, did you not, sir?
1926:03 A Yes, sir.
1926:04 Q What was that conclusion?

1926:05 A That the items that I found, hair fibers that
1926:06 I found were nothing of evidential value.
1926:07 Q Thank you, sir. Now, you also made a
1926:08 conclusion as to this one pair of pink denim jeans,
1926:09 is that right?
1926:10 A Yes, sir.
1926:11 Q What is that conclusion, sir?
1926:12 A Grouping results, blood grouping results
1926:13 were found to be inconclusive.
1926:14 Q When you say the blood grouping results
1926:15 inconclusive, what does that mean?
1926:16 A That means I could not find a final
1926:17 conclusion from the results which I obtained in doing
1926:18 that test.
1926:19 Q And what were you seeking, sir?
1926:20 A To see if I could determine if the seminal
1926:21 material deposited on those pants had a blood type.
1926:22 MR. WESTON: Your Honor, I would make an offer
1926:23 of proof --
1926:24 MR. JOHNSON: Objection. Object to any offer
1927:01 of proof in front of any jury.
1927:02 THE COURT: Sustained.
1927:03 MR. WESTON: I withdraw the offer of proof.
1927:04 THE COURT: You can do that anytime outside
1927:05 their presence.
1927:06 MR. WESTON: All right, sir.
1927:07 Q Now, I assume that you made these
1927:08 tests in some type of order, is that right, sir?
1927:09 A Yes, sir.
1927:10 Q And as you made them in some type of order
1927:11 you then started to prepare that report which is the
1927:12 report of People's Exhibit 105, is that right?
1927:13 A Yes, sir.
1927:14 Q What's the next item that you examined, sir,
1927:15 number three?
1927:16 MR. JOHNSON: I'm going to object. Beyond the
1927:17 scope.
1927:18 THE COURT: The order of the examination?
1927:19 MR. JOHNSON: No, what was the next item?
1927:20 THE COURT: I thought his question was what was
1927:21 the order in which the witness made his examinations
1927:22 and tests.
1927:23 MR. ARTHUR: Judge, that's not his question. His
1927:24 question was what's Item Number 3 on there.
1928:01 MR. WESTON: The next item.

1928:02 MR. ARTHUR: Totally beyond the scope.
1928:03 THE COURT: Well, just a minute. I'll sustain
1928:04 the objection.
1928:05 MR. WESTON: Don't sustain the objection until
1928:06 we understand it, your Honor, please.
1928:07 THE COURT: I want you to restate your question.
1928:08 If you please, so we get it clear here what we're
1928:09 arguing about or discussing.
1928:10 MR. WESTON: Q People's Exhibit Number 105 has
1928:11 a number of examinations performed by this witness.
1928:12 All I'm asking the witness is what was these
1928:13 examinations and what was the results. Now, if I'm
1928:14 not permitted to do that, I'll cut it off right now.
1928:15 MR. JOHNSON: I object.
1928:16 THE COURT: Sustained.
1928:17 MR. WESTON: Q You took a head hair sample
1928:18 standard from Larry Lionberg, did you, sir?
1928:19 A It was in an envelope. I didn't take the
1928:20 standard from him.
1928:21 Q Did you have it and perform a test on it?
1928:22 A Could I refer to my report on that, please?
1928:23 Q Sure.
1928:24 A Yes, sir.
1929:01 Q And after you performed that test you came
1929:02 up with some results, is that right, sir?
1929:03 A Yes, sir.
1929:04 Q What were those results?
1929:05 A That the head hair standard was found to be
1929:06 similar in color and character to line number 37.
1929:07 Q Now, Item Number 37, that's one of the items
1929:08 that you have listed here, is that right, sir?
1929:09 A Yes, sir.
1929:10 Q Now, Item Number 37 is what, sir?
1929:11 A Trace material.
1929:12 Q Now, when you refer to trace material, are
1929:13 you talking about an item from this particular case,
1929:14 case report number 745880?
1929:15 A The sheets that I am referring to would be
1929:16 the evidence. I don't know if it would be these
1929:17 sheets, but the evidence receipts that we have at the
1929:18 crime laboratory that the Cook County State's Attorneys
1929:19 would submit to us. I just use the same terminology
1929:20 that they use.
1929:21 Q Now, do you have on your report that you
1929:22 submitted a reference number as to what you're talking

1929:23 about? Does that number correspond with the number
1929:24 on that report that contains those trace materials?
1930:01 A Yes, sir. The agency case number.
1930:02 Q Does that mean anything?
1930:03 A To me, no, sir.
1930:04 Q What do you use the number for?
1930:05 A Basically so we put that down so then the
1930:06 Sheriff's Department have their agency numbers so
1930:07 they can look it up to find out what case this is
1930:08 corresponding to their work.
1930:09 Q So, because it's the same number as this
1930:10 doesn't mean anything?
1930:11 A Not to me, sir, no.
1930:12 Q All right. Now, you got this trace material
1930:13 from whom, sir?
1930:14 A Mr. Genty.
1930:15 Q And you don't know where Mr. Genty got it
1930:16 from?
1930:17 A No, sir.
1930:18 Q Now, you took some facial hair from Larry
1930:19 Lionberg. Did you test that, sir?
1930:20 A Sir, it was put in an envelope. I didn't
1930:21 take it.
1930:22 Q You had it, sir. Did you test it?
1930:23 A Yes, sir.
1930:24 Q What was your results from that test?
1931:01 A There were no facial hairs throughout the
1931:02 evidence to compare it to. No comparison.
1931:03 Q Now, when you said no comparison you mean
1931:04 you found no hairs similar to his facial hairs in any
1931:05 of the evidence you had?
1931:06 A This is correct.
1931:07 Q Now, you took some fingernails or you had
1931:08 some fingernail scrapings from Carol Schmal?
1931:09 A Yes.
1931:10 MR. JOHNSON: Judge, I object to this.
1931:11 THE COURT: Beyond the direct?
1931:12 MR. JOHNSON: Yes.
1931:13 THE COURT: Overruled.
1931:14 MR. WESTON: Q You took tests of fingernail
1931:15 scrapings from Carol Schmal, is that right, sir?
1931:16 A They were received by me, yes, sir.
1931:17 Q And you made tests, did you not?
1931:18 A Yes, sir.
1931:19 Q And what were the results of that test?

1931:20 A I found a section, small portion of one
1931:21 Caucasian hair, brown in color.
1931:22 Q Now, once you found the section of one
1931:23 Caucasian hair, brown in color, what do you deduce
1931:24 from that, if anything?
1932:01 A Basically it was such a minute quantity
1932:02 that I examined it microscopically and just determined
1932:03 that it was Caucasian and it was brown.
1932:04 Q Was it similar in characteristics to Lionberg's
1932:05 hair?
1932:06 A Pardon me, sir?
1932:07 Q Was it similar in characteristics to Lionberg's
1932:08 hair?
1932:09 A I couldn't make a determination on the hair.
1932:10 It was too minute a piece of hair.
1932:11 Q So small you couldn't determine.
1932:12 A Yes, sir. All that I have on the report is
1932:13 all I could determine.
1932:14 Q Could you determine a difference between
1932:15 Caucasian and Negroid hair?
1932:16 A Oh, yes, sir.
1932:17 Q It wasn't Negroid?
1932:18 A This is correct, sir.
1932:19 Q Now, Number 21 says one pair of green socks
1932:20 and the plastic box of hair fibers.
1932:21 MR. JOHNSON: I'll object again.
1932:22 THE COURT: As beyond the direct again?
1932:23 MR. JOHNSON: Yes.
1932:24 THE COURT: Sustained.
1933:01 MR. WESTON: Your Honor, I'll have to make my
1933:02 offer of proof outside the presence of the jury.
1933:03 THE COURT: Right. I understand.
1933:04 MR. WESTON: Can I do it now?
1933:05 THE COURT: No, let's do it tomorrow. Or when
1933:06 you're finished tonight.
1933:07 MR. WESTON: Q In fact, you tested quite a
1933:08 bit of trace material and you came up with completely
1933:09 nothing of evidentiary value, is that right, sir?
1933:10 A This is correct, sir.
1933:11 THE COURT: I think I changed my mind about those
1933:12 socks. Go ahead and ask about it. Overruled.
1933:13 MR. WESTON: Thank you, sir.
1933:14 Q You had one pair of green socks and
1933:15 a plastic box of hair fibers?
1933:16 A Yes, sir.

