

(Proceedings had in the presence and hearing  
of the Jury.)

THE COURT: You may proceed.

MR. MORRISSEY: The People, your Honor, would call Mark Stolorow.

DOCTOR MARK STOLOROW,

called as a witness herein, having first been duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. MORRISSEY:

Q Sir, would you tell us your name and  
spell your last name?

A My name is Mark Stolorow.

My last name is spelled S-t-o-l-o-r-o-w.

Q Mr Stolarow, where are you employed?

A I am employed at Joliet, Illinois for  
the Illinois Department of Law Enforcement, Bureau  
of Scientific Services Training and Applications  
Laboratory.

Q : In what capacity are you employed

there?

1           A     I am the coordinator for serology for the  
2           Illinois Department of Law Enforcement.

3           Q     And how long have you been employed as  
4           a Serology Coordinator?

5           A     Since June of 1979.

6           Q     What are your primary duties?

7           A     As the coordinator for forensic serology for  
8           this State, it is my responsibility to supervise the  
9           training of new serologists in our system through  
10          a training program, which lasts approximately  
11          eighteen months.

12          I also conduct research and analysis or evaluate  
13          new techniques, which are developed in this country  
14          and elsewhere as they relate to forensic serology.

15          It is also my duty to provide in-service  
16          training to the serologists who are currently employed  
17          in our seven crime laboratories.

18          It is also my responsibility to conduct and  
19          supervise the quality assurance program for  
20          the serologists, who are in the laboratories, in  
21          this State and to conduct what we call proficiency  
22          testing three times annually to make sure that they  
23          maintain their level of proficiency.

1           I am also called upon from time to time to  
2 assist in the analysis of cases, which are either  
3 considered difficult cases or cases, which may  
4 involve extra analysis and I am called in from time  
5 to time to give technical consultancy to the forensic  
6 serologists in this State.

7           Q     Mr. Stolorow, can you tell the Members  
8 of the Jury what is forensic serology and what types  
9 of evidence it includes?

10          A     Well, forensic science is the application  
11 of science to matters of law.

12          Forensic serology is that branch of forensic  
13 science that deals with stains that are produced  
14 from blood or body fluids and in our State the  
15 analysis of hair and fiber evidence.

16          Q     What percentage of your time do you spend  
17 working in the area of forensic serology?

18          A     All of my time.

19          Q     Could you tell the Members of the Jury  
20 your educational background?

21          A     I was graduated in 1979 from the University  
22 of Michigan with a Bachelor of Science Degree.

23          In 1971 from the University of Pittsburgh with  
24 a Master of Science in forensic chemistry.

1           I was also graduated in 1974 with a Master in  
2     Business Administration from Eastern Michigan  
3     University.

4           Q     Have you received any specialized  
5     training in the area of forensic examination of  
6     hairs?

7           A     Yes, I have.

8           Q     What type of training have you received in  
9     the forensic examination of hairs?

10          A     Initially I was studying forensic chemistry  
11        at the University of Pittsburgh and had an internship  
12        program at the Pittsburgh and Allegheny County  
13        Crime Laboratory in 1971.

14          That included an internship at the crime  
15        laboratory there in the analysis of hairs.

16          From 1971 until 1979 I was employed by the  
17        Michigan State Police forensic science laboratory  
18        located at Northville, Michigan.

19          During the eight years that I was at that  
20        laboratory, I had the opportunity to travel to London,  
21        England where for five months I had a sabbatical  
22        study with the Forensic Serology Department at  
23        Scotland Yard Lab, that is formerly known as the  
24        Metropolitan Police Forensic Science Laboratory.

502  
503

1           In 1976 I was trained at Quantico, Virginia for  
2         a course entitled Microscopy of Hair Analysis.

3           That is conducted by the FBI.

4           Following that time and once I had begun  
5         employment with the State of Illinois, I have given  
6         courses formal courses on the analysis of hair.

7           Q      How many hair examinations have you  
8         conducted, Mr. Stolorow?

9           A      Thousands.

10          Q      Have you testified before as an expert in  
11         this field?

12          A      Yes, I have.

13          Q      How many times have you testified?

14          A      Approximately one hundred times.

15          Q      At whose request have you appeared in Court  
16         when you have testified in the past?

17          MR. O'DONNELL: Objection to the form of the  
18         question.

19          THE COURT: Sustained.

20          MR. MORRISSEY: Q   Are you a member of any  
21         professional academies or scientific societies related  
22         to forensic science?

23          A      Yes, sir, I am.

24          Q      All right, what societies or academies  
do you belong to?

1           A     I have been a member of, or are currently  
2           a member of the American Association of Analytical  
3           Chemists, the American Chemical Society.

4           I am a fellow of the American Academy of Forensic  
5           Science, the Forensic Science Society of Great  
6           Britian.

7           I am a member of the American Institute of  
8           Physics, the Society for Applied Spectroscopy,  
9           Midwestern Association of Forensic Scientists, the  
10          Canadian Society of Forensic Science.

11          I am a member of the Phi Lambda Upsilon  
12          National Chemistry Honorary Society.

13          Q     Have you ever conducted or participated  
14          in any research in your area of expertise?

15          A     Yes, sir.

16          Q     What type of research have you participated  
17          in or conducted?

18          A     There have been two formal research  
19          projects that have been coordinated in the laboratory,  
20          which I was either as a Director of the research project  
21          or as a participant in the research.

22          In particular these were, these two were a  
23          federally funded grant conducted at the University of  
24          California, Berkeley, California, over the period

1 of 1977 to 1978.

2 That was designed to simplify techniques for  
3 blood stain analysis that could be utilized by  
4 american crime laboratories and it involved one  
5 scientist from Nassau, one scientist from Scotland  
6 Yard Laboratory and myself and two technicians.

7 There was a second research project in 1978,  
8 which involved the analysis of blood samples of one  
9 thousand people from the greater Detroit area  
10 that was conducted in our laboratory in Northville.

11 I was the research director in that case and  
12 there were two research associates, who performed  
13 the majority of the analysis in those cases.

14 There have been a number of other research  
15 projects at a smaller scale that I have either  
16 participated in or directed.

17 Since that time that resulted either in a  
18 presentation at a professional society meeting or  
19 in a publication in a scientific journal.

20 Q Have you published any papers or  
21 delivered any formal presentations in connection  
22 with your expertise?

23 A Yes, I have.

1           Q     Would you tell the members of the Jury  
2         under what circumstances?

3           A     To date I have delivered approximately  
4         thirty presentations of formal society meetings  
5         and approximately a half a dozen publications in  
6         scientific journals.

7           Q     Have you ever taught courses or trained  
8         other scientists in your field?

9           A     Yes.

10          Q     In what connection?

11          A     First in the connection with my official  
12         capacity as the coordinator for serology for the  
13         State of Illinois Department of Law Enforcement.

14          Secondly, with a number of workshops or  
15         in-service training seminars that have been conducted  
16         in this country and in association with professional  
17         meetings and societies or workshops that we have  
18         had in the Midwest for forensic scientists.

19          MR. MORRISSEY: Your Honor, at this time I  
20         would tender Mr. Stolorow for questioning by the  
21         attorney for the defendant as to his expertise.

22          THE COURT: Do you have any questions?

23          MR. O'DONNELL: One question, did you conduct  
24         any of the examinations in this case?

1                   MR. MORRISSEY: Objection.

2                   THE COURT: Sustained.

3                   Counsel, as to his expertises, do you have  
4                   any questions?

5                   The Court will declare him an expert.

6                   MR. O'DONNELL: Subject to the objection that  
7                   I previously made prior to this witness being  
8                   called, your Honor, I have no questions.

9                   THE COURT: Okay, the Court will declare him  
10                  an expert.

11                  MR. MORRISSEY: Thank you, your Honor.

12                  Q      Earlier you told the Members of the Jury  
13                  that you have performed, I believe, over one  
14                  thousand hair comparisons?

15                  Would you tell the Members of the Jury what  
16                  kind of instruments do you utilize in the  
17                  performance of hair examinations?

18                  MR. O'DONNELL: I will object to the question  
19                  for the grounds previously indicated and I would  
20                  like the record to reflect that I am consistently  
21                  making a continuing objection to this witness  
22                  testifying, unless he did something with respect  
23                  to the evidence in this case.

24  
0-1d

R. GAGE

1           THE COURT: All right, your objection is  
2 noted, prior to the Jury coming out and was overruled,  
3 but it will be continued.

4           Let the record show that this objection is  
5 a continuing one.

6           Proceed.

7           MR. MORRISSEY: Q Mr. Stolorow, do you want me  
8 to repeat the last question?

9           A No, I recall the question, thank you.

10          The instruments that are used for hair  
11 examination are primary two types of microscopes.

12          The microscopes are known as the compound  
13 microscope.

14          This is simply a microscope, which has more than  
15 one lense and is used for magnifying hairs in the  
16 range that we use for hair comparison.

17          That is roughly from fifty magnifications up  
18 to approximately four hundred magnifications.

19          The second is known as a comparison  
20 microscope and a comparison microscope is a specially  
21 designed microscope that allows the examiner to see  
22 in one field of view the hairs that have been put  
23 on two separate microscopes brought together by  
24 what we call an optical bridge.

1           By having two hairs on separate microscopes  
2       that can be seen at the same time in the same view  
3       it is possible microscopically to align two hairs and  
4       compare them and to draw conclusions from those  
5       comparisons.

6           Q     Is that the type of comparisons that are  
7       conducted uniformly throughout the State of  
8       Illinois Crime Laboratory System?

9           A     Each laboratory is equipped with both of  
10      those types of microscopes and that is the protocol  
11      for the Bureau of Scientific Services Serologist that  
12      conducts hair examinations.

13           Q     And is one of those laboratories within  
14      that system located here in Maywood, at 1401 South  
15      Maybrook Drive?

16           A     Yes, it is.

17           Q     Your Honor, I at this time would show to  
18      Mr. Stolorow what I have marked for identification  
19      as People's Exhibit Number 24 to Mr. Stolorow and  
20      with your Honor's permission and also with the  
21      witness' permission for the sake of conducting this  
22      examination, I would ask if it is all right to  
23      mount this on the easel.

24           MR. O'DONNELL: I would appreciate it if

62-1d           Counsel would show it to me.

231

1           I have never seen this particular exhibit  
2 before.

3           Subject to my objection, unless it is  
4 identified for a foundation properly laid,  
5 whether this was involved in this case or not.

6           THE COURT: All right, let's see if he can  
7 lay the foundation with the testimony.

8           MR. MORRISSEY: Q Mr. Stolorow, can you see  
9 this exhibit when I place it on the easel?

10          A At an angle, yes.

11          Q Mr. Stolorow, do you recognize what is  
12 shown on People's Exhibit Number 24 For  
13 Identification?

14          A Yes, sir, I do.

15          Q Tell the Members of the Jury what that  
16 is?

17          A This is a diagram representing the  
18 structure of the hair.

19          Q Does that diagram truly and accurately  
20 show the structure of a typical hair shaft,  
21 based on your expertises in the field?

22          A In what we call a cut-away longitudinal  
23 view.

24          Yes, that is an accurate representation of what

1 hair would look like.

2 Q All right, I will also show you what I  
3 have taken the liberty of marking for identification  
4 as People's Exhibit Number 24 A.

5 Do you recognize what I just handed you?

6 A Yes, sir.

7 Q Tell the Members of the Jury what it is  
8 that I just handed you?

9 A The paper just handed me marked People's  
10 proposed Exhibit 24 A is a smaller version of the  
11 same diagram, which is on the larger chart.

12 Q Except for its size is this an  
13 identical drawing of that, what is contained on the  
14 chart, People's Exhibit 24?

15 A Yes, it is.

16 Q If you wish, Mr. Stolorow, you can take  
17 your seat again.

18 Would you tell us the kind of questions that  
19 can be answered through a scientific examination  
20 of the hair?

21 A With regard to features of the hair  
22 or characteristics of the hair?

23 Q Yes, the characteristics of the hair  
24 first?  
74-1d

1           A hair is a fiber that is from an animal,  
2 and as a fiber from an animal it can be distinguished  
3 as being a hair apart from other types of fibers.

4           In addition to being told that it is a hair,  
5 microscopic examination can reveal that this hair  
6 or a hair is either of human origin or from non-  
7 human origin.

8           If the hair is from non-human origin, it is  
9 possible through the examination of a hair to  
10 determine what species or family of animal it is  
11 from.

12          If the hair is human, it is possible to  
13 determine certain racial characteristics from the  
14 examination of the hair.

15          It is also possible to determine from the  
16 hair what body it may have come from.

17          Hairs that are from humans can also be  
18 examined for evidence of forceable removal, that is  
19 hairs which have been removed prematurely either by  
20 a strong pulling action, which may be as light as  
21 hard hair brushing or hair combing.

22          Hairs can also demonstrate characteristics  
23 of having been bleached or dyed or in other  
24 ways chemically treated.

1           From hair it can be determined whether it has  
2         been damaged in some way that is whether it has  
3         been burnt or crushed or torn, broken, whether  
4         it has had infestation of what we call vermin,  
5         such as lice or mites.

6           It is also possible to determine from hair  
7         comparison whether or not certain human action  
8         may or may not be potential sources for those hairs,  
9         that is for hair comparisons.

10          Q       As far as human hair is concerned, Mr.  
11         Stolorow, can you tell the Members of the Jury  
12         all of the characteristics or features that  
13         can be used for differentiating the hair of one person  
14         from the hair of another?

15          A       Yes, may I refer to my chart?

16          MR. O'DONNELL: I have made my objection to the  
17         use of that exhibit, unless there is a proper  
18         foundation and I haven't seen any foundation whether  
19         this is involved in this case at all.

20          MR. MORRISSEY: Your Honor, the foundation is  
21         being laid at this time.

22          THE COURT: Overruled.

23          Go ahead.

1                   THE WITNESS: In a typical hair structure  
2                   of the hair it is composed primarily of three parts,  
3                   the outer part, which is known as the cuticle, is  
4                   composed of scales and it is represented in this  
5                   photograph by the scales in the left half of the  
6                   chart and by this thin ring around the circumference  
7                   of the cut-away portion of the chart.

8                   If I might use a pencil as an analogy.

9                   A normal wooden pencil has paint on the outside,  
10                  that is a thin layer corresponding to the cuticle.

11                  The second layer is the wood layer. That gives  
12                  you the structure and strength to a pencil and  
13                  that corresponds to the inner portion of a hair  
14                  known as the cortex.

15                  The inner portion of the hair is the central  
16                  canal, known as the medulla. The medulla corresponds  
17                  to the lead portion of the pencil.

18                  And like a pencil to complete the analogy we  
19                  have a tip at one end and the eraser at the other  
20                  end and with a hair the tip portion of this hair  
21                  indicated by the directional growth of the scales  
22                  would point to a tip on the right hand side of this  
23                  chart.

24

77-1d

1           On the left hand side of the chart would be  
2           the base portion, known as the root.

3           These are the five basic characteristics in a  
4           hair. That is the outer layer, the cuticle, the  
5           cortex and the medulla, the tip of the hair and  
6           the root of the hair.

7           In addition to that there are several other  
8           characteristics, which become plain to us when  
9           viewed microscopically. The hair reveals and those  
10          include smaller features, such as what we call  
11          inclusions or particles of pigment, which may be located  
12          in the cortex.

13          The other features themselves include certain  
14          aspects of the cuticle, such as the thickness of  
15          the cuticle and whether the scales laid down  
16          flat or whether they tend to protrude.

