1	BROVARSKI-PEOPLE-RECROSS 591
2	Fran who gave her the book.
3	THE COURT: Her recollection.
4	MR. TRAYNOR: I have the minutes right there.
5	THE COURT: I am not saying she didn't say that.
6	I am saying that was her belief that she gave it.
7	MR. TRAYNOR: I understand.
8	THE COURT: Yet Police Officer Owens doesn't
9	remember. Those are all things I will consider with respect to
10	your application.
11	(Brief recess.)
12	THE CLERK: Are the People ready?
13	MR. SEEMAN: Yes.
14	THE CLERK: Is the Defendant ready?
15	MR. TRAYNOR: Yes.
16	THE COURT: Let us have the jurors brought in,
17	please.
18	Mr. Seeman, please call your next witness.
19	MR. SEEMAN: Robert Adamo.
20	ROBERT ADAMO,
21	called as a witness in behalf of the People, having been
22	duly sworn, testified as follows:
23	THE CLERK: State your full name and address for
24	the record, please.
25	THE WITESS: Robert Adamo, Department of

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Laboratories and Research, Forensic Science Laboratories, Valhalla, New York.

DIRECT EXAMINATION

BY MR. SEEMAN:

- Good afternoon, Mr. Adamo. By whom are you employed? Q.
- Westchester County Department of Laboratories and Research.
- Can you tell us approximately how long you have been Q. so employed?
  - Α. Four years.
  - Your present status with that department is what is? Q.
  - Forensic serologist.
  - You have been a forensic serologist for how long? Q.
  - Four years.
- Mr. Adamo, can you briefly give us something of your Q. educational background and your training in that field?
- I have a bachelor's degree in science, in forensic science, from John Jay College of Criminal Police Justice, as well as a master's degree in science from John Jay College of Criminal Justice. I served an internship at the New York Medical Examiner's office in forensic serology, and I have worked in my present position for four years. I am a member of the Northeastern Association of Forensics Scientists and American Academy of Forensic Scientists.

0.

- Would it be correct to say all of your work at the forensic science laboratory is in the area of serology?
- 4
- In the area of forensic serology. Α.
- 5
- Can you just briefly explain, to the best of your. Q. ability, what that term means, forensic serology?
- 7

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- Forensic serology is that branch of forensic science Α.
- 8
- that deals with the analysis of physiological fluids that are
- 9
- found in different types of physical evidence.
- 10

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- physiological fluids could be blood, semen, saliva. Q.
- 12
- Again, for approximately how long have you been doing that type of work?
- 13
- Α. Four years.
- 14
- Mr. Adamo, directing your attention to August 13, 1982, to the best of your recollection, were you working on that date?
- 15 16
- Α. Yes, I was.
- 17
- Did you have occasion to receive any property on that Q. day from the Peekskill City Police Department?
- 18
- Α. Yes, I did.
- 19 20
- Do you recall, Mr. Adamo, what, if any, property you Q. received on that day?
- 21

22

- I received a Johnson Rape Evidence Kit, a pair of green pants, a pair of panties, shirt. Can I refresh my
- 23
- recollection from my notes?
- 24

25

Do you need to have your recollection refreshed? Q.

- 2
- A. Yes.
- 3
- Q. Do you have your notes were you?
- 4
- A. Yes. And a white bra.
- 5

- Q. Would that be in substance the property you obtained, this rape kit and the articles of clothing which you have just identified?
- 7

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- A. On that day, yes.
- 9
- Q. You did receive that from the Peekskill Police Department?
- 10

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- A. Yes, I did.
- 12
- Q. Do you recall if that property was in any type of container when you received it from the Peekskill Police
- 14

13

- Department?
- 15
- A. The first article, the Johnson Rape Evidence Kit, is a plastic kit, and it was sealed.
- 16 17
- Q. It was sealed when you received it?
- 18
- A. Yes. And it was also labeled. The rest of the clothing was closed in a paper bag.
- 19
- Q. Mr. Adamo, I show you what has been marked as People's
- 21

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- 3 for identification, and I would like you to look at that,
- 22
- examine it, and after you have had an opportunity to do so just
- 23

Mr. Adamo, do you recognize that article of clothing?