1933:17 Q You made a test.
1933:18 A Yes, sir.
1933:19 Q That test disclosed that there was nothing
1933:20 of evidential value, is that right, sir?
1933:21 A This is correct, sir.
1933:22 Q Now,, you also took or you had an oral
1933:23 swab and rectal swab from the victim Schmal, is
1933:24 that right?
1934:01 A Yes, sir.
1934:02 Q Now, what exactly did you examine it for,
1934:03 sir?
1934:04 A The presence of seminal material, sir.
1934:05 Q The presence of seminal material?
1934:06 A Yes, sir.
1934:07 Q And your conclusion there was nothing of
1934:08 evidential value?
1934:09 A Rectal swab and oral swab no. Negative
1934:10 for seminal material. There was none found.
1934:11 Q I see. Now, you also were submitted some
1934:12 floor debris. Now, what particular --
1934:13 MR. JOHNSON: Objection, Judge.
1934:14 MR. WESTON: Q What does that mean?
1934:15 THE COURT: Same ruling.
1934:16 THE WITNESS: Are you referring to Item 26 on my
1934:17 report?
1934:18 MR. WESTON: Q Yes, sir.
1934:19 A Basically debris from the floor.
1934:20 Q Debris from the floor. And what type of
1934:21 examination did you do with the debris from the floor?
1934:22 A Basically I would look for hairs.
1934:23 Q Hairs?
1934:24 A Hairs or fibers that could be pertinent to
1935:01 the case.
1935:02 Q And what happened? Go ahead.
1935:03 A Basically what I would do is look for foreign
1935:04 trace material. If I found anything of evidential
1935:05 value in either case it would be reported. Otherwise
1935:06 there was nothing found.
1935:07 Q So, in this particular incident what happened?
1935:08 What were the results of the examination?
1935:09 A There was nothing of evidential value that
1935:10 I could find.
1935:11 Q Now, sir, I see your name on that report.
1935:12 I'm a little confused as to what happened. That indicates
1935:13 that you gave this to someone after they gave it to you?

1935:14 What does that mean?
1935:15 A Basically Item Number 14, one pair of socks
1935:16 and one pairs of shoes, I turned over to Mr. Sherk on
1935:17 May 22nd, 1978.
1935:18 Q Mr. Sherk is another -- he's another forensic
1935:19 scientist at the lab?
1935:20 A Correct.
1935:21 Q Did you examine Item 14 prior to turning it
1935:22 over to him?
1935:23 A I would have to check my reports, sir.
1935:24 Q So according to this, this came from D.J.
1936:01 Genty on May 15th, right?
1936:02 A Right.
1936:03 Q And then --
1936:04 MR. ARTHUR: I object to the use of that report.
1936:05 It's not Mr. Podlecki's report. He's already said it's
1936:06 not his.
1936:07 MR. WESTON: The question is asked as to procedure.
1936:08 I'm not trying to introduce anything on the report.
1936:09 THE COURT: I understand.
1936:10 MR. WESTON: I just want to understand the procedure.
1936:11 THE COURT: What are you trying to get to?
1936:12 MR. WESTON: I'm trying to let the jury know that
1936:13 these items were transferred quite a bit prior to
1936:14 anybody examining them aside from not being in any-
1936:15 body's control.
1936:16 MR. ARTHUR: This jury knows that. We've gone
1936:17 through a meticulous chain of evidence to show
1936:18 what happened to it.
1936:19 MR. WESTON: I'm entitled to go through a
1936:20 meticulous line of questioning.
1936:21 THE COURT: Not if it's irrelevant, so I'll
1936:22 sustain the objection.
1936:23 MR. WESTON: It's irrelevant?
1936:24 THE COURT: Irrelevant.
1937:01 MR. WESTON: Irrelevant where they came from?
1937:02 THE COURT: Or what happened.
1937:03 MR. WESTON: Or what happened, all right.
1937:04 Q Now, when you first started your
1937:05 testimony, sir, you testified you saw some brown
1937:06 hair in a standard. What do you mean by standard?
1937:07 A Brown hair is a standard identifiable.
1937:08 Basically a standard would be removed. In this case
1937:09 I didn't remove the standard.
1937:10 Q So, someone removed a standard from what?

1937:11 A From the top of a person's head.
1937:12 Q So, when you say a standard you're talking
1937:13 about something that you definitely know where it
1937:14 came from and you want to compare something with it,
1937:15 is that right?
1937:16 A I can say it's identified as being where
1937:17 it came from.
1937:18 Q You can identify where the standard came from?
1937:19 A No, I can't identify where it came from.
1937:20 I can say it's marked on there as identified as being
1937:21 from.
1937:22 Q So, someone told you that the standard came
1937:23 from somewhere?
1937:24 A Yes, sir.
1938:01 Q Oh. Then you compare it to -- say it's
1938:02 a hair. In this instance a brown hair. Then you
1938:03 had some items classified as unknown hairs?
1938:04 A Yes, sir.
1938:05 Q Now, someone classified one hair as a
1938:06 standard and some other hairs as unknown. Who makes
1938:07 the classification unknown, if you know?
1938:08 A Basically unknown hair in my own terms --
1938:09 Q You didn't make this classification, did you?
1938:10 When it came to you it was labelled unknown, is that
1938:11 right?
1938:12 A No, sir; it was labelled trace material.
1938:13 They don't know what was in there.
1938:14 Q They had some trace materials that they
1938:15 didn't know what it was?
1938:16 A Any they gave it to me to find out if there
1938:17 was any hair found in there. At that time when they
1938:18 brought it to me it was unknown. They wouldn't know
1938:19 what it contained.
1938:20 Q Now, when you exchanged items with another
1938:21 department or individual in your job, do you get
1938:22 receipts like Dr. Stein or the doctors do? Do you
1938:23 get receipts for the individual items?
1938:24 A They sign for them, sir.
1939:01 Q You sign for them as they give them to you?
1939:02 A Yes, sir. And then when they're transported
1939:03 over to another serologist, not serologist but firearms
1939:04 examiner, it would be documented that I turned this
1939:05 item over to him on this date.
1939:06 Q Now, as you get these items then you have
1939:07 a request from whomever submits them to you to try to

1939:08 find something or to look for something or to do some-
1939:09 thing?
1939:10 A Yes, sir.
1939:11 Q And that request is in this case what in
1939:12 terms of the blood? You got some blood. And they
1939:13 gave you a sample. What did they tell you to look for?
1939:14 What did they say to you? What were you supposed to
1939:15 do with it?
1939:16 A Could I explain the whole story?
1939:17 Q You sure can, sir.
1939:18 A Basically I had this vaginal swab, People's
1939:19 Exhibit 16, and I found seminal material in it. I
1939:20 then grouped it, typed it, came up with two types,
1939:21 Group A and Group O. I then asked the police officers
1939:22 for the benefit of the defendants that I would need
1939:23 to know their blood type in order to either eliminate
1939:24 them, exclude them. So, I requested standards from
1940:01 them. That is our policy, so in other words we can
1940:02 do a thorough job. Saliva standards to determine
1940:03 if they were secretors and also blood standards to
1940:04 determine if the blood type and the secretor type
1940:05 were the same type.
1940:06 Q So, when you got that blood then you went
1940:07 through what's known as exclusionary evidentiary
1940:08 seeking, is that what you're talking about? You can
1940:09 either exclude or you could identify?
1940:10 A Yes, sir. That's the reason why we asked
1940:11 for standards of the defendants and also the victims
1940:12 to either identify or exclude them.
1940:13 Q So, when you find evidence that does not
1940:14 exclude, then the conclusion is it's possible it's
1940:15 within an eighty percent or ninety percent or something,
1940:16 right?
1940:17 A Could you rephrase what you mean?
1940:18 Q Surely. When you find evidence that does
1940:19 not exclude, it's not exclusionary, then it becomes
1940:20 a possibility, right?
1940:21 A This is correct.
1940:22 Q All right. So, what you discovered was
1940:23 possibilities, is that right?
1940:24 A No, I discover things that I see on the case,
1941:01 facts.
1941:02 Q No way you could identify? You can't say --
1941:03 you told me you couldn't identify two hairs if I took
1941:04 them out of my head and gave them to you. You couldn't