17          Features of the cortex as to the distribution  
18          of the pigment, for example, the size of the  
19          pigment particles, whether the pigment particles  
20          lay close to the medulla, center canal or whether  
21          they are eventually distributed across the hair.

22          Things such as the diameter of the hair. The  
23          diameter of the hair may change along with the  
24          length of the hair. This is known as diameter variation

1 and it is a separate feature of the hair in  
2 viewing the hair at one end from the other.

3 In addition to that we can tell the cross sectional  
4 shape of the hair. That is what the hair looks  
5 like, a cut portion of the hair even by looking  
6 at it longitudinally.

7 Hairs tend to be very flat, oval or  
8 somewhat rounded and we can tell these features by  
9 examining the hair.

10 The roots itself may have certain characteristics,  
11 the tip will have a nail tapering tip coming to a  
12 fine end or it will cut.

13 We can tell if hairs have a characteristic  
14 cut of a razor cut or scissors cut or clippers cut  
15 or whether the tip is in some way damaged with split  
16 end or it has been burnt or old and rounded tip or  
17 whether it is in some way abnormal in its appearance.

18 These are the primary features in addition to  
19 such things as color and over haul length that we  
20 look at in our hair examination.

21 Q Thank you, Mr. Stolorow, you may take a  
22 seat, with the Court's permission.

23 Should known hair standards that are to be  
24 used for comparison be collected in any particular  
way?

1           A     Yes, they should.

2           Q     Why is that?

3           A     The variability of head hairs or body  
4         hairs on a single individual is well established in hair  
5         analysis.

6                  In order to get what we call a representative  
7         sample that is a good random collection of hairs  
8         of all types from one individual we request that the  
9         hairs be collected in numbers of approximately twenty-  
10       five for head hairs collected from different parts of  
11       the head and approximately ten to twelve  
12       pubic hairs.

13               These hairs should be pulled and not cut  
14         in order for us to see two additional features that  
15         would be missing if the hairs were cut instead.

16               Those features are the root, which, of course,  
17         would be absent if the hair was cut and the overhang  
18         length.

19               If a hair is cut and it is received in the  
20         laboratory we know how long the hair is that we  
21         have received, but we don't know how much of it was  
22         left behind. That is, whether the cut was close to  
23         the scalp or whether the cut was somewhere in the  
24         middle.

1           Finally, the hair itself should be pulled with  
2           thumb and forefinger rather than instruments, such  
3           as tweezers and forceps.

4           The purpose there is to avoid any damage that  
5           might be done to the hair by the instrument collecting  
6           them.

7           If possible we would like to have standards that  
8           have not been damaged.

9           Q     Can a hair be positively associated with  
10          any one single person after it has been removed from  
11          that person?

12          A     No, it cannot.

13          Q     In other words, can a person be positively  
14          identified by the hair he has left behind?

15          A     No, a person cannot be identified by the  
16          hair that is left behind.

17          Q     If a hair did not come from a particular  
18          person, can you exclude that individual as a possible  
19          source in the majority of cases?

20          A     Yes, fortunately that can be done.

21          Q     How is that possible?

22          A     Once again the basis for hair comparison  
23          is that there are many different features in the  
24          structure of a hair.

1           That is referred to as a morphological feature,  
2           something related to its structure and the  
3           morphological human hairs is fortunately widely  
4           varied enough so that with an adequate standard we  
5           can determine what a proper range of all  
6           morphological features that I discussed happens  
7           to be for the individual whose hair standard has  
8           been collected.

9           As a basis for comparison, if we make a  
10          comparison with hairs from an unknown source and  
11          find that those features are not the same and fall  
12          outside the range of the characteristics we saw for  
13          the standard we can fairly conclude that that  
14          questioned hair for the unknown hair did not originate  
15          from the person from whom the standard was  
16          collected.

17          It is a science whereby conclusions are drawn  
18          on the basis of elimination when we find features,  
19          which do not concur or do not agree between the  
20          standard and the unknown hair we have the basis for  
21          an elimination.

22          After all of the features have been examined  
23          and we are unable to find any basis for elimination,  
24          then we can conclude that the hairs could have had

1       a common source and with the variability among human  
2       hairs and the population the majority of the hairs  
3       or the majority of people have enough differentiation  
4       so that we can rule out the vast majority of the  
5       population when it comes to potential source for  
6       a given unknown hair.

7           Q      Mr. Stolorow, although one person can't  
8       positively be identified from a hair source, is it  
9       possible within a degree of scientific certainty  
10      to conclude that a hair from a known source is  
11      consistent with a hair from an unknown source?

12          A      Yes, it is.

13          Q      Now, you are familiar with the procedures and  
14       training conducted in the Illinois Crime Lab, is  
15       that correct?

16          A      That is correct.

17          Q      Could you generally tell the Members of the  
18       Jury what must occur before a scientist will state  
19       that one hair is consistent with another hair?

20           MR. O'DONNELL: I respectfully object.

21           THE COURT: Overruled.

22           Go ahead.

23           THE WITNESS: Is your question in relation to the  
24       training process or the examination process?

1           I am not sure that I understand.

2           MR. MORRISSEY: Q This is in connection with  
3           the examining process of a known hair as opposed to  
4           in connection with comparing a known hair with a  
5           hair from an unknown donor?

6           A     All right, in order to answer your question  
7           fully and fairly the basis for a hair comparison, as  
8           I said, depends on these features, and that each  
9           different kind of hair comparison will have character-  
10          istics different from the other case.

11          Some cases stand out. Some are more difficult  
12          and to cover the broad range, I can only say that  
13          after all of the features, the morphological features  
14          that have been examined by an examiner, it serves as  
15          the basis for any of three conclusions.

16          Either he has seen enough differences to allow  
17          him to state that the hair, the unknown hair did not  
18          come from the standard, or the hair, the second  
19          conclusion is that the hair is consistent with all  
20          of the features that he saw and could have originated  
21          from that standard.

22          The third conclusion is that he is simply  
23          unable to reach a conclusion and that the third  
24          possibility is an inconclusive, because he has

943

1 either insufficient features or an insufficient  
2 amount of hair to make a comparison.

3 Q Mr. Stolorow, as serology coordinator for  
4 the Bureau of Scientific Services of the Illinois  
5 Crime Lab do you know if the labs statewide  
6 have been accredited by anyone?

7 A Yes, I do.

8 Q Who have the labs been accredited by?

9 A All seven laboratories for the Illinois  
10 Department of Law Enforcement and the training and  
11 application laboratory for the Illinois Department  
12 of Law Enforcement have applied for and have been  
13 accredited by the American Society of Crime  
14 Laboratory Directors and are the first crime  
15 laboratories in the United States to achieve that  
16 certification.

17 Q How does a laboratory, such as yours,  
18 become accredited by that association?

19 A The process is one of complying with a set  
20 of forms and standards, which have been drawn up by  
21 the American Association of Crime Laboratory  
22 Directors to travel to the crime laboratory for an  
23 onsite inspection at the request of the crime  
24 laboratory.

1           It was done in this case. The American  
2           Society of Crime Laboratory Directors team came  
3           to the eight laboratories earlier this year and made  
4           their inspection and their recommendations and we  
5           were recently accredited within the past month,  
6           I believe.

7           Q      Does the testing done on hairs in the State  
8           of Illinois Crime Laboratory utilize standard  
9           and accepted methods within the field of hair  
10          analysis?

11          A      Yes, they do.

12          Q      Do you know an individual by the name of  
13          Mohannad Tahir?

14          A      Yes, sir.

15          Q      How do you know Mr. Tahir?

16          A      Mr. Tahir is a forensic serologist in the  
17          Maywood Laboratory.

18          Q      Mr. Stolorow, based on your experience  
19          in hair examination, does it make a difference if  
20          more than one head hair is found--strike that.

21          Does it make a difference if more than one  
22          head hair found in a particular case is consistent  
23          with a known head hair standard?

1                   MR. O'DONNELL: Objection to the question, your  
2 Honor.

3                   This witness has indicated that each case is  
4 separate and distinct.

5                   MR. MORRISSEY: Your Honor, again this is a  
6 general question.

7                   THE COURT: He may answer.

8                   THE WITNESS: The first part of your question  
9 inquired as to whether it made a difference, is  
10 that correct?

11                  MR. MORRISSEY: Q Yes?

12                  A I am not sure I understand what you  
13 mean by making a difference.

14                  Q All right, does it scientifically make a  
15 difference if a scientist a hair examiner has more  
16 than one hair from an unknown source to compare  
17 against a hair from a known source as opposed to having  
18 merely one hair from an unknown source to compare  
19 against one hair from an unknown source?

20                  A I think I can respond to your question.

21                  With particular regard to the fact that a hair  
22 or hairs have come from an unknown source referring  
23 to one unknown source, it is possible that more  
24 date would be provided to analyze.

1           He would have more information to base on a  
2 comparison than he might have if there were a single  
3 hair from an unknown source.

4           However, he would have to establish that  
5 from all hairs present it came from a single source.

6           Q      I understand, Mr. Stolorow, when I first  
7 phrased the question to you I used the term head  
8 hair.

9           Now let me ask you the same question concerning  
10 pubic hairs.

11          If an examiner is presented with one or more  
12 pubic hairs found in the same area, and the pubic  
13 hairs presented to him have an unknown source and  
14 when he compares those pubic hairs to a pubic hair  
15 of a known source does it scientifically make a  
16 difference to the weight of his testimony that the  
17 two pubic hairs--strike that.

18          That the two or more pubic hairs from an  
19 unknown source are consistent with a pubic hair  
20 from a known source?

21          MR. O'DONNELL: Objection.

22          Judge, I respectfully object to the form  
23 of the question when he asks, when he says the weight  
24 of this testimony,----

5007

1           THE COURT: Well, I think--do you want to  
2           rephrase it without using the word, "weight".  
3

4           Do you understand the question?

5           THE WITNESS: Yes.

6           THE COURT: Will you answer the question without  
7           referring to putting any weight on it.

8           MR. O'DONNELL: Well, Judge, I am objecting to  
9           the form of the question and I respectfully object  
10          to the Court's involving itself in the examination  
11          of the witness.

12           THE COURT: Rephrase the question.

13           MR. MORRISSEY: Q Scientifically based on your  
14          expertises, Mr. Stolorow, in the field of hair  
15          comparison and hair examination, is there any scientific  
16          distinction if a hair examiner compares two or more  
17          pubic hairs found in the same general area from an  
18          unknown source with a pubic hair from a known  
19          source, that is, a single pubic hair from a known  
20          source and is of the opinion that those hairs  
21          are consistent with one another?

22           MR. O'DONNELL: Objection.

23           THE COURT: Do you understand the question?

24           THE WITNESS: Yes, I think so.  
25                         948

1 THE COURT: All right, overruled.

2 He may answer.

3 THE WITNESS: I think it is quite safe and  
4 accurate to say that additional data in a hair  
5 comparison can serve to reinforce the examiner's  
6 conclusion without naming specific numbers of  
7 hairs and so forth.

8 MR. MORRISSEY: Q And that statement that you  
9 as a rule would apply to not only pubic, but  
10 head and body hair comparisons, is that correct?

11 A Yes, that is true.

12 MR. MORRISSEY: If I may have a moment, your  
13 Honor.

14 We have no further questions of Mr. Stolorow  
15 at this time.

16 THE COURT: All right, Mr. O'Donnell.

17 MR. O'DONNELL: Your Honor, at this time the  
18 defense would respectfully move that the testimony  
19 of this witness be stricken in its entirety because  
20 there is absolutely no showing that he performed  
21 any test or examined any of the physical evidence, which  
22 is the subject matter of this case.

23 THE COURT: You may proceed.

24 MR. O'DONNELL: We have no questions.

1                   MR. MORRISSEY: Thank you very much, Mr.  
2                   Stolorow.

3                   THE COURT: Thank you.

4                   Witness excused.

5                   We will take a ten minute recess at this time.

6                   (Whereupon a recess was taken by the Court.)

7  
8                   THE COURT: Bring the Jury in.

9                   MR. MAGNUSON: Your Honor, the People would  
10                  have one further witness today, Mr. Mohammad Tahir.

11                  THE COURT: All right, swear in the witness  
12                  please.

13  
14                  MOHAMMAD TAHIR,

15                  called as a witness herein by the People of the  
16                  State of Illinois, having first been duly sworn,  
17                  was examined and testified as follows:

1 DIRECT EXAMINATION

2 BY MR. MAGNUSON:

3 Q State your name please and spell your  
4 last name for the Court Reporter?

5 A Mohammad Tahir, T-a-h-i-r.

6 Q And sir, where are you employed?

7 A Illinois Department of Law Enforcement,  
8 Bureau of Scientific Services, Maywood Laboratory.

9 Q In what capacity?

10 A Forensic Scientist.

11 Q And how long have you been so employed?

12 A Approximately four years.

13 Q And what are your primary duties with the  
14 Illinois Department of Law Enforcement?

15 A Receive physical evidence regarding criminal  
16 cases from the law enforcement agencies. To analyze  
17 them, write the report to my findings, and issue a  
18 report to the law enforcement agency and testify about  
19 my analytical findings in the Court of Law.

20 Q Mr. Tahir, what is forensic serology and  
21 what types of evidence does it include?

22 A Forensic serology is the science of body  
23 fluids, such as blood, semen, including hairs and  
24 fibers for the purpose of justice.

Q      What percentage of your time do you spend working in that area of forensic serology?

A One hundred percent.

Q Sir, would you please tell the ladies and gentlemen of the jury your educational background?

A I have a B.A. degree with honors from  
the University of Agriculture, Falslabad, Pakistan.

I have a Master's Degree with honors from the University of Stratclyde, Glasgow, Scotland.

I have another Master's Degree from the University of Agriculture, Faisalabad, Pakistan.

Q Have you had further training in the field  
of forensic serology?

A Yes.

Q And would you please tell us what that involved?

A I have one year extensive training, on-the-job at Joliet Laboratory, Illinois in the forensic serology field, including hairs and fibers.

I have two weeks training at the FBI Laboratory  
on hairs and fibers.

I have another two weeks training at the FBI Laboratory in Quantico, Virginia in Biochemical

1           Methods in Bloodstain Analysis.

2           I have been to the Mc Crone Research Institute  
3           for forensic microscopy.

4           Q       Sir, and when did you begin your occupation  
5           with the Illinois Department of Law Enforcement?

6           A       June, 1978.

7           Q       Did you work for any other department in  
8           that capacity elsewhere, other than in Illinois?

9           A       Yes.

10          Q       Where was that?

11          A       I worked for approximately one year at the  
12           Youngstown Police Department, Youngstown, Ohio,  
13           as a crime scene technician.

14          Q       Have you published any articles in your  
15           field?

16          A       Yes.

17          Q       What articles?

18          A       I have approximately thirteen articles,  
19           which have been published and I have about five or  
20           six, which are going to be published very soon.

21          Q       Do you belong to any professional associations,  
22           sir?

23          A       Yes, I do.

24          Q       And what are those associations?

1           A     I am a member of the Midwestern Association  
2           of Forensic Scientists, sir,

3           I am a member of the American Society for  
4           Medical Technology.

5           I am a member of the Forensic Science Society of  
6           Great Britain.

7           I am a provisional member of the American  
8           Academy of Forensic Sciences.

9           Q     Mr. Tahir, how many serological or  
10          hair examinations have you conducted pursuant to  
11          your career?