24

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A. Yes, I do.

indicate to me by looking up.

- 2
  - Q. When did you first see that?
- 3
- A. On the day it was submitted.
- 4
- Q. Is this article, number three for identification, is this one of the articles of clothing you received on that day?
- 5
- A. Yes, it was.
- 7

- Q. Does that article of clothing appear to be in the same condition as when you received it on that day, or has it changed in any way?
- 9
- A. That is changed.
- 11
- Q. Can you tell us how that exhibit has changed from the time you first saw it?
- 12

13

- A. There was a stain on the pants. I removed the stain area and I removed a non-stain control area for analysis.
- 14

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THE COURT: Mr. Adamo, try to keep your voice up.

16

THE WITNESS: Yes.

- 17
- Q. Mr. Adamo, the stained area, where on the pants was that, to the best of your recollection?
- 18 19
- A. Can I look at the pants?
- 20
- Q. Yes.
- 21
- A. It's in the crotch area.
- 22
- Q. Has the condition of the crotch area of those pants changed since the time you first received the pants?
- 23
- A. I circled the area that had to be analyzed and I marked where the stain was.
- 24
- 25

- 2
- Q. Did you also make some cuttings in that area?
- 3
- A. Yes, I did.
- 4
- Q. Are there any other cuttings on those pants that you did yourself?
- 5
- A. Yes.
- 7
- Q. Where is that located?
- 8
- A. Toward the back. It was a non-stain control area.
- 9
- Q. I see there is one additional item in that exhibit
- 10
- besides the pants themselves. Do you recognize that exhibit?
- 11
- A. That was the paper bag that it originally came in.
- 12
- Q. Is there anything about that particular exhibit, the pants, which helps you to identify the pants as the pants you
- 14

received on that day?

Q.

that day?

- 15
- A. Yes. When I received them, I marked onto the pants my

Is there anything on the paper bag which helps you to

- 16
- case number, my initials, and the article number.
- 17
- identify the paper bag as the bag that you received also on
- 19

18

- A. Yes. That is my case number and my initials.
- 20 21
- Q. I show you what has been marked as People's 2 for
- 22
- identification. I would ask you to look at that, and again, do
- 23
- A. Yes, I do.

you recognize that exhibit?

24

25

Q. Do you recall when it was when you first saw that

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## exhibit?

- 3
- Α. The same day.
- Is this yet another article of clothing that you 5 received on that day?

Q.

- Α. Yes.
- Is there anything about that exhibit which helps you to identify it as one of the articles of clothing that you received on that day?
- Yes. Up on the collar is my case number and my Α. initials.
- Has that exhibit been changed in any way by you since the time you first received it?
  - No, it hasn't. Α.
- Mr. Adamo, I show you what has been marked as People's Exhibit 4 for identification, the same question, do you recognize that exhibit?
  - Yes, I do.
- When did you first see that exhibit, to the best of Q. your recollection?
  - Same date all the other articles were submitted. Α.
  - What is that? 0.
  - Α. A pair of panties.
- Do you recall what the condition of that particular article of clothing was in when you first received it on that

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2	day?
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- - A. Do you want me to take it out?
    - Q. If you would.
      - A. I am going to have to break the seal.
    - Q. It's okay. You can just tear it open.

What was the condition of that article of clothing when you first received it, to the best of your recollection?

- A. It wasn't ripped or cut or anything.
- Q. Was it stained in any way, to the best of your recollection?
  - A. There was a stain on it.
  - Q. Where?
  - A. In the crotch area.
- Q. That exhibit hasn't been changed in any way by you since the time you first received it?
  - A. I removed the cutting from the crotch area.
  - Q. You did make a cutting after you received that?
  - A. And the non-stain control area also.
- Q. Finally, People's 5 for identification, would you look at that.
  - A. Yes.
  - Q. Do you recognize that?
  - A. Yes, I do.
  - Q. Do you recall when it was when you first saw that

exhibit?

3

Α. Same day.

Q.

4

This is also an article of clothing you received from the Peekskill Police Department?

5 6

Α. Yes.

7

8

Do you recall what, if any, condition that article of Q. clothing was in when you first received it?

9

It wasn't ripped or any stains present. Α.