1941:05 tell me they came from me. All you can do is exclude.
1941:06 The evidence that you locate is exclusionary.
1941:07 A Concerning hairs, yes, sir.
1941:08 Q All right. So, in your test you found out
1941:09 that people of A and O blood classifications were
1941:10 in the realm of possibilities and thereby are not
1941:11 excluded, is that right?
1941:12 A This is correct.
1941:13 Q These two defendants -- these three
1941:14 defendants happen to have that blood classification.
1941:15 You found that out too, did you not?
1941:16 A Yes, sir; by testing it.
1941:17 Q Do you know what type of blood classification
1941:18 you have, sir?
1941:19 A Yes, sir.
1941:20 Q What is that?
1941:21 A Group A.
1941:22 MR. WESTON: Thank you. No further questions.
1941:23 THE COURT: Mr. Creswell.
1942:01 CROSS EXAMINATION
1942:02 By Mr. Creswell:
1942:03 Q Mr. Podlecki, in connection with your last --
1942:04 one of your last answers that Counsel Weston asked
1942:05 you concerning his hair, did you not tell me also
1942:06 the other day when I was cross examining you regarding
1942:07 your qualifications that the type of testing regarding
1942:08 blood types are exclusionary also?
1942:09 A To a degree, yes. Depending on the matter
1942:10 of the case.
1942:11 Q Pardon me?
1942:12 A Depending on the case.
1942:13 Q In other words I think you told me the
1942:14 other day that when a person has a type A blood he
1942:15 falls within I think you used the term thirty-five
1942:16 percent of the population of the United States?
1942:17 A Yes, sir.
1942:18 Q I'm not finished. Which, at the present
1942:19 day population would be about seventy or eighty million
1942:20 people, is that correct?
1942:21 A I don't know how many people live in the
1942:22 country.
1942:23 Q Would it be fair to say that about two
1942:24 hundred to two hundred twenty million people presently
1943:01 populate the United States of America?
1943:02 A I'd say a great number of people.

1943:03 Q Would that be a fair estimate if I made
1943:04 that to you?
1943:05 A Yes, sir.
1943:06 Q So, thirty-five percent of two hundred to
1943:07 two hundred and twenty million people amounts I
1943:08 think mathematically to around seventy million
1943:09 people conservatively speaking, is that correct?
1943:10 A Yes.
1943:11 Q Mr. Podlecki, I refer you to People's
1943:12 Exhibit Number 105.
1943:13 A My report?
1943:14 Q Yes. Which consists of six pages, is
1943:15 that correct?
1943:16 A Yes, sir.
1943:17 Q And those pages run up to by your item
1943:18 number, number 61, is that correct?
1943:19 A Yes, sir.
1943:20 Q Now, all of those sixty-one items that
1943:21 you have listed on here are not here, are they, sir?
1943:22 A This is correct.
1943:23 Q As a matter of fact only a few of them are
1943:24 here compared to 61, is that right?
1944:01 A Yes, sir.
1944:02 Q And items number 47 and 50, I refer you to,
1944:03 your numbers.
1944:04 A Yes, sir.
1944:05 Q Did you run some tests on that item?
1944:06 A Yes, sir.
1944:07 Q And those were various pieces of carpeting,
1944:08 were they not?
1944:09 A Yes, sir.
1944:10 Q And your conclusion there was there was
1944:11 nothing of evidentiary value, is that correct?
1944:12 MR. JOHNSON: Objection.
1944:13 THE COURT: Same order. Overruled.
1944:14 THE WITNESS: Yes, sir.
1944:15 MR. CRESWELL: Q This question of secretors
1944:16 as you use it, Mr. Podlecki, I'm not quite sure
1944:17 I understand how you arrive at that terminology. You
1944:18 stated that eighty percent of the people in this
1944:19 country or maybe throughout the world for that matter
1944:20 are secretors, is that correct?
1944:21 A Yes, sir.
1944:22 Q And how are you able to determine who is
1944:23 a secretor and who is not a secretor?

1944:24 A Basically by the tests that I showed there
1945:01 on the blackboard.
1945:02 Q And is that done from what material, blood?
1945:03 A No, sir; it would be bodily fluids.
1945:04 Q All right. The only bodily fluids that you
1945:05 received from any of these victims then, Mr. Podlecki,
1945:06 are blood samples, is that correct?
1945:07 A Yes, sir.
1945:08 Q Now, would the blood samples allow you
1945:09 to determine whether either of the victims were
1945:10 secretors?
1945:11 A No, sir. I would need the saliva sample.
1945:12 Q So, you don't know whether or not these
1945:13 victims were secretors, is that correct?
1945:14 A That's correct, sir.
1945:15 Q And, Mr. Podlecki, in your studies and
1945:16 experience and readings of this, is it possible for
1945:17 a female person to have a prostate gland?
1945:18 A I don't know that, sir.
1945:19 Q You've never heard of that if I told you
1945:20 that it would be possible, would that be fair?
1945:21 MR. JOHNSON: Judge, I object to the possibility.
1945:22 THE COURT: Sustained.
1945:23 MR. CRESWELL: Q You don't know whether or not
1945:24 the female victim here had a prostate gland, do you?
1946:01 A No, sir.
1946:02 Q So, you cannot determine whether in that
1946:03 sense she was a secretor either?
1946:04 A No, sir.
1946:05 Q Okay. Now, in connection with this -- these
1946:06 tests that you performed regarding these -- I believe
1946:07 you referred to it as seminal fluid, is that correct?
1946:08 A Seminal fluid, seminal material.
1946:09 Q And you stated that comes from possibly
1946:10 the testicles of a male, is that correct?
1946:11 A Yes, sir; in conjunction with other glands.
1946:12 Q And that one of those other glands would
1946:13 be the prostate?
1946:14 A Yes, sir.
1946:15 Q And what other glands?
1946:16 A Prostate gland, testicles.
1946:17 Q Is that all?
1946:18 A There could be more, sir.
1946:19 Q What would they be?
1946:20 A I don't know sir, offhand.