12          A     I can't recall exact numbers, but this is  
13          in the thousands.

14          Q     And have you testified in Court as an  
15          expert before?

16          A     Yes.

17          Q     And approximately how many times?

18          A     Approximately forty times.

19          Q     Have you ever taught courses or trained  
20          other scientists in your field?

21          A     Yes.

22          Q     And how did that come about?

23          A     I trained fellow scientists in techniques,  
24          which I learned a new technique here and there at the  
              Maywood Laboratory and at the Joliet Laboratory.

1           MR. MAGNUSON: Your Honor, I would at this  
2 time ask the Court to declare this individual an  
3 expert witness in this field or ask Counsel to cross-  
4 examine regarding his qualifications.

5           MR. O'DONNELL: I have no questions regarding  
6 his qualifications.

7           THE COURT: All right, I so declare him an  
8 expert.

9           MR. MAGNUSON: Q Mr. Tahir, in the field of  
10 forensic serology, you mentioned that it was a  
11 study of body fluids, is that correct?

12           A Yes.

13           Q Would one of those body fluids be semen or  
14 seminal material?

15           A Yes.

16           Q What is semen, sir?

17           A Semen is a white--whittish fluid secreted.  
18 It is secreted by the male sex organs.

19           Q And sir, what is saliva?

20           A Saliva is a body fluid. It is a secretion  
21 from the mouth.

22           Q And would that come also under the area  
23 of forensic serology?

24           A Yes.

1 Q Could you please explain how semen and  
2 seminal stains are identified in your crime  
3 laboratory?

4 MR. O'DONNELL: Objection, unless he confines  
5 it to this particular case.

6 MR. MAGNUSON: It is a general field, Judge.

7 THE COURT: Overruled.

8 Go ahead.

9 MR. MAGNUSON: Q Sir, could you please tell  
10 us how semen and/or seminal stains are identified  
11 in the crime laboratory?

12 A First of all in general when seminal  
13 evidence is analyzed in the crime laboratory, first  
14 of all you look for the sperm under the microscope.

15 If the sperm is present that is positive proof  
16 of the presence of semen.

17 Q In other words you can see it through a  
18 microscope, is that correct?

19 A Yes.

20 Q Is there any other way?

21 A Yes.

22 In the absence of sperm there are other matters.

23 One is called refractive matter, where you make  
24 a very thin gel and you put the samples in and you

1 pass current and the enzymes move with the current  
2 and then you develop and you actually see the  
3 fibers and you can differentiate the semen this  
4 way.

5 Q Can human seminal material be detected  
6 even in the absence of sperm?

7 A Yes.

8 Q What is the semen as opposed to the  
9 sperm?

10 A Semen is a general term and sperm is a  
11 part of semen.

12 Q Would semen from a person, who has had a  
13 vasectomy, a male who has had a vasectomy contain  
14 sperm?

15 A No.

16 Q But could he still secrete seminal  
17 material?

18 A Yes.

19 Q Sir, can you identify seminal stains on  
20 materials such as clothing, bedsheets, tissue papers,  
21 and so forth?

22 A Yes, sir.

23 Q How can you accurately determine how long  
24 a seminal stain or deposit was placed?

1           A     You cannot determine how long the stain  
2  
3           was deposited.

4           Q     Now, Mr. Tahir, are you familiar with the  
5  
6           term secretor?

7           A     Yes.

8           Q     Would you please tell the ladies and  
9  
10          gentlemen of the jury what a secretor is?

11          A     A secretor is in average population  
12          approximately eighty percent people are secretors  
13          and secretor means people who secrete their ABO blood,  
14          blood in their body secretion, such as saliva.

15          In other words, you can detect their blood  
16          group by secretions, like semen, saliva, vaginal  
17          secretion.

18          They are called secretors.

19          Q     And they are about what percentage of the  
20          population?

21          A     Approximately eighty percent.

22          Q     What is a non-secretor?

23          A     Non-secretors are a group of people who  
24          do not secrete their ABO blood group in their body  
secretion.

25          In other words, you cannot detect ABO blood  
26          from saliva, perspiration or seminal fluids.

1           Q     In other words, sir, if a person is a  
2     secretor can you determine the blood group of that  
3     individual from either his semen or seminal  
4     secretion?

5           A     Yes.

6           Q     And if he is a non-secretor you cannot?

7           A     You cannot ABO group a non-secretor.

8           Q     You are referring to ABO blood group, are  
9     there any other blood groups, sir?

10          A     Yes.

11          Q     Could you tell us the blood types, which  
12     you utilize in your examination and in your field of  
13     forensic serology?

14          A     Yes, there are a lot of blood groups, but  
15     I am going to those that are only used in the forensic  
16     science.

17          ABO blood group, RH, MN, then there are  
18     gamma markers, PGM, EAP, ADA, GC, these are generally  
19     used in the forensic laboratory, but again it depends  
20     upon case to case, which blood group you are going to  
21     choose for a certain case or nature of the case.

22          Q     Are you familiar with the term gamma marker?

23          A     Yes.

24          Q     And is that one of the blood types?

A That is another blood group, GM blood group, called Gamma Marker.

Q And is the gamma marker blood group dependent upon whether a person is a secretor or non-secretor, as to whether or not you can detect it in another body fluid other than blood?

A Yes.

Q GM blood group you can detect from a person who is a secretor or non-secretor.

GM does not affect the secretor's status, does not affect GM blood grouping.

Q Mr. Tahir, do blood group or blood groups that you have mentioned in blood and secretion remain the same in a person throughout the course of his or her lifetime?

A Yes.

Q Those factors are constant, is that correct, sir?

A Yes.

Q      Can you detect these factors in dried stains,  
such as dried saliva or dried blood, dried  
semen?

A Yes.

Q      Do you need known samples of blood, saliva,  
et cetera, in order to make your analysis against  
the unknown stains. et cetera?

A Yes.

Q      And why is that?

A The good reason for this is to compare the unknown stain with the standards from the defendant or anybody involved so that you can eliminate somebody or you could include somebody being possible source of that stain.

Q Now, Mr. Tahir, can comparisons still be conducted if the secretion is known or shown to represent a mixture of secretions from two different people?

A Yes.

Q And how is that kind of comparison made?

A An example for this kind of work is in case of rapes or sexual assault cases. In the vaginal swab there is a possibility of semen and vaginal secretion so that the vaginal swab is a combination of two secretions, semen, as well as vaginal.

So in that case the comparisons still could be made for a blood grouping.

1           Q     And what would you need to do a concise  
2         examination or analysis of that mixture of vaginal  
3         fluids and seminal material?

4           A     In that kind of case, we need blood, liquid  
5         blood samples from both parties, suspect and the  
6         victim and saliva standards from both parties.

7           Q     Mr. Tahir, I show you what has been previously  
8         marked People's Group Exhibit Six For Identification,  
9         A thru L and ask you to examine the contents of that  
10       group exhibit.

11          I ask you whether or not you have seen those  
12         before?

13          Have you seen this box before, sir?

14          A     Yes.

15          Q     And was it in a sealed or in an opened  
16         condition when you received it?

17          A     This was in a sealed condition.

18          Q     After you received the box what, if  
19         anything, did you do with it?

20          A     I did my examinations on this.

21          Q     Did you open the box?

22          A     Yes.

23          Q     And are the items contained in that blood  
24         group, A thru L, the same items that you saw when you

1           opened it?

2           A      Yes.

3           Q      I show you People's Exhibit Group Six,  
4                   Subsection B and ask you if you are familiar with  
5                   this item?

6           A      Yes.

7           Q      What is that item, sir?

8           A      This is a rectal swab.

9           Q      I show you subsection D of the same exhibit  
10                  and ask you if you are familiar with that item?

11           A      Yes.

12           MR. O'DONNELL: D, what?

13           MR. MAGNUSON: D.

14           MR. O'DONNELL: Six B was a rectal swab?

15           MR. MAGNUSON: That is correct.

16           Q      Have you seen that before?

17           A      Yes, sir.

18           Q      What is that?

19           A      Vaginal swab.

20           Q      I show you People's Exhibit Six, Subsection  
21                  C and ask you if you are familiar with that item?

22           A      Yes.

23           Q      And what is that?

24           A      Oral swab.

1           Q     I show you subsection E and ask you if you  
2     are familiar with those items and what are those  
3     items?

4           What are they, sir?

5           A     Rectal smears.

6           MR. O'DONNELL: Which is E?

7           MR. MAGNUSON: Counsel E is the vaginal and  
8     oral smears.

9           MR. O'DONNELL: E is the vaginal smear?

10          MR. MAGNUSON: E is the oral and vaginal  
11     smears.

12          Q     I show you People's Group G and ask you if  
13     you have seen that envelope before?

14          A     Yes.

15          Q     Was that contained in People's Exhibit Six  
16     as you received it when you were at your  
17     laboratory, sir?

18          A     Yes.

19          Q     Was it in the sealed condition at that time,  
20     sir?

21          A     Yes.

22          Q     And what does it purport to contain?

23          A     Fingernails.

24          Q     I show you Subsection H of the samples,

1                   Exhibit Six and ask you if you have seen that  
2                   envelope before?

3                   A       Yes.

4                   Q       And what does that exhibit purport to  
5                   contain?

6                   A       Fingernails.

7                   Q       I show you Subsection A of People's Six and  
8                   ask you if you have seen that item before?

9                   A       Yes.

10                  Q       And where was that?

11                  A       This was in the sexual assault kit.

12                  MR. O'DONNELL: I didn't hear the answer.

13                  THE WITNESS: This item was inside of the  
14                  sexual assault kit.

15                  MR. O'DONNELL: But what is it?

16                  THE WITNESS: This is a liquid blood sample from  
17                  Karen Phillips.

18                  MR. O'DONNELL: And what is the number?

19                  MR. MAGNUSON: A.

20                  MR. O'DONNELL: A?

21                  MR. MAGNUSON: That is right.

22                  I show you People's Subsection J of People's Six  
23                  and ask you if you have seen that envelope before?

24                  A       Yes.

1 Q And what does that purport to contain?

2 A Hairs from the abdomen.

3 MR. O'DONNELL: That is hair?

4 MR. MAGNUSON: That is correct.

5 I show you People's Six, Subsection I, of  
6 People's Exhibit Six and ask you if you have seen that  
7 envelope before?

8 A Yes.

9 Q I show you People's Exhibit Six, Subsection  
10 L--

11 MR. O'DONNELL: Let him identify what the  
12 previous one was.

13 THE COURT: What is I?

14 THE WITNESS: These are head hairs from the victim.  
15 Head hairs from the victim.

16 MR. MAGNUSON: Q I show you Subsection L--

17 MR. O'DONNELL: Head hair standards from the  
18 victim?

19 THE WITNESS: Yes.

20 MR. O'DONNELL: And that was what?

21 THE WITNESS: I.

22 MR. MAGNUSON: May I continue, your Honor?

23 THE COURT: Yes.

1           MR. MAGNUSON: Q I show you People's Subsection  
2           L of Group Exhibit Number Six and ask you if you have  
3           seen that envelope before?

4           A Yes.

5           Q And what does that envelope purport to  
6           contain?

7           A Hairs from the right hand.

8           Q I show you People's Exhibit Six, Subsection  
9           K and ask you if you have seen that envelope  
10          before?

11          A Yes.

12          Q What does that contain?

13          A Hair from the left hand.

14          MR. O'DONNELL: What is that envelope?

15          THE WITNESS: Hair from the left hand.

16          MR. MAGNUSON: Q Sir, I show you People's  
17          Group Number 17, which has been previously marked,  
18          subsections A thru G.

19          I would ask you at this time to look at the  
20          following items.

21          I tender to you Subsection A of People's Group  
22          Number 17 and ask you if you have ever seen that  
23          envelope before?

1 A Yes, I have seen this exhibit before.

2 Q And in what condition did it come to  
3 you when you first saw it?

4 A This was in the sealed condition.

5 Q Did you have an occasion to open that  
6 envelope?

7 A Yes.

8 Q And after you had opened the envelope  
9 did you remove anything from its interior  
10 portion, sir?

11 A Yes.

12 Q And what was that?

13 A Saliva sample from Mr. Linscott.

14 Q Mr. Linscott?

15 A Yes.

16 Q Is it in a sealed condition today?

17 A Yes.

18 Q And do you know how it got in that  
19 sealed condition?

20 A I don't know.

21 Q I show you Subsection B of People's Group  
22 Exhibit Number 17 and ask you if you seen that item  
23 before?

1 A Yes.

2 Q And what does that envelope purport to  
3 contain?

4 A Saliva sample from Mr. Linscott.

5 Q And did you remove that sample from that  
6 envelope at your laboratory?

7 A Yes.

8 Q I show you People's Subsection C of People's  
9 Group Exhibit Number 17 and ask you if you have  
10 seen that item before?

11 Have you seen that item before?

12 A Yes

13 Q And what does that envelope purport to  
14 contain?

15 A Contains headhair combings from Mr.  
16 Linscott.

17 MR. O'DONNELL: That is 17d?

18 MR. MAGNUSON: 17C.

19 I show you Subgroup Exhibit D of People's Exhibit  
20 17 and ask you if you have seen that envelope  
21 before?

22 A Yes.

23 Q And what does that envelope purport to  
24 contain?

1 A It contains head hair standards from Mr.  
2 Linscott.

3 Q Mr. Tahir, what is the difference between  
4 combings and standards?

5 A Standards are pulled head hairs from a  
6 certain individual.

7 Combings is combed head hairs or pubic hairs  
8 and that does not indicate that these are the  
9 true.

10 Does not indicate, the combing does not  
11 indicate that this is a representative sample taken  
12 from a certain individual.

13 Q But the standards do?

14 A Yes, the pulled standard.

15 This is the reason why we need pulled standards  
16 because once you pull then you know that they came  
17 from a certain individual.

18 Q I ask you to look at the envelope marked  
19 E Subsection of People's Exhibit Number 17.

20 Have you seen that envelope before?

21 A Yes.

22 Q And what did it purport to contain?

23 A Pubic hair combings from Mr. Linscott,

24 sir. 820

1           Q     I show you People's Group Exhibit 17, Sub-  
2 section F and ask you if you have seen that envelope  
3 before?

4           A     Yes.

5           Q     And what does that envelope purport to  
6 contain?

7           A     Pubic hair standards from Mr. Linscott,  
8 sir.

9           Q     Now, Mr. Tahir, did you have an occasion  
10 to open all of the envelopes included in  
11 People's Group Exhibit Number 17 A thru G?

12          A     Not all of them, but some of them.

13          Q     And which ones did you open, sir?

14          A     I opened this one.

15          This is the saliva tube.

16          Q     This would be People's Group Exhibit 17,  
17 Subsection A, is that correct?

18          A     Yes.

19          MR. O'DONNELL: What is that?

20          Is that the oral swab?

21          MR. MAGNUSON: Saliva sample, cottonswab.

22          THE WITNESS: Those two.

23          MR. MAGNUSON: Q And you also now you have  
24 handed me back envelope Subsection E and C?

1                   Subsection E and C, is that correct?

2                   A      Yes.

3                   Q      And that is the head hair combed and the  
4                   public hair combed, is that correct?

5                   A      Yes.

6                   Q      You did not utilize those three items  
7                   in your analysis, is that correct?

8                   A      Yes.

9                   Q      The rest of these items in People's  
10                  Group Exhibit 17 you opened after you received them  
11                  in a sealed condition?

12                  A      Yes.

13                  Q      Mr. Tahir, I show you People's Exhibit Number  
14                  Eight For Identification and ask you if you have seen  
15                  that envelope before, sir?