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As to that article of clothing, has the condition of Q. that article of clothing changed in any way since the time you first received it?

12

13

I have to break the evidence. Α.

14

Go ahead. 0.

15

Α. No.

16 17

I show you what has been marked People's Exhibit 6. Q. Do you recognize that?

18

Yes, I do. Α.

19

What is that? Q.

20

This is the Johnson Rape Evidence Kit. Α.

21

Is this the same rape kit you received with the Q. clothing on August 13, 1982?

22

Yes, that is my case number and my initial.

24

23

The condition of that exhibit when you first received 0. it, what condition was that exhibit in?

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- It was sealed and labeled. And what you can see here Α. are the original evidence seals on it.
- In other words, the original seals were on the kit when you received it?
- These white seals were seals I placed on after I conducted the analysis. These are laboratory seals.
- It was sealed after you received it. And after you 0. were done with it, was it resealed?
  - Α. Yes.
- Mr. Adamo, after you received these different pieces Q. of property, did you personally have occasion to perform any serological tests on any of these items of clothing or on the rape kit itself?
  - Yes. Α.
- Can you just describe as to each article of clothing and the rape kit itself what tests were performed by you, one by one?
- In the rape kit was a vaginal smear slide holder. the vaginal smear slide holder were two microscopic slides. I performed a microscopic examination of the two smear slides to determine if any spermatozoa were present.
- As to those two vaginal smear slides, what, if anything, did your microscopic examination reveal, to the best of your recollection?

-T-D---

- A. When the microscope was set at higher power, several spermatozoa per field of view were observed.
- Q. Was there anything else in regard to those two particular exhibits that you did in terms of testing those two particular pieces of property?
- A. The microscopic slides were just observed microscopically, and that was that.
- Q. Were any other tests performed on those two vaginal smear slides?
  - A. No.
- Q. Did you examine or test any other articles that were contained in this rape kit after you received the rape kit itself?
  - -A. Yes, 1 did.
- Q. What, if anything else, did you examine or test in the rape kit?
- A. There was a damp pad that was a cotton gauze pad that was in the kit. That wasn't tested for semen because in the pad that the pad taken from the vaginal area, and it is a sort of field test, and it would tell you if there was semen present. The laboratory policy is that when that tab is open and used on the pad, we don't do the acid phosphatase test, but a blood grouping was attempted on that

pad.

- Q. As far as the pad goes, you did some blood grouping tests with the pads?
- A. Since the vaginal slides were positive, and since this pad was supposedly taken from the vaginal area, we attempted to determine the blood group of the semen present in the vagina.
- Q. From the pad itself were you able to come to any type of conclusion as to blood grouping from what was on the pad itself?
  - A. Not on the damp pads, no.
- Q. As far as seminal fluid on the pad, you did not do a test on that pad for seminal fluid?
- A. No, because the tab had been previously used, and it is our policy not to test samples previously tested.
  - Q. That would be due to possible contamination?
- A. Yes, because the reagent, the chemical that is used in the tab when they test it at the hospital, they will throw it back into the package, and that chemical could leak into the pad and if we were to later test the sample, we may be picking up on that chemical instead of what we should be picking up.
- Q. As to the test kit itself, were there any other tests conducted by you in reference to any other pieces of property insithat rape kit?
  - A. Not in the rape kit, no.

Q. As to the vaginal smear slides, Mr. Adamo, you indicated that you did find a spermatozoa on the vaginal smear

A. Yes.

slides?

Q. From your medical experience and your experience as a serologist, what did the conclusions that you --

MR. TRAYNOR: Objection.

THE COURT: The question isn't finished.

MR. TRAYNOR: I did not hear any medical experience based upon the witness's credentials.

THE COURT: The Court finds the witness is qualified and competent to testify based upon the evidence given as to his background.

- Q. As to what was on the vaginal smear slides, what were you able to conclude as to the properties contained on those vaginal smear slides?
- A. If the samples were taken from the vaginal area, that semen had been deposited in the vaginal area.
- Q. When you say semen, can you explain to the jury in lay terms what that is?
- A. Semen is the reproductive fluid produced by the male in the testes.
- Q. As to People's Exhibit 4 for identification, the panties that you received on August 13, 1982, did you have

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occasion to perform any tests or examinations of that particular article of property after you received that?