1946:21 Q You don't know?
1946:22 A No, sir. I'm an expert in the identification
1946:23 of seminal material, not in anatomy.
1946:24 Q Not where its source comes from, is that
1947:01 my understanding?
1947:02 A Yes, sir.
1947:03 Q Now, did you state here that on direct
1947:04 examination or cross -- well, before I ask you any
1947:05 questions, that sperm would remain intact on clothing
1947:06 more so than it would in, say, a wet, damp place?
1947:07 A Yes, sir. It's possible considering the
1947:08 condition of where the clothing was at.
1947:09 Q And you did discern from People's Exhibit
1947:10 8 I believe that there was some intact sperm on this
1947:11 particular piece of clothing that was given to you
1947:12 for examination, is that correct?
1947:13 A Yes, sir; there was some intact spermatozoa.
1947:14 Q Now, did you not state to Mr. Weston on his
1947:15 cross examination and refer to that as seminal fluid
1947:16 and not spermatozoa?
1947:17 A Yes, sir.
1947:18 Q So, then which is right? Was it spermatozoa
1947:19 or was it seminal fluid?
1947:20 A There was both.
1947:21 Q All right, I show you your exhibit, People's
1947:22 Exhibit Number 105 for Identification, and I refer
1947:23 you to Item Number 2 which has been marked People's
1947:24 Exhibit Number 8-A as being the pink denim pants.
1948:01 A Yes, sir.
1948:02 Q And is there anywhere in your conclusions
1948:03 there that said that there was seminal fluid?
1948:04 A On my results I put intact spermatozoa.
1948:05 Q No seminal fluid?
1948:06 A No.
1948:07 Q Now you're saying there was both seminal
1948:08 fluid and spermatozoa.
1948:09 A In my notes there would be that I tested
1948:10 it.
1948:11 Q Do you have your notes with you?
1948:12 A They're in the hands of the State's Attorney.
1948:13 MR. CRESWELL: May I have them, please?
1948:14 THE COURT: Mr. Creswell, let's recess now. He
1948:15 has to leave at 4:00 o'clock. We're going to recess
1948:16 at this point.
1948:17 MR. JOHNSON: For the day?

1985:24 by the Court Reporter.)
1986:01 MICHAEL PODLECKI,
1986:02 called as a witness on behalf of the People of the
1986:03 State of Illinois, having been previously duly sworn,
1986:04 was examined and testified further as follows:
1986:05 THE COURT: You're the same Mr. Podlecki that
1986:06 was testifying yesterday and you realize you're
1986:07 still under oath, of course, do you not, sir?
1986:08 THE WITNESS: Yes, sir.
1986:09 THE COURT: All right.
1986:10 CROSS EXAMINATION (Resumed)
1986:11 By Mr. Creswell:
1986:12 Q Officer, I show you what has been marked
1986:13 as Defendant Adams Exhibit Number 5 for Identification
1986:14 and ask you if those are your notes in your hand-
1986:15 writing, consisting of six pages?
1986:16 A Seven pages.
1986:17 Q Seven pages, I'm sorry.
1986:18 A Yes.
1986:19 Q I thought my father taught me how to add,
1986:20 but apparently he didn't. I know he didn't teach me
1986:21 how to subtract. Officer, I show you Defendant Adams
1986:22 Exhibit 5 for Identification and also People's Exhibit
1987:01 Number 105 for Identification and I ask you if the
1987:02 numbers that appear in the lefthand margin of the
1987:03 different exhibits are corresponding numbers?
1987:04 A Yes, sir.
1987:05 Q They are?
1987:06 A Yes, sir.
1987:07 Q Now, in Item Number 3 of People's Exhibit
1987:08 Number 5 for Identification which refers to a piece
1987:09 of plywood, does it not?
1987:10 A Yes, sir.
1987:11 Q Your conclusion is negative for blood, is
1987:12 that correct?
1987:13 A Yes, sir.
1987:14 Q In your item number three here I notice
1987:15 you have a little line drawn down there and what is
1987:16 that?
1987:17 A That is my abbreviations for does not
1987:18 equal blood. Negative.
1987:19 Q It looked like a plus mark, that's why I
1987:20 asked. By the way, in referring to People's Exhibit
1987:21 Number 105 for Identification, Officer, I note in
1987:22 your conclusions here the results of examinations

1987:23 you have various items that you say negative or
1987:24 nothing of evidentiary value?
1988:01 A Yes, sir.
1988:02 Q I take it those are your conclusions, is
1988:03 that correct?
1988:04 A Yes, sir; with each item.
1988:05 MR. CRESWELL: I have to apologize to the Court
1988:06 since I have not been given this prior to trial. It's
1988:07 the first opportunity I've had to see it. So, if
1988:08 I take a little extra time it's for that reason.
1988:09 Q Officer, in -- well, now just a minute.
1988:10 In your notation for Item 19, the blood sample of
1988:11 the victim Carol Schmal, you have various delineations
1988:12 there of A, B -- I can't read that.
1988:13 A H.
1988:14 Q What is that?
1988:15 A That's equivalent to O.
1988:16 Q O?
1988:17 A Right.
1988:18 Q And AB, is that correct?
1988:19 A Yes, sir.
1988:20 Q And under those you have a minus sign under
1988:21 the A, B and the AB?
1988:22 A Yes, sir.
1988:23 Q And a plus sign under the O, is that correct?
1988:24 A Under the H.
1989:01 Q Or what you say is O?
1989:02 A Right. This is mainly my abbreviation.
1989:03 Q You arrive at the conclusion that Carol
1989:04 Schmal had blood group O, is that right?
1989:05 A Yes, sir.
1989:06 Q Now, under the one for Kenneth Adams, you
1989:07 have a plus sign under the A, the O, the AB, is that
1989:08 correct?
1989:09 A Yes, sir.
1989:10 Q So, you found qualities of all three of
1989:11 those types, is that right, under Kenneth Adams'
1989:12 blood?
1989:13 A No, sir.
1989:14 Q Would that plus sign mean that?
1989:15 A No, sir; I'd have to explain that.
1989:16 Q Well, what does the plus sign mean over
1989:17 here for Carol Schmal, that she has O blood, is that
1989:18 correct?
1989:19 MR. JOHNSON: Judge, I will object. If the

1989:20 witness wants to explain it I think it's only fair.
1989:21 MR. CRESWELL: I'm asking the question.
1989:22 THE WITNESS: Basically this would mean there was
1989:23 a positive reaction or positive agglutination in the
1989:24 H well. What that would represent is a person with
1990:01 Group O blood.
1990:02 MR. CRESWELL: Q Now, on Kenneth Adams you had
1990:03 a positive agglutination as you call it in A, in O
1990:04 and under AB?
1990:05 A Yes, sir.
1990:06 Q And none under B?
1990:07 A This is correct, sir.
1990:08 Q In your notes as exhibited by Defendant
1990:09 Adams Exhibit Number 5 for Identification and in the
1990:10 typewritten copy of the Sheriff's -- or the People's
1990:11 Exhibit Number 105 for Identification you refer to
1990:12 Items 57, 58, 59 and 60 and 61, is that correct?
1990:13 A Yes, sir.
1990:14 MR. CRESWELL: For the record, your Honor, I'd
1990:15 like to state that these were not given to us at
1990:16 any time prior to today.
1990:17 THE COURT: Correct. They weren't even mentioned
1990:18 until yesterday.
1990:19 MR. CRESWELL: Q All right. Now, those are
1990:20 vacuuming samples taken from someplace, are they not?
1990:21 A They were vacuum samples taken from some
1990:22 vehicle of which I do not know.
1990:23 Q Do you know the vehicle?
1990:24 A No, sir.
1991:01 Q The type of vehicle?
1991:02 A No, sir.
1991:03 Q When were those taken, do you know?
1991:04 A I don't know when they were taken, but they
1991:05 were submitted to me, as on my report, September
1991:06 14th, 1978 from scientist George Dabdoub.
1991:07 Q Who is he?
1991:08 A He's another forensic scientist that
1991:09 analyzes trace material at the crime lab.
1991:10 Q And they were given to you on September 14th?
1991:11 A Yes, sir; as I have stated here on my report.
1991:12 Q And you don't know where they came from?
1991:13 A I received them from him.
1991:14 Q I mean --
1991:15 A The origination?
1991:16 Q Where the origination of these items were?