16                  A      Yes.

17                  Q      And where was the first time you saw  
18                  that?

19                  A      The Maywood Laboratory.

20                  Q      And did you remove any contents from the  
21                  interior portions of that envelope?

22                  A      Yes.

23                  Q      And what did those contents purport to  
24                  be?

1           A    Those were pubic hair standards from Karen  
2           Phillips.

3           Q    I show you People's Exhibit Number Seven  
4           For Identification and ask you whether or not you  
5           have seen that item before?

6           A    Yes.

7           Q    And when was that?

8           A    At the Maywood Laboratory.

9           Q    I show you People's Exhibit Number 23 For  
10          Identification and ask you if you have ever seen  
11          that box before?

12          A    Yes.

13          Q    And what does that box purport to contain?

14          A    It is hair.

15          Q    I show you People's Number 22 for Identifi-  
16          cation, and ask you if you have seen that item  
17          before?

18          A    Yes.

19          Q    What does that item purport to contain?

20          A    Hairs from the tire iron.

21          MR. MAGNUSON: Your Honor, I have taken the liberty  
22          to mark People's Group Exhibit Twenty-Five For  
23          Identification, containing two tubes.

24          MR. O'DONNELL: What are they?

1                   (Discussion had outside the hearing of the  
2                   Court Reporter.)

3                   MR. MAGNUSON: Q I show you People's Group  
4                   Exhibit Number 25 For Identification, Mr. Tahir,  
5                   Subsections A and B.

6                   Would you tell the ladies and gentlemen of the  
7                   jury what that items is?

8                   A These are two wires, one with laboratory  
9                   exhibit number 36, which is the curtain, the stain  
10                  removed from the curtain.

11                  The other one is laboratory exhibit number 18,  
12                  the blood stain removed from the tire iron.

13                  Q You also removed--there was blood removed  
14                  from a curtain?

15                  A Yes.

16                  Q Would you call that curtain a Venetian  
17                  blind?

18                  Describe the curtain to us?

19                  A I can't remember.

20                  Q Mr. Tahir, I show you People's Exhibit  
21                  Number 21 For Identification and ask you if you have  
22                  seen that item before?

23                  A Yes, I did.

24                  Q Where was that?

1           A     Maywood Laboratory.

2           Q     And what, if anything, did you do with  
3     regard to that item of a laboratory nature?

4           A     I checked for evidence on blood and hairs  
5     and then I removed certain hairs and I removed some  
6     blood.

7           Q     And is the blood smear that you took off the  
8     People's Exhibit Number 21 reflected in People's  
9     Group Exhibit Number 25 For Identification?

10          A     Yes.

11          Q     And which vial of the two vials is it, the  
12     short or the long?

13          A     The shorter.

14          MR. MAGNUSON: Your Honor, I believe I misspoke,  
15     the People's Exhibit 12, not 21.

16          The tire iron.

17          MR. MAGNUSON: Q Mr. Tahir, I show you People's  
18     Exhibit Number Two For Identification and ask you if  
19     you have ever seen this item before?

20          A     Yes.

21          Q     And was this also at your laboratory?

22          A     Yes.

23          Q     What, if anything, did you do with People's  
24     Exhibit Number Two, pursuant to your occupation?

1           A     I looked for evidence, such as hair.

2           Q     You processed it for hair, et cetera,  
3       sir?

4           A     Yes.

5           Q     Mr. Tahir, in addition to the items that you  
6       have testified to, did you also pursuant to this  
7       investigation examine bed spreads, bed sheets and  
8       other items that were submitted to you?

9           A     Yes.

10          Q     Now, again calling your attention to  
11       People's Group Six, Subsections K and L, the hairs  
12       from the right hand and hairs from the left hand,  
13       did you have an occasion to remove the contents of  
14       those envelopes?

15          A     Yes.

16          Q     And what, if anything, did you do with them  
17       after you removed the contents of those envelopes,  
18       sir?

19          A     After I removed those contents out of these  
20       two envelopes I marked, first of all, I marked two  
21       separate slides with the same numbers, corresponding  
22       numbers to each envelope.

23           I put those hairs on the slides and then  
24       mounted them in a mounting media.

1 Q What is the mounting media?

2 Would you describe what that is?

3 A That is just mounting media, which after  
4 you put the glass slide and you add that liquid and  
5 then you stick those hairs into the liquid and then  
6 you put another glass, very thin glass cover on there,  
7 so that it will stay inside of those two covers.

8 Q I tender you People's Exhibit Number 17,  
9 Subsection G, I believe the one listed as blood of  
10 Mr. Linscott.

11 Did you do anything with regard to that item?

12 A Yes.

13 Q And what was that?

14 A I analyzed in different blood group  
15 systems.

16 Q I show you Subsections D and F, People's  
17 Exhibit Number 17, and ask you if you did anything  
18 with regard to the contents in the envelope marked  
19 D?

20 A I made hair slides in the same manner as  
21 I made in the previous two exhibits.

22 Q And that is referring to the hair slides you  
23 made from the hairs in L and K, the ones from the  
24 right hand and left hand of Miss [REDACTED] ?

1 A Yes.

2 Q I show you People's Subsection F, the same  
3 Exhibit, Exhibit 17, and ask you what, if anything,  
4 you did with the contents of that item?

5 A I made the hair slides, the same way as  
6 I made in the previous exhibits.

7 Q I show you People's Subsection B of the  
8 previously marked Group Exhibit 17 and ask you  
9 if you did anything with regard to the contents of  
10 that envelope?

11 A I did try to determine ABO blood group from the  
12 saliva.

13 Q And these are the saliva standards  
14 that you testified to earlier?

15 A Yes.

16 Q And what, if any results did you  
17 receive after doing the experimentations on the saliva  
18 standards?

19 A I didn't get a blood grouping which was  
20 consistent with non-secretors.

21 Q I show you People's Exhibit Number 7 and  
22 Number 8.

23 Let's take 7 first.

24 What, if anything, did you do with the contents

1 of People's Exhibit Number 7?

2 MR. O'DONNELL: Would you identify by name what  
3 it is?

4 MR. MAGNUSON: Q With regard to the brushed  
5 pubic hair of [REDACTED], People's  
6 Exhibit Number 7, what, if anything, did you do with  
7 the contents of that envelope?

8 A I removed the hairs and mounted them on  
9 the slide.

10 Q With regard to the pulled pubic hair standards  
11 of [REDACTED], People's Exhibit Number Eight,  
12 what, if anything, did you do with the contents of  
13 that envelope?

14 A I made the hair slide the same way as I  
15 did in the previous exhibit.

16 Q I show you People's Subsection D of People's  
17 Exhibit Six and ask you what is that?

18 Is that the vaginal swab taken from [REDACTED]  
19 [REDACTED]?

20 What, if anything, did you do with regard to  
21 that item?

22 A Yes, I checked this swab for the presence  
23 of semen.

24 Q And what results did you receive?

3 970

1 A Vaginal swab positive for seminal material.

2 Q Did you attempt to work up an ABO blood type  
3 factor on that seminal material?

4 A Yes.

5 Q And could you detect an ABO blood type from  
6 the seminal material?

7 A Yes, it was an ABO group, blood group O.

8 Q Did you have an occasion to work up a  
9 blood type on People's Exhibit Subsection A, the blood  
10 standard of [REDACTED]?

11 A Yes.

12 Q And what was the blood type on that  
13 blood standard?

14 A O.

15 Q Do you know whether or not [REDACTED]

16 [REDACTED] is a secretor?

17 A She is a secretor.

18 Q The results that the seminal material  
19 then gave you that ABO-O, is that consistent with  
20 being deposited there by a non-secretor?

21 MR. O'DONNELL: I object to the form of that  
22 question.

23 I don't believe that he can understand it,  
24 your Honor.

1                   MR. MAGNUSON: I will strike the question,  
2 your Honor, if Counsel doesn't understand it.

3                   We have a lot of slides to go through, we will  
4 get back to it.

5                   Q         Mr. Tahir, I take the liberty at this time  
6 to mark People's Group Exhibit Number 26 and I hand  
7 it to you, a sealed wooden box, sir.

8                   Sir, would you please open it.

9                   MR. O'DONNELL: That -- has 26 been previously  
10 identified?

11                  MR. MAGNUSON: No, it has not.

12                  MR. O'DONNELL: Could I see it sir before you  
13 hand it to the witness?

14                  MR. MAGNUSON: Counsel, I believe it would help  
15 you if he opened it first, but if you want to see  
16 it in its sealed condition--

17                  MR. O'DONNELL: No, I just want to see it.

18                  Thank you.

19                  MR. MAGNUSON: Q Mr. Tahir, can you open  
20 that without some object or would you need some  
21 instrument to help you?

22                  MR. MAGNUSON: May the record reflect, your  
23 Honor, that the witness has opened the wooden box,  
24 previously marked as People's Group Exhibit Number 26.

1 THE COURT: All right.

2 MR. MAGNUSON: I will tender the box to  
3 Counsel.

4 Q Mr. Tahir, I show you the opened box,  
5 previously marked People's Exhibit 26 and ask you  
6 if you are familiar with what is contained inside  
7 of that box?

8 A These are the various hair slides, which  
9 I made by myself.

10 Q And did you make those slides from the  
11 exhibits that are in front of you?

12 A Yes.

13 Q And approximately how many slides are  
14 there, Mr. Tahir?

15 A In this box, I think approximately  
16 twenty-three.

17 MR. MAGNUSON: Your Honor, I would ask leave of  
18 Court to mark nine enclosed slides in cardboard  
19 People's Exhibit Number 7 A thru I.

20 Mr. Tahir, I show you--Counsel, would you care  
21 to look at the exhibit?

22 MR. O'DONNELL: Would you please just refer to  
23 the number as well as the letter.

1                   MR. MAGNUSON: Q I show you People's Group  
2                   Exhibit Number 27 Subsections A thru I and ask you  
3                   are you familiar with those items?

4                   A Yes.

5                   Q And what are those items, sir?

6                   A These are various hair slides, which I  
7                   made.

8                   Q So they are further hair slides above and  
9                   beyond the number of hair slides that are contained  
10                  in People's Group Exhibit Number 26 in the box, is  
11                  that correct?

12                  A Yes.

13                  Q And did you also make those hair slides out  
14                  of the exhibits that have been tendered to you by  
15                  the Oak Park Police Department?

16                  A Yes.

17                  Q Now, Mr. Tahir, I would ask you the hairs  
18                  from the right hand of the victim, could you find  
19                  the slide that you created from those hairs?

20                  A These are the two slides.

21                  Q I ask you, Mr. Tahir, to locate the slide--

22                  MR. O'DONNELL: Can we have the letter  
23                  designation on those two slides please.  
24

1                   MR. MAGNUSON: The number would be 27 A, your  
2 Honor.

3                   I will put it in the upper corner, so that Mr.  
4 O'Donnell will be able to refer to it.

5                   Q       These two slides were created from the  
6 slides--

7                   MR. O'DONNELL: 27A is the unenclosed slide,  
8 right?

9                   MR. MAGNUSON: Well, it is enclosed in glass.

10                  It is not encased in cardboard.

11                  MR. O'DONNELL: Let the record reflect, your  
12 Honor, that the witness has testified that People's  
13 Exhibit 27 Subsection C and People's Group Number 26,  
14 Subsections A were created out of the hairs  
15 from the right hand as earlier testified to.

16                  THE COURT: All right.

17                  MR. MAGNUSON: Q I show you the hairs from [REDACTED]  
18 [REDACTED] the left hand, the envelope that purportedly  
19 contains--can you locate the slides that you created  
20 out of the contents of that exhibit?

21                  A       This one.

22                  Q       I would ask leave of Court to mark very  
23 small subletter B in the right hand corner of the  
24 tag, it would be People's Group Exhibit Subsection B,

1                   the slide created out of the hair from [REDACTED]  
2                   [REDACTED] left hand.

3                   MR. O'DONNELL: What is that?

4                   MR. MAGNUSON: 26 Subsection B.

5                   That goes with People's Group Exhibit Subsection  
6                   K, the hairs from the left hand of [REDACTED].

7                   I show you People's Exhibit Number 7, Mr.

8                   Tahir and ask you to locate the slide that you  
9                   created out of the contents that were in People's  
10                  Exhibit Number 7?

11                  A       These are the two slides.

12                  MR. MAGNUSON: For the record, your Honor, the  
13                  slides have already been marked People's Group  
14                  Exhibit 27 Subsection G, as in George and I.

15                  I ask you to look at People's Exhibit Number  
16                  Eight For Identification and ask you to find the slides  
17                  that you created regarding the pulled pubic hair from  
18                  [REDACTED]?

19                  A       These are the two slides.

20                  Q       I show you People's Group Exhibit 17, I  
21                  believe Subsection F, the pubic hair of Mr. Linscott  
22                  pulled, and ask you to locate the slides that  
23                  correspond to the contents that you took out of that  
24                  envelope?

985

1           MR. O'DONNELL: Is that 17F?

2           MR. MAGNUSON: Yes, Counsel.

3           Mr. Tahir, has handed me People's Group Exhibit  
4           Number 27, Subsection A, as to the items that you  
5           created out of the pubic hair pulled of Mr. Linscott,  
6           is that correct?

7           A       Yes, and the second, there are two slides,  
8           sir.

9           Q       Your Honor, out of People's Group Number 26,  
10          I am asking leave of Court to attach a marker to  
11          one side of the same and mark it subsection C.

12          Mr. Tahir, I ask you to locate the slides that  
13          you created out of the head hair pulled from Mr.  
14          Linscott and submitted in item D of People's  
15          Exhibit Number 17.

16          A       Okay, this it.

17          Q       Your Honor, I am going to take the liberty  
18          to mark this clear slide in the right hand corner with  
19          a small D of People's Group Exhibit Number 26.

20          MR. O'DONNELL: Excuse me, is that the pulled--

21          MR. MAGNUSON: These are the head hair pulled,  
22          Steven Linscott, reflected in Subsection D of the  
23          earlier exhibit.

1 Q Mr. Tahir, did you process any other  
2 items, that you recall, pursuant to this investigation?

3 A Yes.

4 Q And do you recall what those items  
5 were?

6 Did they include a bedspread?

7 A Yes.

8 Q A bedsheet?

9 A Yes.

10 Q A rug?

11 A Yes.

12 Q And other various articles of clothing?

13 A Yes.

14 Q Now, pursuant to your examination did you  
15 have an occasion to compare the mounted hairs of the  
16 left hand of [REDACTED] --strike that--to any  
17 other standards that are now before you?

18 The head or the hairs from the left hand of  
19 [REDACTED], being K and the mounted slide being  
20 26 Subsection B, did you have an occasion to compare  
21 that slide to any other slide before you?

22 A Yes.

23 Q And what is the slide that you compared  
24 it to, sir?

A Your Honor, May I refer to my report?

1                   MR. O'DONNELL: I am sorry, I didn't hear  
2 you?

3                   MR. MAGNUSON: He is referring to his extensive  
4 report, Counsel.

5                   Any objection?

6                   MR. O'DONNELL: No objection.

7                   MR. MAGNUSON: You may refer to it, sir.

8                   THE WITNESS: Thank you.

9                   MR. MAGNUSON: Q Do you recall what you  
10 compared that item to, sir?

11                  A Yes.

12                  Q And which item did you compare it  
13 to?

14                  A I compared this exhibit against a known  
15 head hair standard from Mr. Linscott.

16                  Q Mr. Linscott?

17                  A Yes, and Miss [REDACTED] head  
18 hair standards.

19                  Q And how did this comparison take place,  
20 microscopically?

21                  A Yes.

22                  Q And after you microscopically compared the  
23 slides of--from the left hand of [REDACTED] to  
24 the standards of Mr. Linscott and Miss [REDACTED],

1 did you arrive at any conclusion?