4

Α. Yes.

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Can you tell the jury what, if anything, you did and Q. what your results were?

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I performed an analysis for an enzyme called acid Α. phosphatase.

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What is acid phosphatase?

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An enzyme found in all bodily fluid and tissues, but Α. found in high levels in seminal fluid.

12

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After you did that test, what were your results? Q.

13

The level that was detected was very high, and this would be indicative of semen level.

14 15

Did you test any particular area of those panties Q. before you reached that result?

16 17

I tested the crotch area.

18

As to the crotch area of the panties, you indicated at least as to the rape kit there were some tests which were aimed

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at determining blood grouping. As to the panties, did you

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perform any tests in an effort to determine blood grouping as

22

Α. Yes.

to anything on the panties?

Q.

23

Can you tell the jury what you did and what your Q. results were?

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A. We performed the standard secretor test that we would perform on a stain to determine if any blood group substances were present, and the results were inconclusive.

- Q. You were not able to tell from your tests the blood grouping of anyone who may have deposited whatever was deposited on these panties?
  - A. That's correct.
- Q. As to the shirt, People's 2 for identification, were any tests performed as to this article of clothing?
- A. Visual observation was made for stains that might be semen, and none were observed, so no analysis was conducted.
- Q. There was nothing done further than visual observation as to this blouse?
  - A. Yes.
- Q. People's Exhibit No. 5, the bra, was anything done in terms of testing that particular article of clothing?
- A. Visual observation was made to determine if any stains were present on that article, and none were found.
- Q. Were there no further tests done or observations than the visual observation you made in reference to that article of clothing?
  - A. No further tests.
- Q. People's Exhibit 3, Mr. Adamo, the slacks which you have identified, were any tests done on that article of

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clothing?

- Α. Yes.
- Do you recall what, if any, tests were done in Q. reference to that piece of property?
- The acid phosphatase test was performed to determine the level present. The level found in the stain was very high, indicative of semen.
- In reference to that article of clothing, high levels of acid phosphatase, what did that mean to you as a serologist as to that stain on the pants?
  - The levels would be indicative of semen.
- You made reference to certain tests done to determine Q. blood grouping earlier. Were any tests done to determine blood grouping on that pair of slacks?
  - Yes. Α.
- Do you recall what, if anything, was done and what ... Q. your results were?
- Yes. Both B and H antigens were detected in those stains.
  - Mr. Adamo, what are antigens?
- ---A.- Let me explain to you A-B-O group bloods. The A-B-O blood group system is a blood group system that everyone belongs to. You can be one of four basic types. You can be blood group AB, blood group O, or blood group AB. These stains

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that we detect are found on the red blood cell. Eighty-five percent of all people have the ability to deposit similar substances in their body fluids, their saliva, semen, sweat, vaginal secretions. If we had a sample from a person who was blood group A and who was a secretor, we can determine they are blood group A without having to look at the blood from that individual. Eighty-five percent of all people secrete their blood group substances in their body fluids. In the tests performed here, since the level of acid phosphatase was indicative of semen, and semen is a substance you can find the blood group substances in, we performed the blood grouping test. We found both B and H antigens, indicative of an individual who is a B secretor involved.

- Mr. Adamo, from your tests, can you make any determination as to the age of a stain on a particular piece of clothing?
  - No, I cannot. Α.
- Have you had occasion to examine clothing where a Q. stain has been there for any period of time?
- I have examined stains, semen stains, up to a year, Α. and they are identitifiable, but you cannot tell how long a stain has been deposited.
- What would cause a stain present in a fabric to no Q. longer be present in that fabric?

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- A. You mean it was there and then it was not there?
  - O. Yes.
- A. It could be bacterial contamination. Bacteria can destroy or break down the product. Chemical treatment, washing, I don't really know if age would really play a part in breaking down a blood group substance unless the age was a tremendously long time. Using similar techniques, serologists have been able to blood group secretions in blood stains from mummies, so I don't know how age would affect it, but chemical treatment and bacteria would affect it.
- Q. Certainly laundering, washing would remove a stain that was previously present?
  - A. Yes.
- Q. You indicated that there were B and H antigens in this stain that you find in the crotch area of the pants?
  - A. Yes.
- Q. From results such as that, can you determine who specifically deposited that stain on the particular article of clothing?
- A. Well, since two substances were found, both B and H, it could be a mixture or it could be from one individual.