1991:17 A No, sir.
1991:18 Q Any more than you know the origination of
1991:19 any of these items that you've already testified to,
1991:20 is that correct?
1991:21 A That's correct sir.
1991:22 Q Mr. Podlecki, you were also given some items
1991:23 that were classified as fingernail scrapings from the
1991:24 victim, Carol Schmal, is that right?
1992:01 A Yes, sir.
1992:02 Q And I think you already testified that one
1992:03 of those items was a section of human Caucasian hair,
1992:04 brown in color?
1992:05 A Yes, sir; a small portion.
1992:06 Q Was one of the other items blood or some
1992:07 substance that you identified as blood?
1992:08 A I'd have to look at my notes.
1992:09 Q Right here.
1992:10 A Which item?
1992:11 Q Number 20-D, blood present, is that correct?
1992:12 A Yes, sir.
1992:13 Q Did you run any test on the hairlike fibers
1992:14 that you recovered from the green socks?
1992:15 A Yes, sir.
1992:16 Q Did your test reveal what type of fibers they
1992:17 were?
1992:18 A Yes, sir; there were some hairs found and
1992:19 also some fibers.
1992:20 Q Were they human hairs?
1992:21 A Yes, sir.
1992:22 Q Now, I believe on direct examination you
1992:23 indicated that there were three elements that could
1992:24 have caused the little dots you put up there under
1993:01 A of your diagram?
1993:02 A In the first column?
1993:03 Q Yes, sir.
1993:04 A Yes, sir.
1993:05 Q And one of them Mr. Johnson went into with
1993:06 you in great depth concerning some element that you
1993:07 found in Kenneth Adams' blood as I understand?
1993:08 A Yes, sir.
1993:09 Q Who is a Type A, right?
1993:10 A Yes, sir.
1993:11 Q What are the other two elements that could
1993:12 have caused the reading that you ascertained there?
1993:13 A It could possibly be from because Miss

1993:14 Schmal was Group O blood it could have been possible
1993:15 from her vaginal secretions or it could also be from
1993:16 a combination of Group A and Group O seminal material.

1993:17 Q Now, Mr. Podlecki, I believe when Mr.
1993:18 Johnson questioned you about the hair comparison test
1993:19 that you made regarding Mr. Lionberg's hair standard
1993:20 and one of the hair fibers that you were given, do you
1993:21 recall your testimony then?

1993:22 A Yes, sir.

1993:23 Q And I believe at that time you stated, and I'm
1993:24 going to use your words if I can, that you could not
1994:01 say beyond a reasonable doubt that the hair you
1994:02 viewed could have come from another human being other
1994:03 than Larry Lionberg, is that correct?

1994:04 A This would be in the realm of scientific
1994:05 certainty, sir. Yes, sir.

1994:06 Q I take it then, Mr. Podlecki, as far as
1994:07 you're concerned then that you could not say beyond a
1994:08 reasonable doubt that the blood that you examined of
1994:09 Kenneth Adams and the results that you found from the
1994:10 vaginal swab could not have come from another human
1994:11 being in the seventy million people that you testified
1994:12 might have the same or similar type of blood?

1994:13 A All that I can say is the results that I
1994:14 found --

1994:15 Q Can you answer that yes or no?

1994:16 A Could you repeat it, please?

1994:17 MR. CRESWELL: Would you repeat the question,
1994:18 please?

1994:19 (Record read by Reporter.)

1994:20 THE WITNESS: Sir, a possibility would exist.

1994:21 MR. CRESWELL: That's all I have. Thank you.

1994:22 THE COURT: Redirect.

1995:01 REDIRECT EXAMINATION

1995:02 By Mr. Johnson:

1995:03 Q Now, Counsel Mr. Weston, when he asked you
1995:04 the question in the breakdown of blood groups by
1995:05 population referred to American citizenry as a whole?

1995:06 A Yes, sir.

1995:07 Q Are you acquainted with any studies done
1995:08 with respect to the breakdown relative to Caucasians
1995:09 alone or relative to Blacks alone?

1995:10 MR. WESTON: Your Honor, I would object.

1995:11 MR. CRESWELL: I object to this too, your Honor.

1995:12 THE COURT: Well, I'll permit the answer.

1995:13 MR. WESTON: May I state the basis for my objection?
1995:14 THE COURT: Yes, you may, of course.
1995:15 MR. WESTON: The possibility as to who could have
1995:16 done this, we're limiting it to blacks alone. I don't
1995:17 think that's right. That's the basis for my objection.
1995:18 MR. JOHNSON: The reason I'm going into it is
1995:19 Counsel on cross only brought out the big picture.
1995:20 There seems to be a smaller one.
1995:21 THE COURT: Well, there are more than two races
1995:22 in the United States, aren't there?
1995:23 MR. JOHNSON: Yes, Judge.
1995:24 THE COURT: Right?
1996:01 MR. JOHNSON: Yes.
1996:02 THE COURT: So, I sustain the objection.
1996:03 MR. JOHNSON: All right.
1996:04 Q As you can readily observe, the
1996:05 defendants in this cause are blacks, is that correct?
1996:06 A Yes, sir.
1996:07 Q Now, are you acquainted with any studies
1996:08 done relative to the breakdown in blood grouping
1996:09 relative to the black population?
1996:10 A Yes, sir.
1996:11 Q And could you tell us what is the breakdown
1996:12 as to the black population relative to A, B, AB, and
1996:13 O type bloods?
1996:14 A Basically there was a study done by Dr.
1996:15 Goreman of the University of California in Berkeley
1996:16 whereby he took I don't know how many individuals in
1996:17 population, but a certain percentage and tested
1996:18 their blood to see what basic type they were found.
1996:19 And in this it was found that black people had a
1996:20 lower percentage of Group A blood than white people
1996:21 and in the B category there was a greater percentage
1996:22 of B in black than there was in the white. The
1996:23 AB's were relative within two or three percent and
1996:24 the same with Group O's relatively, two or three
1997:01 percent difference.
1997:02 Q Are you acquainted with the percentage
1997:03 breakdown in particular?
1997:04 A Yes, sir.
1997:05 Q Can you give us the figures?
1997:06 A Basically it would be with Group A around
1997:07 ten percent difference. Twenty-six for blacks and
1997:08 I believe thirty-six for whites.
1997:09 Q So that that number -- relative to Mr.

1997:10 Creswell's examination of you, that number of population
1997:11 he gave you was relative to the population as a whole,
1997:12 correct?
1997:13 A This is one sample that was done, yes, sir.
1997:14 Q And if it was applied to the black population
1997:15 it would be reduced by ten percent, is that correct?
1997:16 MR. WESTON: Your Honor, again I object to the
1997:17 leading and suggestiveness.
1997:18 THE COURT: Overruled.
1997:19 THE WITNESS: Yes, sir.
1997:20 MR. JOHNSON: Q Now, showing you the notes
1997:21 you've identified as your own, Counsel indicated
1997:22 relative to the blood that you tested of Kenny Adams
1997:23 that you found reactions in I believe it was the A
1997:24 well?
1998:01 A Yes, sir.
1998:02 Q And the H or O well and the AB well, is
1998:03 that correct?
1998:04 A And there was another well, A prime 1 well.
1998:05 Q What does A prime 1 mean?
1998:06 A Could I explain this on the blackboard to
1998:07 the jury so they have an idea of what I'm talking
1998:08 about?
1998:09 MR. CRESWELL: Your Honor, I object to this.
1998:10 THE COURT: Sustained.
1998:11 MR. CRESWELL: This is beyond the scope.
1998:12 THE COURT: Sustained.
1998:13 MR. JOHNSON: I beg your pardon?
1998:14 THE COURT: The witness isn't conducting the
1998:15 examination, you are. And the answer is non-responsive
1998:16 and beyond the scope of the question. And the witness
1998:17 should not be saying -- either he can answer or he
1998:18 can't.
1998:19 MR. JOHNSON: Fine, Judge.
1998:20 Q You referred to those reactions in the
1998:21 wells that you had, is that correct?
1998:22 A Yes, sir.
1998:23 Q Could you illustrate these reactions, better
1998:24 illustrate your results to the ladies and gentlemen
1999:01 of the jury by illustrating it on the blackboard?
1999:02 A I believe they would have a better idea.
1999:03 MR. CRESWELL: Same objection, your Honor.
1999:04 THE COURT: Overruled.
1999:05 MR. CRESWELL: Let's find out if he can do it
1999:06 verbally.