2 A Yes.

3 Q And what was your conclusion?

4 A Several Caucasian head hairs consistent with  
5 head hair standards of [REDACTED] and few animal  
6 hairs identified.

7 MR. O'DONNELL: Few what?

8 THE WITNESS: Few animal hairs.

9 MR. MAGNUSON: If your Honor will indulge me a  
10 little longer, there is a lot of envelopes to  
11 deal with.

12 Q Did you have an occasion, Mr. Tahir, to  
13 examine the slides that you have created from the  
14 head hair or the hairs from the right hand of [REDACTED]  
15 [REDACTED], as previously depicted with any other  
16 exhibit in front of you?

17 A Yes.

18 Q And what was the exhibit that you compared  
19 it to?

20 A Against head hair standards of Mr. Linscott  
21 and head hair standards of Miss [REDACTED].

22 Q And the slide was originally created from the  
23 hair from [REDACTED] right hand, is that correct?

24 A Yes.

1 Q Did you, after examining those two slides  
2 make any determination within a reasonable degree  
3 of scientific certainty?

4 A Yes.

5 MR. O'DONNELL: I will object to the form of  
6 the question.

7 He is an expert, he gives opinion testimony  
8 and I think that the question has to be formulated  
9 the correct way.

10 Does he have an opinion, based on--not did he  
11 make a determination, does he have an opinion.

12 THE COURT: All right, do you want to rephrase  
13 it?

14 MR. MAGNUSON: Q Do you have an opinion as to  
15 within a reasonable degree of scientific certainty  
16 as to the relationship of the two hair slides that  
17 you created and compared?

18 A Yes.

19 Q What is the conclusion?

20 A Several Caucasian head hairs consistent  
21 with the head hair standards of [REDACTED].

22 Few animal hairs identified.

23 Several Caucasian head hairs consistent with  
24 head hair standards of Mr. Linscott.

1           Q     Is that more than one hair that you found  
2            that was consistent with that of Mr. Linscott?

3           A     Yes.

4           Q     Now, Mr. Tahir, I show you the brushed  
5            hair, pubic hair contained in People's Exhibit Number  
6            7, from which you made the slides, People's  
7            Group 27-G and 27-I, and ask you whether or nor you  
8            had an occasion to compare them to any other exhibit  
9            before you?

10          A     Yes.

11          Q     And what did you compare it to, sir?

12          A     Two Caucasian pubic hairs consistent with  
13            pubic hair standards of Miss [REDACTED].

14          Two Caucasian hairs consistent with pubic  
15            standards of Mr. Scott. (Sic.)

16          Two animal hairs identified PGM, not detected,  
17            sir.

18          Q     Now, PGM, that is again one of the blood  
19            groupings that you have discussed earlier, is  
20            that correct?

21          A     Yes.

22          Q     And it was not detected in either slide,  
23            is that correct?

24          A     Yes.

Q91

1           Q     Now, is PGM the same thing as Gamma Marker  
2            GM?

3           A     No, PGM it is an abbreviation for  
4            Phosphoglucomutase.

5           Q     Mr. Tahir, I show you what has been  
6            previously marked People's Exhibit Number 18 For  
7            Identification and ask you whether or not pursuant  
8            to your investigation in this matter you received  
9            this carpeting from the Oak Park Police  
10          Department?

11         A     Yes.

12         Q     Do you recall seeing that object after it  
13          was given to you by the Oak Park Police Department?

14         A     Yes.

15         Q     Would you please resume your seat,  
16          sir.

17         Mr. Tahir, did you have an occasion to  
18          examine that carpeting?

19         A     Yes.

20         Q     And in what fashion did you examine it,  
21          sir?

22         A     I looked for the hairs.

23         Q     And how do you do that?

24         A     I looked, visually and pulled the hairs

1 out and made the slides in the same manner as  
2 I mentioned previously.

3 Q Could you locate the slides, sir, that you  
4 pulled from the carpeting, People's Exhibit Number  
5 18?

6 Your Honor, may the record reflect that the  
7 witness has handed me People's Group Exhibit 27,  
8 Subsection B, People's Group Exhibit 27, Subsection E,  
9 People's Group Exhibit 27, Subsection H.

10 After obtaining the hairs from the rug you  
11 had occasion then again to create these slides,  
12 is that correct?

13 A Yes.

14 Q Did you have an occasion to compare  
15 People's Exhibit 27-H and 27-E and 27-B, against any  
16 other slides that you had created?

17 A Yes.

18 Q What slides were those?

19 A Head hair standards of Mr. Linscott.

20 Head hairs of Miss [REDACTED].

21 Q Would that be the head hair standards  
22 pulled from Mr. Linscott as depicted in Subsection D  
23 of the earlier group exhibit?

24 MR. O'DONNELL: Let's have the number, not

1           an earlier group.

2           MR. MAGNUSON: 17-D.

3           Q       And is that the slide that you created  
4           out of 26 Subsection D.

5           I show it to you again, sir?

6           Is that correct, sir?

7           A       Yes.

8           Q       Approximately how many hairs did you recover  
9           from the carpeting that lies before you, Mr.  
10          Tahir?

11          A       There were a bunch of hairs.

12          Q       And you created a bunch of slides, is  
13          that correct?

14          MR. O'DONNELL: I didn't get that answer,  
15          your Honor.

16          THE WITNESS: There were a bunch of hairs.

17          MR. MAGNUSON: Q   And you created slides, is  
18          that correct?

19          A       Yes.

20          Q       And the slides that you created from  
21          those bunch of hairs are contained in People's  
22          Exhibit 27-H, 27-E and 27-B, is that correct?

23          A       Yes.

24          Q       Did you have an occasion to compare

1 People's Group Exhibit 27-H to any of the exhibits  
2 that are in front of you now?

3 A Yes.

4 Q And what exhibit is that?

5 A Head hair standards from Mr. Linscott and  
6 head hair standards from Miss [REDACTED].

7 Q Did you came the same comparison with the  
8 slide created in 27-E and 27-B?

9 Did you make the same comparison?

10 A Yes.

11 Q After making those comparisons did  
12 you reach any conclusions?

13 A Yes.

14 Q What were those conclusions?

15 A There were several Caucasian head hairs,  
16 which were consistent with head hair standards of  
17 Miss [REDACTED].

18 There were several Caucasian head hairs, which  
19 were dissimilar with Miss [REDACTED]  
20 head hairs and Mr. Linscott's head hairs.

21 Q That was dissimilar?

22 A Yes.

23 Q Did you make any other conclusions,  
24 sir?

1           A     There was a few hairs, Caucasian head  
2        hairs, which was similar to the head hair standards  
3        of Mr. Scott.

4           There was one Negroid hair, pubic hair found,  
5        sir.

6           Q     I show you People's Exhibit 22 For Identifi-  
7        cation.

8           You have earlier testified this was hair from  
9        a tire iron.

10          Did you have occasion to compare the hair that  
11        was contained in that exhibit to any of the slides  
12        before you?

13          Your Honor, I would be marking the People's  
14        Group Exhibit 26-E.

15          You created this slide out of People's Exhibit  
16        22, is that correct?

17          A     Yes.

18          Q     Did you have an occasion to compare it to  
19        either Mr. Linscott's or Miss [REDACTED] hair?

20          A     Yes.

21          Q     And what were your conclusions, if any,  
22        sir?

23          MR. O'DONNELL: I will object to the form of  
24        the question.

1           MR. MAGNUSON: I will strike the question.

2           Your Honor, may I have a side bar?

3           THE COURT: Yes.

4           MR. O'DONNELL: Get an opinion from a witness--

5  
6           (Proceedings had outside the presence  
7           and hearing of the Jury.)

8           MR. MAGNUSON: Judge, I would merely ask that if  
9           Mr. O'Donnell has an objection let him make an  
10          objection, other than screaming behind my  
11          head.

12          I have close to fifty slides out there.

13          I am trying to keep it straight.

14          Mr. O'Donnell hears every word that I say and  
15          he keeps talking.

16          If he has an objection, make his objection.

17          MR. O'DONNELL: First of all--

18          MR. MAGNUSON: Counsel, this is mine, you  
19          have been talking for two weeks, this is my objection,  
20          let me make my objection and quit calling out and telling  
21          me what to do in a Court Room.

22          MR. O'DONNELL: First of all the only basis  
23          for this witness to testify at all is an expert,  
24          it is opinion evidence.

1           There is a proper procedure for opinion  
2         evidence and at a proper way to formulate the  
3         questions to propound to that witness.

4           For him to keep saying to that witness, I  
5         didn't object several times, determination,  
6         conclusion, it is whether or not you have an opinion  
7         based upon a reasonable degree of scientific  
8         certainty.

9           That is the only basis that this witness  
10        has for testifying, period.

11          THE COURT: Well, if that is your only reason  
12        for your objection, then I think that it is dilatory,  
13        because he has been going through that and these  
14        are separate exhibits.

15          You are correct in a way that he may be--

16          MR. MAGNUSON: I have no problem with asking the  
17        questions that way.

18          THE COURT: I think what aggravates him,  
19        sometimes is the fact that you do not get, he does  
20        not give some of the exhibits, does not give  
21        you the matching number and I understand why you  
22        want it, so that you can make the proper notes.

23          MR. MAGNUSON: First of all when he is calling  
24        me out what the exhibit is, all I can refer to

1       is by number.

2             If he wants to refer by whose hair, I have  
3        gone along with him anyway.

4        THE COURT: It would be easier for him to  
5        locate.

6        MR. O'DONNELL: The report that Mr. Tahir has  
7        bears exhibit numbers of his own, which bear no  
8        corrolation, so it is necessary to try to corrolate  
9        those exhibits on his report that he numbered  
10      himself, personally as distinguished from that.

11         So the only reason I do that is for purposes  
12      of identification, but with respect to the proper  
13      from--

14        THE COURT: Anything else?

15        MR. MAGNUSON: No, Judge.

16        MR. O'DONNELL: As to the proper form of the  
17      question, I respectfully object for him  
18      asking those things.

19        MR. MAGNUSON: Judge a comment from behind,  
20      let's have this and that, I don't know if I should  
21      respond in front of the Jury to those kind of  
22      comments.

23        THE COURT: I don't think that either one

1 of you should make statements in front of the  
2 Jury.

3 Let's get this understood there are a lot of  
4 exhibits.

5 MR. MAGNUSON: There is an extensive  
6 chain and I am trying to use by People's Exhibits--

7 THE COURT: Allright, you will be able to  
8 cross-examine him to the fullest, Mr. O'Donnell.

9 I understand why you want him to name the  
10 names, but actually all he has to do for the record  
11 is name the number.

12 MR. O'DONNELL: Yes, sir.

13 Can I have a short break.

14 THE COURT: Yes.

15 (Whereupon a short recess was taken by Court  
16 and Counsels.)

17 THE COURT: Read back the last question, Miss  
18 Reporter.

19 (Whereupon said question was read back.)

20 (Proceedings had in the presence and hearing  
21 of the Jury.)

22 THE COURT: Read back the last question, Miss  
23 Reporter.

24 (Whereupon said question was read back.)

10000

1                   MR. MAGNUSON: Q Now, referring to that exhibit,  
2 Mr. Tahir, did you have an occasion to compare the  
3 hairs from that exhibit to either Mr. Linscott's  
4 or Miss [REDACTED]?

5                   A Yes.

6                   Q And did you form an opinion based upon  
7 a reasonable degree of scientific certainty as to  
8 their relationship?

9                   A Yes.

10                  Q And what is that opinion?

11                  A One Caucasian head hair fragment found  
12 to be consistent with head hair standards of Miss  
13 [REDACTED] and it is hair fragment indicated it  
14 is a broken hair.

15                  Q Did you make any other conclusions at that  
16 time?

17                  A No.

18                  Q That was as to the hair that came from the  
19 tire iron?

20                  MR. O'DONNELL: From what?

21                  MR. MAGNUSON: People's Exhibit 22, from the  
22 tire iron made into the slide, Subsection E.

23                  If I may have a moment, your Honor.

24                  Q I show you again People's Exhibit Number

1       23, Mr. Tahir, and ask you did you have an  
2       occasion to make a comparison with the items  
3       contained in that box with any of the slide standards  
4       from Mr. Linscott?

5 A Yes.

Q And within a reasonable degree of scientific certainty do you have an opinion as to their relationship?

9 A Yes.

10 Q What is that?

11 A One Caucasian hair, Caucasian head hair  
12 consistent with head hair standards of Mr.  
13 Linscott.

14 Q Thank you.

Now, Mr. Tahir, you used the term, "consistent".  
Would you please tell the ladies and  
gentlemen of the jury what you mean by, "consistent",  
sir?

A Consistent means if I have one question  
sample and one known sample and I compare side  
by side, looking under the microscope, looking at  
both samples at the same time and if identifying  
any differences between those two samples there  
is no dissimilarity, that means it is a  
consistent. 100%

1 Both samples are consistent.

2 Q Mr. Tahir, if you found so much  
3 dissimilarity between hairs would you give an  
4 opinion that they were consistent?

5 A No.

6 Q They must be alike in all respects, is  
7 that correct?

8 MR. O'DONNELL: I object to the form of the  
9 question because he hasn't indicated in what  
10 respect he indicated them.

11 MR. MAGNUSON: I will strike the question,  
12 your Honor, I believe that it is clear.

13 Q Mr. Tahir, did you do a showing, again  
14 People's Group Exhibit Subsection A, the blood of  
15 [REDACTED], did you do a laboratory work-up  
16 on that blood?

17 A Yes.

18 Q And what did that work-up disclose to  
19 you, sir?

20 What was the blood make-up of Karen Ann

21 [REDACTED]?

22 A ABO blood group, Rh positive, MN, Lewis,  
23 negative B positive, PGM one, ESD one, glyoxylase two,  
24 Gm plus one, plus two, plus 10, KM inconclusive.

1000

1 Q Thank you.

2 I show you People's Subsection G of People's  
3 17--

4 A Excuse me, one more blood group IEFP-GM-IEF,  
5 inconclusive.

6 Q --thank you, sir.

7 Did you do the same work-up with Mr. Linscott's  
8 blood?

9 A Yes.

10 Q And what was the ABO type, if any, that  
11 you found?

12 A AB.

13 Q What was the rest--were you able to  
14 determine the rest of the whole blood?

15 A RH positive, MNM, Lewis A positive, B  
16 negative, PGM one.

17 Q Did you do a gamma marker on Mr. Linscott's  
18 blood?

19 A Yes.

20 Q And what was that?

21 A GM minus one, minus two, plus 10, KM  
22 inconclusive, PGM-IEF inconclusive.

23 Q Now, Mr. Tahir, at some point in your  
24 examinations of these items had you exhausted all

1           of the possible tests that you could perform here  
2           in Illinois?

3           A      Yes.

4           Q      Was there any test that you could perform  
5           elsewhere that you could not perform in Illinois?

6           A      Yes.

7           Q      And was that in reference to the gamma  
8           marker?

9           A      Yes.

10          Q      Were you able at some point to perform  
11          a test regarding the gamma marker factors of the  
12          vaginal fluids that were taken from [REDACTED]  
13          vagina by the Coroner?