MR. TRAYNOR: Objection to the speculation here, your Honor.

THE COURT: Overruled.

Q.

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What do you mean by a mixture?

their blood group substances, that is, they are blood group O secretors, will secrete what is known as H substance. Individuals who are blood group B will secrete their B substance and also H. If an individual were to deposit a semen stain and he were blood group B, you would find B and H. you were to have two people where there was a mixture, for example, say a woman was blood group B secretor, and she had sexual intercourse with a male who was an O secretor, you would find her B and his H combined, and you would find B and H.

Individuals who are blood group O and who secrete

MR. TRAYNOR: Objection to speculation.

THE COURT: Overruled.

- Let me ask you this, Mr. Adamo: Can you determine from what you found on the slacks whether or not the B and the H antigens were deposited by one person or more than one person or when they were deposited?
  - Α. No.
- Q. Mr. Adamo, did there come a time subsequent to your testing and examination of these articles of clothing and of the rape kit that you received on the 13th of August, 1982 when you had occasion to perform any other tests in connection with this particular case?
  - Yes. Α.

- Q. Do you recall prior to your performing those tests had
  you received any additional property which was the basis for
  these additional tests?
  - A. Could
    - Q. Did you have occasion subsequent to the 13th of August, 1982 to receive any additional items of property related to this case?
      - A. I received a tube of blood and a tube of saliva which
        I witnessed being drawn and taken at the Westchester County
        Jail.
        - Q. Do you recall when that was?
        - A. It was on March 19, 1983 at 10 o'clock.
      - Q. Do you recall who the source of that saliva and blood was?
        - A. Charles Dabbs.
      - Q. Did you have occasion to receive any other blood or saliva in connecion with this case?
        - A. Yes, I did.
      - Q. Do you recall when that was and who the source of that property was?
      - A. You will have to excuse me. I thought I brought that report with me, and I didn't.
      - MR. SEEMAN: Can we have this marked for identification?

1 ADAMO-PEOPLE-DIRECT 2 THE COURT: Yes. 3 (Report marked People's Exhibit 7 for 4 identification.) 5 MR. TRAYNOR: May I see that? 6 MR. SEEMAN: I have no objection. 7 MR. TRAYNOR: Thank you, Your Honor. Mr. Adamo, I show you what has been marked People's 7 8 Q. for identification. Do you recognize that? 9 10 A. Yes, I do. 11 Q. What is that? This is carbon copy of a report I issued. 12 Α. 13 Q. Does that appear to be a certified copy? 14 Yes my signature is on it in ink. Α. 15 Is this the report that you were referring to that you Q. 16 did not have with you today? 17 Α. Yes. 18 Does that refresh your recollection as to any Q. additional properties that you may have received in connection 19 20 with this case? 21 Α. Yes. Do you recall when you received these properties and 22 23 what they consisted of?

24

25

It was a tube of blood and tube of saliva taken from Α. Christina Thomas, taken at the Westchester County Forensic

2 Laboratory.

- Q. You indicated you were present when the saliva and blood were drawn from Mr. Dabbs. Were you present when the saliva and blood were taken from Miss Thomas?
  - A. Yes, I was.
- Q. Mr. Adamo, after receiving these items of property, did you have occasion to examine any or all of those items of property?
  - A. Yes, I did.
- Q. Do you recall what, if anything, you did and what your results were?

MR. TRAYNOR: Objection.

THE COURT: State your reasons.

MR. TRAYNOR: Do you wish me to state it here or at the side bar?

THE COURT: Without explaining it.

MR. TRAYNOR: On the grounds of relevance, Your

THE COURT: Overruled. I will hear it.

- Q. Sir, did you perform any tests in relation to these articles, and if so, what did you do and what were the results of your tests?
- A. Yes. I performed a blood grouping on the tube of blood from Mr. Dabbs to determine his A-B-O blood group, and I

 Honor.