1999:07 THE COURT: Well, he says he can do it better on
1999:08 the board, so I'll permit it.
1999:09 What are we waiting for, Mr. Johnson?
1999:10 MR. JOHNSON: A towel to wipe off the board.
1999:11 Mr. Arthur is getting it.
1999:12 THE WITNESS: Basically what I did and what I
1999:13 have on my notes is --
1999:14 MR. CRESWELL: Now wait a minute. I object to
1999:15 this now. If he's going to answer a question I'm
1999:16 going to object to him standing up here and lecturing
1999:17 this jury like he's a college professor.
1999:18 MR. JOHNSON: The point of my question on redirect --
1999:19 THE COURT: Just a minute both of you. The man
1999:20 is here or the witness is here as an expert and if he
1999:21 says he can better illustrate his answer by using the
1999:22 blackboard --
1999:23 MR. WESTON: He's not answering the question.
1999:24 THE COURT: Well, your objection is overruled.
2000:01 MR. CRESWELL: Will you restate the question
2000:02 then, Judge.
2000:03 MR. WESTON: He can give answers. I don't need
2000:04 a lecture.
2000:05 MR. JOHNSON: The purpose of my question on
2000:06 redirect was to go into it to complete what Mr.
2000:07 Creswell went into.
2000:08 MR. CRESWELL: Can we restate the question then?
2000:09 THE COURT: You don't know the question?
2000:10 MR. CRESWELL: I've forgotten it now.
2000:11 THE COURT: I'll have Mr. Johnson restate the
2000:12 question.
2000:13 MR. JOHNSON: Q In addition to finding reactions
2000:14 in the A, H or O, AB well, you found a reaction in
2000:15 the A prime 1 well, is that correct?
2000:16 A Yes, sir.
2000:17 Q Okay. Could you explain this reaction, and
2000:18 if you can't explain it, can you better explain it
2000:19 by illustrating it for the ladies and gentlemen of the
2000:20 jury.
2000:21 A Yes, sir. Basically these would be the wells
2000:22 and these would be the antiseras that I need to add
2000:23 to the blood. Put a drop of blood in each well. And
2000:24 added antiserum to this. I observed a clumping in the
2001:01 A, no clumping in the B, a clumping in the H, a clumping
2001:02 in the AB. I would get a clumping in the AB if it
2001:03 either was A or B or AB. This is to show the presence

2001:04 of one of these antigens. And I received a clumping
2001:05 in the A-1.

2001:06 Now, because I received a clumping in both
2001:07 the H and the A I wanted to see if this is a variance.
2001:08 In other words there's a variant besides Group A
2001:09 blood called A-2. And because of this I received a
2001:10 positive reaction in the A-1. That confirms my
2001:11 results that it was A-1 blood, not the sub-group of
2001:12 A which is A-2. If I received a negative reaction in
2001:13 here, this would mean it is a variant. It's a rarer
2001:14 type.

2001:15 I believe the population is less than two
2001:16 percent of the people that have that. This would be
2001:17 my explanation for why I ran this test because of
2001:18 the two reactions I found in these two wells.

2001:19 Q Now, the type of reaction that you found in
2001:20 running that test, have you seen any similar reaction
2001:21 of that relative to the other exhibits that you
2001:22 examined?

2001:23 A I ran anti A-1 sera just on the blood. This is
2001:24 used for typing the blood. But when I ran the other
2002:01 tests, the A-B was run just as a control. But when I
2002:02 ran the other tests as I said before, the absorption
2002:03 inhibition, when you looked and your negative is your
2002:04 positive, the result didn't show up in the same wells.
2002:05 The agglutination would be in different wells, but
2002:06 they would both show you the same -- give you the
2002:07 same conclusions.

2002:08 Q Okay. Please resume the stand.

2002:09 A Thank you.

2002:10 Q So that the type of reaction that you got in
2002:11 running Mr. Adams' blood, saliva, People's Exhibit
2002:12 Number 16-A, the vaginal swab was similar, is that
2002:13 correct?

2002:14 MR. CRESWELL: I object to that as leading and
2002:15 suggestive.

2002:16 MR. JOHNSON: This is preliminary to another
2002:17 question.

2002:18 MR. CRESWELL: Beyond the scope of cross exam-
2002:19 ination, your Honor. How many times is he going to
2002:20 be allowed to keep repeating?

2002:21 MR. JOHNSON: It's a preliminary question, Judge.

2002:22 THE COURT: Overruled.

2002:23 MR. JOHNSON: Q Do you remember the question?

2002:24 A Yes, sir. The reaction was basically the same.

2003:01 It was different in each different test, but the
2003:02 conclusions were all the same.
2003:03 Q So that in attributing three possibilities
2003:04 to finding that presence of O in the vaginal swab,
2003:05 all right, and the three possibilities again were
2003:06 what?
2003:07 A Basically I found it on the vaginal swab
2003:08 and the saliva and also in the liquid blood sample.
2003:09 Q So that the reactions that you got would
2003:10 eliminate -- tend to eliminate two of those things
2003:11 that you did, correct?
2003:12 MR. WESTON: Your Honor, I object to him
2003:13 testifying.
2003:14 THE COURT: It's suggestive of the answer.
2003:15 MR. WESTON: Thank you. All he has to do is
2003:16 say yes or no.
2003:17 THE COURT: You can't ask that question in that
2003:18 form because it is suggestive.
2003:19 MR. JOHNSON: Often times on redirect in a point
2003:20 to respond to an issue that Counsel raised, you know,
2003:21 the redirector must go to that specific issue.
2003:22 THE COURT: Well, get to it without telling him
2003:23 the answer in the question.
2003:24 MR. CRESWELL: Right.
2004:01 MR. JOHNSON: Q I believe you gave three
2004:02 possible reasons for the presence of the O reaction,
2004:03 slight O reaction found in the vaginal swab, is that
2004:04 correct?
2004:05 A Yes, sir.
2004:06 Q And you found this same reaction in other
2004:07 tests you ran, is that correct?
2004:08 MR. WESTON: Here we go again, your Honor.
2004:09 THE COURT: Well, if you said did you I don't
2004:10 see how they can object.
2004:11 MR. WESTON: Yes. He can answer them yes or no.
2004:12 THE COURT: Well, he should answer yes or no.
2004:13 MR. WESTON: That's all he can answer.
2004:14 MR. JOHNSON: Q Did you find that other reaction
2004:15 in other tests that you conducted?
2004:16 A Yes, sir.
2004:17 Q And what were those, if you recall?
2004:18 MR. WESTON: Apparently he doesn't understand
2004:19 what a leading question is.
2004:20 MR. JOHNSON: What were those if you recall?
2004:21 THE COURT: I can't tell you what the answer is,