14          A      Yes.

15          Q      And where was that done, sir?

16          A      Some of the tests were done here at the  
17          Maywood Laboratory in Illinois, and some of the  
18          tests were done at the Scotland Yard Metropolitan  
19          Police Forensic Laboratory in London, England.

20          Q      After the tests were performed in  
21          Illinois, could you within a reasonable degree of  
22          scientific certainty form any conclusions upon  
23          the test regarding the gamma marker factor, based  
24          here in Illinois on the vaginal swab?

2603

1           A     The only conclusion I could draw at  
2           that time was--

3           MR. O'DONNELL: Objection unless he indicates  
4           what time.

5           I don't know whether it is before or--

6           THE WITNESS: Before.

7           MR. MAGNUSON: I will rephrase the question  
8           again.

9           Q     After you performed the test in Illinois,  
10          were you within a reasonable degree of scientific  
11          certainty able to form any opinions regarding the  
12          vaginal swab and the gamma marker here in Illinois  
13          prior to going to Scotland Yard?

14           A     Yes.

15           Q     And what was that, if anything?

16           A     Seminal material identified ABO blood group  
17          not detected.

18           Q     So you could not detect an ABO blood group  
19          from the seminal material at that time, is that  
20          correct?

21           A     Yes.

22           Q     Is that indicative of a non-secretor,  
23          sir?

24           A     There are two possibilities at this point,

1 either the seminal material could have originated  
2 from a person--  
3

4 MR. O'DONNELL: From what?

5 THE WITNESS: From a person, who is a secretor  
6 or a non-secretor.

7 MR. MAGNUSON: Q What was the secretor?

8 A Secretor or a person, non-secretor.

9 Q And [REDACTED] was a secretor,  
10 is that correct? .....

11 A Yes.  
12

13 Q When you went to Scotland Yard approximately  
when was that, sir?

14 A I think it was in February sometime,  
15 sir.

16 Q And what, if anything, did you take with  
17 you at that time?

18 A I took blood standards from Miss  
[REDACTED] and Mr. Linscott and vaginal swab from the  
19 sexual assault kit.

20 Q And what, if any substance was the vaginal  
21 swab in at that time?

22 A I kept that swab from the wood and I  
23 packed in a small little oil, which I took with  
24 me.

148-1d

1 Q Was there anything in the vial, other  
2 then the swab?

3 A No.

4 Q Did you at anytime use a substance  
5 of liquid nitrogen?

6 MR. O'DONNELL: I object to sugesting the  
7 answer to the witness.

8 THE COURT: Overruled, let him answer.

9 MR. MAGNUSON: Strike that question.

10 Q Did you preserve the vaginal swab in  
11 any fashion?

12 A Before I took these samples to Scotland  
13 Yard, the sample was preserved in our laboratory in  
14 liquid nitrogen.

15 Q Did you do tests in Scotland Yard on the  
16 vaginal swab with reference to the Gamma Marker  
17 factor?

18 A Yes.

19 Q Now, Mr. Tahir, assume that you have an  
20 individual with a gamma marker factor that is  
21 displayed by the whole blood of Mr. Linscott.

22 Assume further that you have a gamma marker  
23 factor as demonstrated by the whole blood of  
24 Miss [REDACTED].

1           In combining their body fluids what reading  
2           would you expect to get for a gamma marker result?

3           A       You mean if Mr. Linscott's and Miss  
4           [REDACTED] body fluids combined together?

5           Q       That is correct, what reading would you  
6           expect to get?

7           A       GM plus one, plus two.

8           Q       Did you in fact do a gamma marker test  
9           in Scotland Yard on the vaginal swab that was given  
10          to you, purportedly from the vaginal area of  
11          [REDACTED]

12          A       Yes.

13          Q       What reading did you receive?

14          A       GM plus one, plus two and inconclusive,  
15          which is for GM-10.

16          Q       Do you have an opinion, within a reasonable  
17          degree of scientific certainty as to whether or  
18          not those final readings are consistent with  
19          the mixture of body fluids between [REDACTED]  
20          and Steven Linscott?

21          A       The GM blood grouping is consistent with  
22          the mixture of body fluids of Miss [REDACTED] and  
23          Mr. Linscott.

1           MR. MAGNUSON: Thank you, if I may have a moment,  
2  
your Honor.

3           Your Honor, we have no further questions at this  
4 time--excuse me, your Honor, just one moment.

5           We have no further questions.

6           THE COURT: All right, before we go into  
7 cross-examination.

8           MR. O'DONNELL: Can I approach the Bench,  
9 Judge.

10          THE COURT: We will take a ten minutes  
11 recess.

12          (Whereupon a recess was had by Court, Counsels  
13 and the Jury.)

## GROSS EXAMINATION

BY MR. O'DONNELL:

Q       Mr. Tahir, we have met before, my name is  
O'Donnell, is that correct?

A Yes, sir.

Q Just to get this down to manageable proportions, you have submitted in connection with case four reports that you made regarding the examination of certain physical evidence in this case, is that correct?

A Yes, sir.

Q And will you take those reports out and keep them available to you.

The first report that you submitted is dated November 19th, 1980, is that correct?

A Yes.

Q And that consists of numerous items and the results of your examination on a variety of different items. Is that correct?

8 Yes

Q Then on December 9th, 1980 you filed a supplemental report, is that correct?

A Yes, sir.

Q Was that the next report that you filed in

1 connection with this case?

2 A Yes.

3 Q And that consisted of certain examinations  
4 concerning hairs, is that right?

5 A Yes.

6 Q Specifically pubic hair, is that correct?

7 A Yes, sir.

8 Q Then on March 2nd, 1981 you made another  
9 report, is that correct?

10 A Yes.

11 Q And was that the next report that you made  
12 in this case?

13 A That is right.

14 Q And that report was filed, I assume  
15 after you had been to England?

16 A Yes.

17 Q And the final report that you made was dated  
18 April the 8th, 1981, is that correct?

19 A Yes.

20 Q And was that the next report that you filed in  
21 this case?

22 A Yes.

23 Q Had you filed any other reports in connection  
24 with any examination or test that you have performed

1 on any physical evidence involving this case?

2 A No.

3 Q Now, calling your attention to the November  
4 19th, 1980 report the police officers from Oak Park  
5 dropped off certain items to your laboratory, is that  
6 correct?

7 A Yes.

8 Q Some of those articles were dropped off on  
9 October 6th.

10 Some of them were dropped off on November--  
11 October 9th and some of them were dropped off on  
12 October 14th?

13 A That is correct.

14 Q One of the articles that was dropped off  
15 on October the 6th was a bedspread, is that correct?

16 A Correct.

17 Q You examined it?

18 A Yes.

19 Q And you found some hair?

20 A Yes.

21 Q And you ran some tests on it, is that  
22 correct?

23 A Correct.

24 Q And you found the hair to be consistent with

1 [REDACTED] hairs?

2 A Yes.

3 Q What was the next item that was submitted  
4 to you?

5 A There are several animal hairs also found.

6 Q Sir?

7 A There were several animal hairs found on the  
8 bedspread.

9 Q Animal hairs.

10 Could you determine what kind of animal?

11 A Yes.

12 Q You did not report that in your report,  
13 did you?

14 A No.

15 That is only done on the special request if the  
16 agency requests any animal cases then we do further  
17 testing, but it was not requested.

18 Q Then you only provide the information that  
19 is requested?

20 A Sure.

21 Q Are you given some instructions at the time  
22 that this physical evidence is dropped off at the  
23 lab?  
24

1012

1           A     No, they are--they write down on request  
2       what they want us to be done.

3           In animal cases especially this is laboratory  
4       procedure that we report animal hair identified.

5           Then if the agency wants further work then we will  
6       determine the species.

7           Only in animal hairs.

8           Q     Only in animal hairs?

9           A     Yes, sir.

10          Q     Now, the next item that was examined was  
11       the bed sheet, is that correct?

12          A     Yes.

13          Q     And you found certain hairs on it, is  
14       that correct?

15          A     Yes.

16          Q     Would you describe what you found on that  
17       bed sheet?

18          A     There were several head hairs found consistent  
19       with head hair standards of Miss [REDACTED].

20          There were several animal hairs, a few negroid  
21       body hairs and several negroid head hair fragments.

22          Several negroid head hair fragments.

23          Q     Hair fragments, what is that pieces?

24          A     Yes, little pieces.

J. 1045

1           Q     You also examined another bed sheet, is that  
2     true?

3           A     Yes.

4           Q     And you did a blanket?

5           A     Yes.

6           Q     And you did a T shirt?

7           A     Yes.

8           Q     And a pair of pantyhose?

9           A     Pair of pantyhose, yes.

10          Q     And I believe a sanitary napkin?

11          A     Yes.

12          Q     All right, no in this examination of the  
13         hairs you use a microscopic examination, is that  
14         correct?

15          A     Yes, correct.

16          Q     Is that a comparison microscopic examination,  
17         sir?

18          A     Yes.

19          Q     There are other tests available for hair,  
20         are there not?

21          A     Would--

22          Q     For hair comparison?

23          A     Not the best of my knowledge, that microscopic  
24         is the best method for hair comparison.

1 Q Well, have you ever heard of X-ray  
2 analysis?

3 A Yes.

4 Q Have you ever used it?

5 A No.

6 Q Do you have the facilities for it?

7 A No, that is not considered reliable method  
8 in the forensic scientists community to use it on hair  
9 comparison.

10 Q Have you heard of neutronic activation?

11 A Yes.

12 Q Have you ever conducted any of those  
13 tests?

14 A No.

15 Q Do you have the equipment to perform those  
16 tests?

17 A No.

18 Q Now, would you describe for the ladies and  
19 gentlemen of the Jury how many different characteristics  
20 you tested for?

21 A What do you mean by--would you please explain  
22 what do you mean by different characteristics?

23 A Well, when you are comparing two objects  
24 under a microscope, aren't you looking for similar

1 characteristics with regard to both of those items  
2 that you are looking at?

3 A Yes.

4 Q All right, was this test that you performed  
5 on these hairs what is referred to as a longitudinal  
6 examination?

7 A Again would you please explain.

8 Q Well, in other words were you looking at  
9 the two hairs, as they were on the slides?

10 A Yes.

11 Q Did you do a cross section analysis?

12 A No, that is not necessary.

13 Q You do not do that?

14 A No.

15 Q Well, isn't it a fact, Mr. Tahir, that  
16 if you do a cross section analysis that you greatly  
17 enhance the opportunity of determining certain  
18 characteristics?

19 A Not to my experience, I don't feel that  
20 it could add something.

21 Q And all your experience in forensic serology,  
22 hair comparison has been here in Illinois?

23 A I have to F.B.I. for hairs.

24 Q So you did not do a cross section analysis?

1           A     No.

2           Q     Well, if you looked at a pencil you would  
3     be looking only at the exterior characteristics that  
4     you could see on that pencil, isn't that right?

5           A     Yes.

6           Q     Now, if you were to cut that in half and look  
7     at it this way that would give you additional  
8     material from which you could make a comparison, wouldn't  
9     it?.

10          A     But it is different in a pencil.

11          Light does not cross through a pencil.

12          Q     What?

13          A     Light does not pass through pencil, but  
14     it is a different with the hair you are passing the  
15     light through the hair and you are looking in the interior  
16     of the hair too.

17          Q     If you look at an object and you look at it this  
18     way (indicating) you are seeing this surface?

19          If you look at it after you cut it in half and  
20     look at it you are seeing the cross section of it,  
21     isn't that correct?

22          A     Yes.

23          Q     Doesn't that greatly enhance the opportunity  
24     to see more of that object?  
14/13

1           A     Not--I think it will not add anything, any  
2 information more.

3           It wouldn't give you any new information.

4           Q     Well, isn't the policy in the laboratory  
5 here in Illinois to perform a cross section analysis?

6           A     Not in every case.

7           Q     Do you have those exhibits that you used  
8 with Mr. Stolorow.

9           I show you what has been marked as People's  
10 Exhibit Number 24 A for identification.

11          Have you ever seen that, something similar to  
12 that?

13          A     Yes.

14          Q     Doesn't that show a cross section of a hair?

15          A     No, it is a half cut and you see and what  
16 you could see inside.

17          It is not full cross section because the full  
18 cross section should be opposite way, it is  
19 longitudinal way and it is cut so that you can see  
20 inside.

21          That is what you see on the microscope without  
22 cross section.

23          Q     But you did no cross sectional analysis  
24 of this hair?

1 A No.

2 Q Okay, you were looking for things like

3 color?

4 A Yes.

5 Q Length?

6 A Yes.

7 Q How many different things did you look

8 for?

9 A Approximately a dozen.

10 Q A dozen?

11 A Yes.

12 Q Now, not all of them were the same, were

13 they?

14 A In this here?

15 A I mean, all of the characteristics

16 are not always the same, right, in this hair?

17 MR. MAGNUSON: Objection, which hair?

18 MR. O'DONNELL: I understand that could be

19 confusing.

20 The characteristics you found vary with each

21 test you conducted, don't they?

22 A Are you talking in general or specifically?

23 Q With respect to this testing, yes, with

24 respect to this testing?

1           A     Which specific item?

2           Q     All right, with respect to the hairs from the  
3     right hand and you have that in your report here,  
4     right?

5           I think it is your number 20 K if that will help  
6     you?

7           A     Yes, okay, and that was a mixture of hairs.

8           I mean in this exhibit there were several hairs  
9     which were consistent with the head hair standards of  
10    Mr. Linnscott and there were others, which were  
11    consistent with the head hair standards of Miss  
12    Phillips.

13          Q     How many does your report indicate, how many  
14    hairs were consistent with the head hair standards of  
15    Mr. Scott? (sic.)

16          MR. MORRISSEY: Excuse me, Judge, I think that  
17    there should be a reference by Mr. O'Donnell as to what  
18    Exhibit 20 K is.

19          MR. O'DONNELL: Well, I told him.

20          THE WITNESS: Yes, that is hairs from right  
21    hand.

22          MR. O'DONNELL: Q You use the term several, I  
23    want to know how many?

24           A     16 or 17

1 A Several maybe more than four or five hairs,  
2 maybe four or five hair approximately, because they  
3 are on the slide in a bunch.

4 It is hard to give accurate number.

5 Q And with respect to the hairs found on the  
6 carpet, which is your 37 in your report of November  
7 19th, 1980, you use again the term, "several"?