- 2
- performed a secretor analysis on the saliva specimen to
- 3
- determine if he was a secretor.
- 5
- Do you recall what your results were in reference to the saliva and the blood of Mr. Dabbs?
- 6
- Mr. Dabbs is blood group O who secretes H substance in Α. his saliva.
- 7 8
- Did you perform any similar such tests with the blood Q.
- . I ... -- uxoe rnomas?
- 10
- Yes, I did. Α.
- 11

What, if anything, did you do and what were the Q. results of your tests?

sub-classified as what is called an A-2-B, and she is a

- 13
  - Miss Thomas is a blood group AB, and she could be Α.
- 14
- non-secretor. She does not demonstrate any blood group 15
- 16
- substance in any of her physiological fluids. Mr. Dabbs is a secretor, you say? Q.
- 17 18
- An O secretor.
- In reference to the stain that you find in the crotch 19 Q.

area of the slacks that you examined and had examined earlier,

the blood and the saliva of Mr. Dabbs, can you say whether or

contributed by a person with a blood grouping such as Mr. Dabbs?

- 20
- in reference to the subsequent tests that you performed with 21

not any of the substances in that stain could have/been

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MR. TRAYNOR: Objection to the speculation.

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THE COURT: As to form, counsel, I will sustain

it.

Did you have occasion to compare your findings on the slacks with your findings in reference to the blood and saliva of Mr. Dabbs?

Yes. Α.

- What, if anything, did you find upon your comparison Q. of those two findings?
- Mr. Dabbs could not have deposited the B substance. He could have deposited the H.
- Again, as to the B and H substances in the crotch area of the pants, you cannot tell from your examination of the crotch area when these substances were deposited?

MR. TRAYNOR: Objection.

Overruled. THE COURT:

- Can you determine whether the B and H substances in the crotch area of the pants were deposited at the same time or different times?
  - No, I cannot. Α.
- No, you cannot. As to your findings with the blood Q. and the saliva of Miss Thomas, did you have occasion to compare your findings with the blood and the saliva to what was found in the crotch area of the pants?
  - Yes. Α.

	2	Q. What did you find upon your comparison of those two
	3	results?
	4	A. Miss Thomas is what is known as a non-secretor. She
	5	doesn't show any of her blood group substances in her body
	6	fluids. She could not have deposited any of the things that
	7	were found, the B or the H.
	8	Q. Going back just one minute to the panties that you
	9	examined, were you able to find any blood groupings in the
	10	panties?
	11	A. No, I was not.
	12	Q. Mr. Adamo, assuming that the panties and the pants
	13	were worn at the same time, how do you explain the finding of
	14	blood substances in the pants and not in the panties?
	15	MR. TRAYNOR: Objection, your Honor, it calls for
•	16	speculation.
	17	THE COURT: Sustained as to that, yes.
	18	Mr. Seeman, as much as I hate to interrupt, I
	19	must at this time. We have reached that hour when we normally
	20	recess. I assume you have further questions.
	21	MR. SEEMAN: Yes.
	22	THE COURT: Counsel for the defendant will be
	23	afforded an opportunity to examine. In light of that, we will
	24	terminate the testimony at this time. Mr. Adamo, please remain
	25	Members of the jury, we will excuse you for the

semen. With one hundred percent scientific certainty that it is semen, no, I cannot.

- Q. Is it scientifically true there was a similarity in the levels of acid phosphatase on the green pants as on the lavendar panties?
  - A. That's correct.
- Q. Does that indicate to you that the deposits on the lavendar panties as a scientific fact are the same as the deposits on the green pants?
  - A. That is one possibility.
- Q. You indicated that on the slides that you studied you tound semen, correct?
  - A. Yes.
- Q. Did you test that semen to determine if it could come from Mr. Dabbs?
- A. The microscopic slides contained spermatozoa. The only statement that I can make regarding that is the individual who produced that sperm produces sperm. There are some individuals who are unable to produce sperm, so those are the two types of people that could deposit a semen stain, those who cannot produce sperm and those who can produce sperm. I did not make any comparison regarding if Mr. Dabbs can produce sperm or not.
  - Q. Could you test an individual celll of semen to