2004:22 so overrule.
2004:23 MR. WESTON: I can tell you.
2004:24 MR. ARTHUR: Counsel just guessed the wrong way
2005:01 on the last question. Counsel is over there blurring
2005:02 out no and the witness answered yes.
2005:03 THE COURT: Now, go ahead.
2005:04 THE WITNESS: Could you repeat the question?
2005:05 MR. JOHNSON: Q Did you find any similar
2005:06 results?
2005:07 A There were reactions that I encountered that
2005:08 were similar.
2005:09 MR. WESTON: Objection. Not responsive to the
2005:10 question.
2005:11 MR. JOHNSON: That's my objection, not his.
2005:12 THE COURT: Right. Overruled.
2005:13 THE WITNESS: Yes, sir.
2005:14 MR. JOHNSON: Q And in finding those reactions
2005:15 how, if at all, does this affect your suggesting those
2005:16 three possibilities before?
2005:17 A Basically when the vaginal swab was analyzed
2005:18 the only blood types I knew of were of the two victims.
2005:19 The two victims were both Group O. I did not have
2005:20 liquid blood samples of any of the defendants. Later
2005:21 on this was reported as I show you there. I had no
2005:22 other results that I could report. I had to see what
2005:23 I saw on the plate and give a count within scientific
2005:24 certainty what could cause that.
2006:01 Later on the defendants' blood was submitted
2006:02 and was typed. I noticed certain results. Then I
2006:03 typed their saliva. I noticed certain results in each
2006:04 of the defendants and these were reported as I said
2006:05 previously.
2006:06 In looking at the vaginal swab I could see
2006:07 that I did see certain similarity between one blood
2006:08 type and also the vaginal swab. Because of this it
2006:09 was for one reason it was reported out. And the
2006:10 other two conclusions I had to make. I could not
2006:11 just decide on one conclusion. I had to take all
2006:12 three conclusions. I do not know where that came
2006:13 from. I can just report out what I see and introduce
2006:14 the conclusions, and that's the reason I had to give
2006:15 to this Court the three conclusions.
2006:16 Q Showing you People's Exhibit 105 for Identi-
2006:17 fication and in response to Counsel Mr. Weston's
2006:18 question the blood type of Verneal Jimerson, when

2006:19 you tested it what was the blood type of Mr. Jimerson?

2006:20 A Group O.

2006:21 Q In response to Mr. Weston's questions you
2006:22 said if you take a piece of hair from my head, what
2006:23 would the probabilities be to come up with another,
2006:24 you know, to go to another head and find a hair that
2007:01 would match up. And you said it would be probable or
2007:02 possible and this reflected on your answer to Counsel
2007:03 Mr. Creswell's question that you couldn't say it beyond
2007:04 a reasonable doubt, is that correct?

2007:05 MR. CRESWELL: That was your question, Mr. Johnson,
2007:06 not mine about the hair. You elicited that from the
2007:07 witness, not me.

2007:08 MR. JOHNSON: But you went into it.

2007:09 MR. CRESWELL: I merely repeated your question
2007:10 and his answer, so don't term it my question, please.

2007:11 MR. JOHNSON: Q Would you answer the question,
2007:12 Mr. Witness? Would you like it repeated?

2007:13 A No, sir. There has been one study in
2007:14 particular concerning probability of hair.

2007:15 Q And what study was that?

2007:16 A Basically there was a study made a few
2007:17 years ago concerning the Royal Canadian Mounted Police
2007:18 where they took a sample of hair. Well, it was a case
2007:19 where they wanted to know what the possibility would
2007:20 be if they found one hair on a piece of clothing,
2007:21 what's the possibility of that hair coming from
2007:22 another person's head.

2007:23 So, what they did was they took a random
2007:24 sample of hair, great amounts from all over the head
2008:01 from that individual, from one person in particular.
2008:02 His relatives, I think they went all the way down to
2008:03 I think their great grandparents were alive I think
2008:04 on one, to their uncles, sisters, brothers and see
2008:05 what the possibility was and I believe there was
2008:06 twins involved in there too, and they came up with a
2008:07 conclusion that the probability if one hair was found,
2008:08 what would be the possibility or the probability of
2008:09 that matching that other hair and they came up with
2008:10 the statistics that it would be one in forty-five
2008:11 hundred.

2008:12 Q Now, sir, you testified relative to three
2008:13 hairs in this case, is that correct?

2008:14 A Two that were found in one individual and
2008:15 one that was found in another individual.

2008:16 Q So, according to this study -- strike that.
2008:17 I believe you indicated that this probability study
2008:18 was done with relatives, is that correct?
2008:19 A Pardon me?
2008:20 Q It was done with relatives being involved?
2008:21 A Yes, sir.
2008:22 Q Now, would you expect a hair to match up
2008:23 more likely within a genetic relationship? In other
2008:24 words within a family relationship than not?
2009:01 MR. WESTON: Objection, your Honor. Those questions
2009:02 are leading and suggestive. It requires a yes or
2009:03 no answer.
2009:04 THE COURT: Overruled.
2009:05 THE WITNESS: They wanted to show by using family
2009:06 members if there could possibly exist the possibility
2009:07 of because a person is genetically related there could
2009:08 be similar ones to the one hair that was found in
2009:09 that case.
2009:10 MR. JOHNSON: Q But, Mr. Witness, my question
2009:11 was would you suspect a correlation between or in
2009:12 similarities between head hairs between relatives?
2009:13 A It's possible, yes, sir.
2009:14 Q Would this be above and beyond what would
2009:15 be the normal population or do you know?
2009:16 MR. WESTON: Objection.
2009:17 THE COURT: Overruled.
2009:18 THE WITNESS: It seems possible, sir.
2009:19 MR. JOHNSON: Q What would the probabilities
2009:20 be of relative to this study of finding, you know,
2009:21 three common hairs. Would it be one times forty-five
2009:22 hundred times forty-five hundred times forty-five
2009:23 hundred?
2009:24 A Sir, I wouldn't know the answer to that.
2010:01 Q I believe, sir, you testified in the Columbo
2010:02 case, is that correct?
2010:03 A Yes, sir.
2010:04 Q And in that case --
2010:05 MR. CRESWELL: I object to this. I don't know
2010:06 what relevancy this has.
2010:07 THE COURT: Sustained.
2010:08 MR. JOHNSON: Q And in that case you testified
2010:09 relative --
2010:10 MR. CRESWELL: This is my objection, Mr. Johnson.
2010:11 THE COURT: That didn't come out on cross
2010:12 examination. You're way beyond.

2010:13 MR. JOHNSON: The number of hairs did, Judge.
2010:14 THE COURT: I've ruled.
2010:15 MR. JOHNSON: I have no further questions.
2010:16 THE COURT: Recross.
2010:17 RECROSS EXAMINATION
2010:18 By Mr. Weston:
2010:19 Q Officer, you testified about a test made
2010:20 with Royal Mounted Canadian Police, is that right,
2010:21 sir?
2010:22 A Yes, sir; there was a study done.
2011:01 Q A study done. Was this a black group of
2011:02 Canadian Royal Mounted Police that the study was
2011:03 done on or a white group?
2011:04 A Sir, I don't know.
2011:05 Q You don't know what group it was?
2011:06 A It was human beings, sir.
2011:07 Q You don't know whether they were white or
2011:08 black?
2011:09 A No, sir.
2011:10 Q You can't compare it with these blacks
2011:11 because there's some difference, is that correct?
2011:12 A No, sir. This would be correct, sir, yes,
2011:13 sir.
2011:14 Q Now, you testified about within scientific
2011:15 certainty. Now, what you mean is within scientific
2011:16 possibilities, is that not right, sir?
2011:17 A Yes, sir.
2011:18 Q So, science does not really go toward two
2011:19 plus two equals four, it actually says two plus two
2011:20 could equal a number of things in terms of rationale,
2011:21 is that right?
2011:22 A No, sir.
2011:23 Q You gave an example of this blood grouping
2011:24 and you used an A as to how the A reacted, is that right?
2012:01 A Yes, sir.
2012:02 Q Now, can you say with any degree of scientific
2012:03 certainty that any A would act any differently?
2012:04 A Do you mean --
2012:05 Q Any type of blood A would act any differently
2012:06 than this A acted on your test?
2012:07 A Yes, sir; it's possible.
2012:08 Q You can say what?
2012:09 A Different types of group A blood have different
2012:10 degrees of agglutination.
2012:11 Q So, you're a Group A too, aren't you?