8 A That is a few.

9 Q Oh, a few that is less than several, isn't  
10 it?

11 A Yes.

12 Q So that would be what, maybe--

13 A More than two.

14 Q Two or three?

15 A Yeah.

16 Q And with respect to the pubic hair, you indicate  
17 number 10.

18 A Yes, Exhibit Number 10, Laboratory Exhibit  
19 Number 10.

20 Q Laboratory Exhibit Number 10 you indicate  
21 specifically that it was two?

22 A Yes.

23 Q Do your records indicate how many hairs you  
24 had in the sample of head hairs of Mr. Linscott?

Q 12/35

1 A Maybe fifteen to twenty.  
2 Q Fifteen to twenty?  
3 A Approximately.  
4 Q Do your records indicate with respect to the  
5 public hair, the two that you found to be consistent,  
6 the specific characteristics?  
7 MR. MAGNUSON: Objection, consistent with what?  
8 It is a vague question, consistent with what?  
9 THE COURT: All right, do you understand the  
10 question?  
11 THE WITNESS: No, sir.  
12 THE COURT: Do you want to rephrase that.  
13 MR. O'DONNELL: Yes.  
14 Q You compared public hairs of Mr. Linscott  
15 with some pubic hairs that were taken from a combing  
16 of [REDACTED] ?  
17 A Yes.  
18 Q Two?  
19 A Yes.  
20 Q Two hairs.  
21 Do your records indicate specifically what  
22 characteristics you found similar in those two  
23 objects you were looking at?  
24

1 A Yes, sir, approximately ten.

2 Q No, I don't want numbers, I want to know  
3 what characteristics?

4 A Medulla.

5 Q What?

6 A Medulla.

7 Q Medulla?

8 A Yes.

9 Q What is that?

10 A Medulla is one of the characteristics  
11 of the hair.

12 Q Well, that is in all hair, isn't it?

13 A Yes, it could be present. It couldn't  
14 be present in hair.

15 Q It what?

16 A Medulla could be present in hair.

17 If it is present it could be in various forms.

18 In this case what you are looking at, you are  
19 looking side by side.

20 One is known hair and one is unknown and you are  
21 comparing both together, looking for similarities and  
22 these similarities in both hairs--

23 Q Just a minute here please.

1           What do they call the exterior hair -- the  
2           exterior of the hair, is that the scaling or what  
3           do they call it?

4           A      Cuticle.

5           Q      All right, and below the cuticle is the  
6           cortex, right?

7           A      Cuticle is upper scaling of the hair and a  
8           whole body of the hair is called cortex and in the  
9           center is the medulla.

10          Q      So a hair as as I understand it, all human  
11          hair consists of a cuticle, a cortex and a medulla?

12          A      These are three members.

13          MR. MAGNUSON: Objection, misstating the evidence.

14          MR. O'DONNELL: Is that right, the human hair  
15          consists of the cuticle, the cortex and the medulla?

16          A      These are three main characteristics  
17          portions.

18          Q      Now, so, one of the characteristics you saw  
19          in these two objects you were looking at under the  
20          microscope is that each of them had a medulla?

21          A      Yes.

22          Q      And another characteristic you saw was that  
23          each one had a cortex?

1           A     Yes.

2           Q     And each one of them had a cuticle?

3           A     Yes.

4           Q     What other characteristics did you see  
5         in these two pubic hairs that you examined and  
6         compared them with the pubic hairs of Steven  
7         Linscott?

8           A     The color of the medulla, overall color  
9         of the hair pigmentation and type, shape of the tip,  
10         root, pigmentation of the distribution of the  
11         pigments.

12          These are all characteristics, which I compared,  
13         sir.

14          Q     Is that about it?

15          A     Yes.

16          Q     That is more like seven or eight  
17         characteristics?

18          A     Approximately.

19          I said approximately ten.

20          Q     And was it basically the same characteristics  
21         that you looked for when you compared the hairs in the  
22         right hand of [REDACTED] and the hair samples of  
23         Steven Linscott?

11/27

1 A Head hairs?

2 Q About the same characteristics?

3 A Yes.

4 Q That you saw were similar?

5 A Yes.

6 Q Now, if those pubic hairs were removed  
7 from the body of [REDACTED] by forceps in the  
8 morgue, that is not good collecting procedures, is  
9 that right?

10 A Would you please rephrase it?

11 Q If those two pubic hairs were lifted  
12 off of [REDACTED] by the use of metal forceps while  
13 she was in the morgue would that be good collecting  
14 procedures?

15 MR. MAGNUSON: Objection, the forceps were  
16 not used to remove the pubic hairs.

17 They were removed by Investigator Kelly at the  
18 scene.

19 He is assuming facts not in evidence.

20 THE COURT: There are some pulled hairs too.

21 All right, let him answer.

22 MR. O'DONNELL: He can answer that.

23 A Okay, you mean those--you are talking about the  
24 two public hairs, which were found in the combing?

1473

1 Q Yes.

2 You don't know how they were removed from the  
3 victim?

4 A I don't have any idea.

5 It says a combing, obviously I guess it would  
6 be combed.

7 That is the way I know.

8 Q It could be a metallic comb?

9 A Anything.

10 Q And if it was a metallic comb or a pair  
11 of forceps that would be bad collection procedures,  
12 according to the policy setforth in your department,  
13 wouldn't it?

14 A No, I don't think so.

15 Q Do you know Mr. Stolorow?

16 A Yes.

17 Q Is he your boss?

18 A No.

19 Q But he has been--he is with your office of the  
20 Department of Law Enforcement, isn't it, Division  
21 of Supportive Services?

22 A Yes.

23 Q And doesn't he have jurisdiction and isn't  
24 he the coordinator of forensic scientists throughout

150

1 the state of Illinois?

2 A Yes.

3 Q Can you determine age by looking at hair?

4 A No.

5 Q And using a microscopic examination of the  
6 equipment that you use you can't even determine sex,  
7 can you?

8 A No.

9 Q And you sure can't determine from whose head  
10 that hair came from, can you?

11 A You cannot positively say.

12 Q You can't even say it is similar, can  
13 you?

14 A I said consistent.

15 Q You did not use the word similar did  
16 you?

17 A No.

18 Q Similar means alike, doesn't it?

19 MR. MAGNUSON: Objection, similar means similar.

20 THE COURT: Well, let him answer.

21 THE WITNESS: Similar means to me is similar.

22 That is all I can say.

23 MR. O'DONNELL: Q You haven't even used the word,

34819

1 "similar" in your reports for four or five years,  
2 have you?

3 A Yes.

4 Q You have not used that word?

5 A I have used a few times.

6 Q But you did not use it in this case, did  
7 you?

8 A No.

9 Q So when you use the term consistent with really  
10 what you are saying is that it was not inconsistent,  
11 isn't that correct?

12 A No.

13 Q Well, what does consistent mean to you?

14 A Consistent is a, to me is a consistent that  
15 if there are two hairs and you look in the  
16 microscope and you did not find any dissimilarities  
17 in those two samples to me are consistent.

18 Q All right, let me rephrase it this way then  
19 if you don't find any inconsistencies then it is  
20 consistent with, is that right?

21 A Yes.

22 Q So putting it another way then hair  
23 examination can no way positively identify from what  
24 head it came, is that correct?

1           MR. MAGNUSON: Objection, that is not the  
2 testimony.

3           MR. O'DONNELL: Q Well, you can never determine  
4 with a reasonable degree of scientific certainty that  
5 two heads of hair are identical?

6           A This is not a fingerprint.

7           Q I think I am aware of that, yes.

8           A And you cannot positively say that this  
9 hair came from this individual.

10          Q Okay, you couldn't even say that if you had  
11 two pieces of hair from the same head, could you?

12          A My answer is the same, what I told you that  
13 you cannot say that this hair came from this individual,  
14 only could say is that it is consistent with.

15          Q And therefore, it has value only to the  
16 extent that it might exclude someone, isn't that  
17 correct?

18          MR. MAGNUSON: Objection, argumentative.

19          THE COURT: Sustained.

20          MR. O'DONNELL: This is an opinion witness.

21          He has--

22          THE COURT: He has answered the question,  
23 argumentative.

1           MR. O'DONNELL: Q   Do I understand that  
2         Scotland Yard has a much more elaborate facility  
3         than we have here in Maywood?

4           MR. MAGNUSON: Objection.

5           THE COURT: Sustained.

6           MR. O'DONNELL: Q   You couldn't perform the test  
7         that you were going to do here in Illinois, is that  
8         correct?

9           A   Yes.

10          MR. MAGNUSON: Objection, which test?

11          THE COURT: Be more specific.

12          MR. O'DONNELL: The one that prompted you to go to  
13         Great Britain?

14          A   Gm blood group, yes.

15          Q   You couldn't--

16          A   I couldn't do it here.

17          Q   Could you do it anywhere in the United  
18         States?

19          A   I tried, I couldn't find any place to do  
20         it.

21          Q   Mr. Tahir, did you attend a seminar when you  
22         were in Great Britain?

23          A   I -- did I attend a seminar, when?

24          Q   When you went to Great Britain in February

1 of 1981?

2 A What seminar?

3 Q Well, do you from time to time go to  
4 seminars on forensic science?

5 A Yes.

6 Q And that is kind of a short training  
7 session or lecture series, you know what a  
8 seminar is, don't you?

9 A Sure.

10 Q And is that why you went to Great Britain  
11 in February of 1981?

12 A No.

13 Q Did you attend one when you were over there?

14 A There was no seminar at that time, that I  
15 know of.

16 Q Did you take the hair with you?

17 A No.

18 Q Did they have X-ray analysis equipment in  
19 Great Britain?

20 A They may have.

21 I do not have knowledge, because that is a  
22 separate section.

1 Q But it is in the same laboratory, is that  
2 it?

3 A It is a very huge facility.

4 I do not have any knowledge for every section.

5 Q Were you given any hair sampels of known  
6 persons orther than Steven Linscott in this case?

7 A No.

8 Q Now, why--what was the reason for your  
9 supplementing your report of November 19th by the  
10 report almost a month later, not even a month later,  
11 December 9th, 1980?

12 A That was uponthe request of Assistant  
13 State's Attorney Colin Simpson.

14 Q Did he tell you he wanted you to do  
15 additional testing?

16 A Yes.

17 Q And the additional testing he wanted to do  
18 was to test for PGM?

19 A Yes, that is correct.

20 Q And it was negative?

21 A There was no activity.

22 Q The test was negative?

23 A Yes.

24 Q It added nothing?

1035

1 A Yes, PGM activity was undetectable.

2 Q Then about five months later, four months  
3 later Mr. Simpson, the Assistant State's Attorney  
4 called you up again and he wanted you to do some more  
5 tests on hair, didn't he?

6 A Yes.

7 Q And that was the basis for your report for  
8 April 8th, 1981?

9 A Correct.

10 Q And that involved the hairs from the right  
11 hand of Karen Phillips?

12 A Yes.

13 Q And also I believe a few head hairs, wait  
14 a minute, hairs that were removed from the carpet,  
15 correct?

16 A Yes.

17 Q Did he tell you at that time we don't have  
18 enough we need more?

19 MR. MAGNUSON: Objection.

20 THE COURT: Sustained.

21 MR. MAGNUSON: Move to strike it.

22 Objection to anything Mr. Simpson said, it is  
23 hearsay.

1  
2 THE COURT: Objection sustained, strike that.

3 The jury is instructed to disregard the question.

4 MR. O'DONNELL: Q What tests did you do with  
5 respect to those?

6 MR. MAGNUSON: Objection.

7 MR. O'DONNELL: Q To substances that were retested?  
8 A PGM.

9 Q And they were also negative, weren't  
10 they?

11 A There was activity in PGM, but it was not  
12 that I could make a conclusion.

13 Q You had nothing to do with any fingerprinting  
14 in this case, did you?

15 A No.

16 Q Did you have anything to do with the  
17 examination of a table lamp?

18 It is item Number 25 of your report of  
19 November 19th, 1980?

20 A I received that, but I delivered it to  
21 Forensic Scientist Berke for latent print check-  
22 up.

23 Q What is Mr. Berke's specialty?

24 A He is a latent print examiner.

1 Q Did you look at the table lamp before you  
2 delivered it to Mr. Berke?

3 A In what respect?

4 Q Did you look at the base of it and see  
5 if there was a red substance on the bottom of  
6 it?

7 A Yes, I looked.

8 Q Did you conduct any tests with respect to  
9 it?

10 A There was nothing that I could use.

11 Q But you did not test it?

12 A No, there was nothing, I had to look at the  
13 stain, there was nothing that looked like blood.

14 There was no stain at all, so I do not have the check.

15 Q On the request that you received from the  
16 police officers, didn't they indicate that there was  
17 a stain that they thought was blood on that lamp?

18 A No, I didn't find it.

19 Q Now, you did certain biological fluid tests,  
20 didn't you?

21 A Yes.

22 Q As part of that testing you determined that  
23 Karen Phillips was blood type Group ABO = O? --

24 A Correct. 1038

1 Q On the vaginal swab, which was taken by  
2 the police officers at the scene, that was delivered  
3 to you, wasn't it?

4 A Yes.

5 Q That is your laboratory exhibit number  
6 20A, isn't it?

7 A Yes.

8 Q Now, the first thing you did with that  
9 swab was to test for semen?

10 A Yes.

11 Q In your report you say that test was positive  
12 for seminal material, is that correct?

13 A Yes.

14 Q Why didn't you say that you found semen?

15 A That is the same thing, positive for  
16 seminal material or semen found is the same thing.

17 Q Well, semen consists of the fluids  
18 coming from the prostate glands and urethra in the  
19 male organ right, sir?

20 A Yes.

21 Q Plus sperm, isn't that right?

22 A Yes.

23 Q Your report indicates that you made a test  
24 for sperm on the oral slide, which is from Karen

1       Phillips, is that correct?

2       A      Yes.

3       Q      And you found no sperm?

4       A      Yes.

5       Q      And your report also indicates that you  
6       performed a test for sperm on the rectal slide from  
7       Karen Ann Phillips?

8       A      Yes.

9       Q      And you found no sperm?

10      A      Yes.

11      Q      Will you tell the ladies and gentlemen of the  
12     jury why your report does not indicate whether or  
13     not you performed a test for sperm on the vaginal  
14     slide?

15      A      Vaginal slide, I performed the test of sperm,  
16     it was positive for sperm.

17      Q      It was what?

18      A      The vaginal slide was positive for sperm,  
19     but in the report it says positive for seminal material,  
20     because sperm is a part of semen.

21           That is the way that we report.

22           If we didn't find anything--

23      Q      Now, referring to your report--

1           MR. MAGNUSON: Judge, I would ask that the witness  
2 be allowed to answer.

3           I would like to hear his answer.

4           MR. O'DONNELL: I will conduct the cross.

5           Will you refer to page four of your report,  
6 go back to page three and we will get this in context.

7           Page three of his report, November 19, 1980,  
8 your laboratory Exhibit 20 is a rape kit, right?

9           A      Yes.

10          Q      And that contains a variety of different  
11 things?

12          A      Yes.

13          Q      It is also called a Vitullo Kit, isn't  
14 it?

15          A      Yes.

16          Q      20 A was a vaginal swab?

17          A      Yes.

18          Q      You reported on November 19th, 1980 that  
19 it was positive for seminal material?

20          A      Yes.

21          Q      You did not include any statement that  
22 sperm was found?

23          A      Sperm was found.

1 Q Did you include that in your report?

2 Is there anything under 20 A that indicates that  
3 sperm was found?

4 A As I mentioned the sperm is part of semen, so  
5 we report as seminal material found.

6 Sperm was found in this case.

7 Q But it is not indicated on your report,  
8 other than by this statement positive for seminal  
9 material?

10 A Yes.

11 Q What tests did you perform on the oral  
12 swab on the vaginal swab to determine the presence  
13 of seminal material?

14 A Yes.

15 There is first test that is called the  
16 Acid Phosphatase test.

17 Q And is that a-c-i-c p-h-o-s-p-h-a-t-a-s-e?

18 A Yes.

19 Q Is that the test that you performed?

20 A That is the preliminary test for identification  
21 of semen.

22 Q It is a preliminary test?

23 A For the identification of semen.

24 Q Now don't get a head of me.

100-102

1           MR. MAGNUSON: I would like to hear the complete  
2 answer, Judge.

3           THE COURT: Well, he has answered, ask another  
4 question.

5           MR. O'DONNELL: That is an enzyme test?

6           A      Yes.

7           Q      Will you describe physically what you did in the  
8 acid phosphatase test?

9           A      Okay, we made acid phosphatase the reagent  
10 and once the swab is taken out a little bit piece, a  
11 very small tiny piece of the swab was cut and put  
12 that on a plain filter paper.