2012:12 A No, sir.
2012:13 Q What group are you?
2012:14 A Group A.
2012:15 Q You're Group A, so is Mr. Adams and so is
2012:16 Mr. Williams. So, each of you could get the same
2012:17 results, that's possible, isn't it?
2012:18 A No, sir.
2012:19 Q Why not?
2012:20 A Because in one type there was a slight H
2012:21 reaction and in my blood I've never had an H reaction
2012:22 in my blood when I typed it myself.
2012:23 Q Which one had the H reaction?
2012:24 A Mr. Adams.
2013:01 Q You're saying that your blood is different,
2013:02 you don't have an H reaction?
2013:03 A This is correct, sir.
2013:04 Q What type of reaction do you have?
2013:05 A I have no reaction in the H.
2013:06 Q Did you perform this test on yourself?
2013:07 A Yes, sir. I tested my own blood several
2013:08 times.
2013:09 Q There's no question pending, sir. Now,
2013:10 you talked about percentages. In A there's a ten
2013:11 percent difference between the black and the white,
2013:12 is that what you said?
2013:13 A In that study, sir.
2013:14 Q Now, did you break down within the white
2013:15 the German, English, French, Italian, what are their
2013:16 percentages?
2013:17 A No, this study was concerning race, not
2013:18 national origin or ethnic origin.
2013:19 Q Race?
2013:20 A Yes, sir.
2013:21 Q So, you consider all blacks belonging to
2013:22 the same race?
2013:23 A Yes, sir.
2013:24 Q Oh. And all whites belonging to the same
2014:01 race?
2014:02 A Caucasian origin.
2014:03 Q Is there a difference, sir -- we'll skip
2014:04 the classification. We've got Negroid or Black,
2014:05 Caucasian or White. Are there are other racial
2014:06 classifications that you know of?
2014:07 A Yes, sir.
2014:08 Q What?

2014:09 A Also Indian.
2014:10 Q Indian. Are there any more?
2014:11 A I believe, yes, sir; there's one more.
2014:12 Mongoloid Chinese.
2014:13 Q Mongoloid Chinese?
2014:14 A Or the yellow race.
2014:15 Q Or yellow?
2014:16 A Yes, sir.
2014:17 Q Now, do they have any correlating relation-
2014:18 ships to these percentages that you mentioned as
2014:19 some of these, quote, unquote, races living in this
2014:20 country?
2014:21 MR. JOHNSON: Judge, I object. I think we're
2014:22 beyond the scope.
2014:23 THE COURT: Overruled.
2014:24 THE WITNESS: There have been studies but I
2015:01 don't know of any percentages off hand.
2015:02 MR. WESTON: Q So, you didn't go any further
2015:03 in acquiring your expert knowledge other than that
2015:04 which you've testified to? You don't know?
2015:05 A No, sir. There was no Indians or Chinese
2015:06 in this case.
2015:07 Q Indians or Chinese are in the country,
2015:08 aren't they?
2015:09 A Yes, sir.
2015:10 Q We're talking about country-wide percentages,
2015:11 aren't we, sir?
2015:12 A Yes, sir.
2015:13 Q So, you simply eliminated them. Now, this
2015:14 ten percent that you referred to have a difference
2015:15 in American, white or black, the blacks having
2015:16 twenty-six percent and the whites having thirty-six
2015:17 percent. Now, what do those percentages mean in
2015:18 terms of actual numbers of people?
2015:19 A Sir, I don't know.
2015:20 Q You have no idea?
2015:21 A No, sir. All I can say --
2015:22 Q If I said it was thirty-six percent of
2015:23 two hundred million, you wouldn't know any different,
2015:24 is that right?
2016:01 A This is correct.
2016:02 MR. WESTON: No further questions.
2016:03 THE COURT: All right, Mr. Creswell.
2016:04 RECROSS EXAMINATION
2016:05 By Mr. Creswell:

2016:06 Q Mr. Podlecki, I believe you used the words
2016:07 similarities, is that right?
2016:08 A Yes, sir.
2016:09 Q Similarities does not mean the same as
2016:10 conclusiveness, does it?
2016:11 A No, sir.
2016:12 Q And the breakdown that you made now of
2016:13 twenty-six percent of two hundred million would now
2016:14 result in fifty-two million, would it not, sir?
2016:15 A Sir, I don't know.
2016:16 Q Twenty-six percent of one hundred million
2016:17 is how much? Twenty-six million, right?
2016:18 A Yes, sir.
2016:19 Q Twenty-six percent of two hundred million
2016:20 is two times twenty-six or fifty-two million, isn't
2016:21 that right?
2016:22 A Yes, sir.
2017:01 Q And as a matter of fact, Mr. Podlecki, isn't
2017:02 it true that evidence pertaining to seminal fluids is
2017:03 frequently inconclusive?
2017:04 A I don't follow what you mean by inconclusive.
2017:05 Evidence being inconclusive.
2017:06 Q That it has no evidentiary value as you term
2017:07 it?
2017:08 A When I use the term no evidentiary value I
2017:09 would mean --
2017:10 Q I didn't ask you mean what your definition
2017:11 of no evidentiary value is, sir. Isn't it a fact that
2017:12 evidence pertaining to seminal fluids which have no
2017:13 evidential value or inconclusive frequently happen?
2017:14 A Those two terms are different in the way
2017:15 in which I would state them.
2017:16 Q Then you do understand what I mean by
2017:17 inconclusive?
2017:18 A Yes, sir.
2017:19 Q Then answer my question. Isn't it a fact
2017:20 that evidence pertaining to seminal fluids is
2017:21 frequently inconclusive?
2017:22 MR. JOHNSON: Objection.
2017:23 THE COURT: What is it?
2017:24 MR. JOHNSON: Inconclusive as to what?
2018:01 THE COURT: I don't know. We'll see how he answers.
2018:02 Overruled.
2018:03 THE WITNESS: I can only define inconclusive as
2018:04 not being able to draw a conclusion from that.

2018:05 MR. CRESWELL: Q Right. Isn't it a fact that
2018:06 evidence pertaining to seminal fluids is frequently
2018:07 inconclusive or unable to draw any conclusions?
2018:08 MR. ARTHUR: Objection. That's been asked and
2018:09 answered.
2018:10 THE COURT: Sustained.
2018:11 MR. CRESWELL: Q These tests that you applied,
2018:12 and I had questioned you about this when you were
2018:13 offered to us as an expert and you admitted to me --
2018:14 MR. JOHNSON: Judge, I object to the statements
2018:15 of Counsel. If he's got questions --
2018:16 MR. CRESWELL: I have to preamble my question.
2018:17 MR. JOHNSON: So, he has to preamble but I can't.
2018:18 THE COURT: Maybe. Let him state the question in
2018:19 full and then if you feel it's objectionable, advise me.
2018:20 MR. JOHNSON: Yes, Judge.
2018:21 MR. CRESWELL: That the seminal fluid is frequently
2018:22 like a blood test in that it's exclusionary in its
2018:23 nature, is that correct?
2018:24 MR. JOHNSON: Objection. Beyond the scope of my
2019:01 redirect.
2019:02 THE COURT: Sustained.
2019:03 MR. CRESWELL: Q Isn't it a fact, Mr. Podlecki,
2019:04 that the test that you performed with reference to the
2019:05 seminal fluid that you found here cannot positively
2019:06 identify anybody in this courtroom or outside of this
2019:07 courtroom?
2019:08 MR. JOHNSON: Objection, Judge.
2019:09 THE COURT: Overruled.
2019:10 THE WITNESS: This is correct.
2019:11 MR. CRESWELL: Thank you. That's all I have.
2019:12 MR. JOHNSON: Nothing further.
2019:13 THE COURT: Thank you, Mr. Podlecki.
2019:14 THE WITNESS: Thank you.
2019:15 (Witness excused.)
2020:01 THE COURT: Further testimony?
2020:02 MR. JOHNSON: Judge, if we could meet with the
2020:03 Court, take about a ten minute recess?
2020:04 THE COURT: I'll take five.
2020:05 MR. JOHNSON: Okay.
2020:06 (Whereupon the following
2020:07 proceedings were had outside
2020:08 the presence and hearing of
2020:09 the jury:)
2020:10 MR. JOHNSON: Judge, we've reached a point where