13           There are two radiant numbers, number one and  
14 number two. You add the first reagent.

15           Q      What is the first reagent?

16           A      Sodium alpha nathyl phosphate.

17           That is a chemical that is used in this test.

18           So that is a solution number and second is dye.

19           Once you add this first reagent to the suspected  
20 stain then you wait for a few seconds, then you add  
21 the second reagent and if--

22           Q      Wait a minute, do I understand that first  
23 you add the first reagent?

24           A      Yes.

1 Q And a couple of seconds later you put on the  
2 other one?

3 A Yes, and then you look for the reaction and  
4 the reaction for positive is that it will give  
5 a purple color right away very fast, within two seconds,  
6 very fast, dark purple color.

7 That is an indication of phosphate present.

8 So if that is positive then that stain could be  
9 semen.

10 That does not say that it is semen.

11 Q What was your last statement?

12 A That is an indication that the stain could  
13 be semen.

14 Then you go for the second test, which is  
15 the confirmatory test for the semen.

16 Q And that is to look for sperm?

17 A That is called the floourescent crystal test.

18 You look for the crystals and the residue  
19 deposited that indicates the semen is positive and in the  
20 same time you look for sperm.

21 Same time you look for sperm.

22 Q Well, when you look for sperm what do you  
23 look under?

24 X034

1 A Under the microscope.

2 Q Do you conduct the whole test under  
3 microscope?

4 A Second test is under microscope.

5 The first test we do.

6 Q Isn't finding of sperm confirmatory test  
7 for acid phosphatase, isn't that a confirming test  
8 for semen?

9 A Sperm?

10 Q Yes?

11 A Yes, sure.

12 Q So all that the acid phosphatase test  
13 gives you is seminal material, isn't it?

14 A No, it will give you preliminary test  
15 the stain could be semen.

16 Q It could be?

17 A Yes.

18 Q As a matter of fact, isn't it a fact, Mr.  
19 Tahir, that vaginal fluids can affect the results of  
20 the acid phosphatase test?

21 A No.

22 Q How about if a woman is pregnant, would  
23 that increase her acid phosphatase as it appears in the  
24 vaginal area?

1045

1           A     It will increase, but not to a level of  
2           semen.

3           Semen has a very very high concentration of acid.

4           Q     I am talking about seminal material because  
5           that is all that your report--you reported that  
6           you found was seminal materia, is that correct?

7           A     I found sperm.

8           Q     But it is not included in the November  
9           19th report?

10          MR. MAGNUSON: I will object at this time because  
11          the Coroner made no showing that [REDACTED]  
12          was pregnant.

13          What are these questions designed to do?

14          MR. O'DONNELL: To get to the truth.

15          Would you look at 20 A, the vaginal swab that  
16          you examined on your report.

17          Does the word, "sperm" appear under Exhibit 20A?

18          MR. MAGNUSON: Objection, asked and answered.

19          THE COURT: Objection sustained, that has been  
20          asked and answered.

21          MR. O'DONNELL: Is the word, "sperm" typed  
22          in there?

23          MR. MAGNUSON: Objection, asked and answered.

1 THE COURT: Objection sustained, asked and  
2 answered.

3 MR. O'DONNELL: Q Now, you couldn't even determine  
4 on November 19th, 1980, the blood group from that vaginal  
5 swab, could you?

6 A I tried, I couldn't get it.

7 Q Would you answer the question yes or no.

8 You could not determine the ABO blood group from the  
9 tests you conducted in November of 1980?

10 A No.

11 Q You couldn't even determine the PGM type, could  
12 you?

13 A I tried, but there was--

14 Q Please answer the question, I know that  
15 you tried.

16 MR. MORRISSEY: Excuse me, the man is attempting  
17 to answer the question.

18 MR. O'DONNELL: Certainly I can object if the  
19 answer is not responsive.

20 THE COURT: Answer the question.

21 THE WITNESS: There was no PGM activity.

22 MR. O'DONNELL: So when you conducted your first  
23 examination you couldn't even determine the blood  
24 group from the vaginal swab and you couldn't determine

1       the PGM, is that right?

2       A      Yes.

3       Q      Now, turn to page four of your laboratory  
4       report, Exhibit 20 C, that says oral swab, right?

5       A      Yes.

6       Q      Negative for seminal material, correct?

7       A      Yes, sir.

8       Q      20 D is the oral slide that was made from the  
9       oral swab, wasn't it?

10      A      Yes.

11      Q      No spermatozoa found?

12      A      Yes.

13      Q      20 E is a rectal swab from [REDACTED]  
14      isn't it?

15      A      Yes.

16      Q      And that was negative for seminal material,  
17      wasn't it?

18      A      Yes.

19      Q      And 20 F the rectal slide that you made from  
20      the rectal swab, isn't that correct?

21      A      I didn't make this was already made.

22      Q      It was already made?

23      A      Yes, it was given to me.

1 Q It was given to you?

2 A Yes.

3 Q And you examined it?

4 A Yes.

5 Q And you found no spermatozoa found in your  
6 report?

7 A Yes, correct.

8 Q Now, look at 20 B, the vaginal slide?

9 A Yes.

10 Q That was made from the vaginal swab, wasn't  
11 it?

12 A Yes.

13 Q Is there anything in 20 B that says anything  
14 about spermatozoa being found or not found?

15 A Spermatozoa found in this case.

16 Q Does the word, "spermatozoa" appear anywhere  
17 with respect to Exhibit 20 B?

18 A On the report it doesn't say it.

19 Q Thank you.

20 According to your notes how long of a period  
21 of time passed before you got a positive reaction  
22 to your acid phosphatase test?

23 MR. MAGHUSON: Objection as to what, your  
24 Honor? *10:10*

1           MR. O'DONNELL: Of the vaginal swab, I am  
2 sorry?

3           A     Within two seconds.

4           Q     So you put both of them on together and  
5 you got the reaction immediately, is that right?

6           A     Not together, one by one.

7           One by one.

8           First reagent, second time and then  
9 second reagent and then look for the reaction.

10          Q     Okay, now, on March 2nd, you got another  
11 call from Colin Simpson, the Assistant State's Attorney  
12 about this vaginal business, didn't you?

13          A     Yes.

14          Q     He wanted you to do another test on the  
15 swab, didn't he?

16          A     Yes.

17          Q     And now for the first time--

18          MR. MAGNUSON: Objection, are you referring to the  
19 report dated March 2nd?

20          MR. O'DONNELL: That is the report dated March  
21 2nd.

22          MR. MAGNUSON: That is not the same day of the  
23 call.

24          MR. O'DONNELL: No, that resulted in your March

1000

2nd. 1981 report?

A The call was before.

Q He wanted you to retest it?

A Yes.

Q And you conducted the same test on that vaginal swab that you had previously conducted on it in November, right?

A What do you mean the same tests?

Q Did you perform the same tests with respect to the vaginal swab?

A To identify what?

Q I don't know.

Took at your March 2nd, 1981 report.

A Yes, because there are certain things that were taken from the previous report I do not have to test for semen, because that is already confirmed the presence of semen.

Q After you got a call from Colin Simpson that they wanted the swab tested again you conducted certain tests with respect to the vaginal swab?

A Yes

Q Were they the same type of tests that you performed in November on that same vaginal swab?

1 A Yes.

2 Q Were these the same type of tests that  
3 you performed in November on that same vaginal  
4 swab?

5 A No, they were different tests.

6 Q What tests did you use then?

7 A GM group.

8 Q What?

9 A ...GM blood groups.

10 Gamma marker.

11 Q Well, now in November of 1980 you couldn't  
12 even detect the ABO blood group on that vaginal  
13 swab, could you?

14 A Your Honor, I want to explain this question.

15 MR. MAGNUSON: Objection on the whole swab or  
16 a portion of it.

17 THE COURT: Just a minute, sir.

18 THE WITNESS: I want to explain this question.

19 I can't answer yes or no, especially in this case.

20 THE COURT: Well, you don't understand the  
21 question?

22 THE WITNESS: No, this needs an elaboration why  
23 I couldn't do the first test the first time.

24 THE COURT: Go ahead. *[Signature]*

1           THE WITNESS: Okay, there was only little  
2         one swab, vaginal swab.

3           I have to do all of the test first time. I had  
4         three tests, which was one for the confirmation of  
5         seminal material.

6           Then I have to preserve it.

7           I did the blood group. I couldn't get any  
8         blood type.

9           Then I talk to the State's Attorney in the office,  
10       do you want me to do, I was given that, I told them  
11       the possibility of GM blood group, I could do  
12       for nonsecretors.

13       So I have to conserve. There was another test,  
14       another technique, different method to do an ABo blood group,  
15       but I didn't do at that time, because I want to save  
16       samples first for GM because that has more  
17       discriminatory potential.

18       So I did GM first and whatever was left over  
19       I did for the second technique, which I got an ABO  
20       blood group on.

21       Q       Now, can I ask you a question.

22       Is there any, after you conducted these two  
23       tests, was there anything left of the vaginal  
24       swab?

3088

1 A No.

2 Q You didn't preserve any of it?

3 A I have done so much work on this sample, so  
4 many tests I can't take it, one swab from anybody else.  
5 I couldn't do them tests.

6 Q Do I understand that after you  
7 conducted the second test that was a result of your  
8 report on March 2nd, there is absolutely nothing  
9 left of that vaginal swab?

10 A No, there was nothing left.

11 Q Now, you have testified in over forty  
12 court cases, isn't that right?

13 A Yes, sir.

14 Q How do you expect the defendant or his lawyer  
15 to conduct an examination of that swab?

16 MR. MAGNUSON: Objection, Judge.

17 THE COURT: Objection sustained.

18 MR. MORRISS EY: Ask that it be stricken and the  
19 jury instructed to disregard it.

20 THE COURT: The jury is instructed to disregard  
21 the question.

22 MR. O'DONNELL: Q When did you do the test that  
23 consumed all of the vaginal swab?

1 A February sometime.  
2 Q 1981?  
3 A Yes.  
4 Q And there is no more left?  
5 A No.  
6 Q So your explanation is that when you  
7 conducted the test in November you didn't find an  
8 ABO blood grouping at all, did you, it was not  
9 detected?  
10 A Yes, no it was not detected.  
11 Q But when you did it in February it was  
12 detected?  
13 A That was a different technique.  
14 Q I am talking about the ABO blood grouping, not  
15 gamma chain marker?  
16 A That is correct.  
17 That is what I am talking about.  
18 Q What are you talking about?  
19 A ABO  
20 Q What technique did you use in February  
21 that you didn't use in November?  
22 A One technique is called absorption inhibition,  
23 that was done first.  
24 So the second test is called absorption elution.

1           That is a different principle than inhibition.

2           So that was done in February, so that in that  
3 technique I got the blood type.

4           Q       And so as I understand it the jury can  
5 understand in November you used the absorption  
6 elution test.

7           You did that in November?

8           A       Yes, did it in February.

9           Q       In November you did the absorption  
10 inhibition test?

11          A       Yes.

12          Q       And you got no results?

13          A       Yes.

14          Q       You couldn't detect the blood type at  
15 all?

16          A       Yes.

17          Q       Then in February you did the absorption  
18 elution test, is that correct?

19          A       Yes, correct.

20          Q       And that is when you first determined or  
21 got your first indication of any blood type and that  
22 was ABO=O?

23          A       Yes.

24          Q       And that was [REDACTED]?

1056

1 A Consistent with.

2 I can't say that it was.

3 Consistent.

4 Q Well, consistent with hers?

5 A Yes.

6 Q Well, you did the tests and you did the  
7 test on Steven and he was AB0=AB, right?

8 A Correct.

9 Q ... Now, Mr. Tahir, if Linscott wasn't a non-  
10 secretor, if he was a secretor that AB would have  
11 showed on that, would have showed, wouldn't it?

12 MR. MAGNUSON: Objection, where?

13 MR. O'DONNELL: On any test that you did of  
14 him?

15 A If Mr. Scott (sic.) was a secretor then  
16 I would have got theoretically. I should get  
17 theoretically and practically, I should get AB on the  
18 slide, vaginal swab.

19 Q And you didn't find any AB on the vaginal swab  
20 at all, did you?

21 A No.

22 I didn't find any AB activity.

23 Q And if he were a secretor and if he were  
24 an AB and if the vaginal swab didn't contain any AB,

1057

1       it would be scientifically impossible for him to  
2       be the individual that had intercourse with her?

3       A      Would you say that again.

4       MR. O'DONNELL:   Read it back.

5                     (Whereupon question was read back.)

6       MR. MAGNUSON:   Objection.

7       I will object to the compound nature of the  
8       question.

9       THE WITNESS:   That is correct.

10      THE COURT: All right, he answered the question.

11      I will let the answer stand.

12      MR. O'DONNELL: So all that you failed to do  
13      was to exclude him, isn't that right?

14      A      Would you please rephrase that.

15      MR. MORRISSEY: Objection to the form of the  
16      question.

17      THE COURT: Rephrase that.

18      MR. O'DONNELL: The fact that he was a non-  
19      secretor failed to exclude him?

20      A      No, there are other tests that I have done,  
21      which does not affect the secretor.

22      Q      We will get to those, but at least with  
23      respect to the ABO blood type?

24      A      No, he is not excluded.

1 Q Is that because of the gamma marker?

2 A No, not even with, even ABo, because it is  
3 consistent.

4 Q Well, if he is a non-secretor--

5 MR. MAGNUSON: Objection.

6 Judge, I would really appreciate being able  
7 to hear the answers to the question.

8 THE WITNESS: Being a non-secretor, which is  
9 consistent, I did not find AB blood group on the swab,  
10 which I could not eliminate being possible source.

11 Q And twenty percent of the population are  
12 non-secretors, correct?

13 A Approximately.

14 Q That would be, say three jurors sitting  
15 in the box, is that right?

16 A Approximately.

17 Q And maybe five or eight of us out here in  
18 the audience, is that right?

19 A Whatever the population is, approximately.

20 Q And if you take the Village of Oak Park,  
21 100,000 and--

22 MR. MAGNUSON: Objection.

23 THE COURT: Objection sustained.

24

1           Q     Now, GM stands for Gamma Marker, doesn't  
2       it?  
3           A     Correct.

4           Q     What is a gamma marker?

5           A     Gamma marker is actually it is a hemoglobin,  
6       but genes present in blood.

7           They have heavy chains and light chains, like  
8       gamma genes, alpha genes, so this GM blood group is  
9       present on the gamma gene.

10          That is the reason that the name was given  
11       GM, gamma chain marker.

12          Q     Where are the gamma genes found in the human  
13       body?

14          A     Wherever IGB is present.

15          Q     IGB like in blood semen?

16          A     Immunoglobulin genes.

17          Q     So it is a gamma marker is found on a  
18       molecule, isn't it?

19          A     Oh IGB molecules.

20          Q     On immunoglobulin molecules.

21          How many different gamma markers are there  
22       known to medical science now?

23          A     Approximately 25.

1 Q Karen Phillips' gamma marker was  
2 plus one, plus two also, is that right?

3 A No.

4 Q Well, look at your report of March 2nd,  
5 1981?

6 A Okay, [REDACTED] is GM one plus two  
7 plus.

8 Q One plus two plus?

9 A Plus one, plus two.

10 Q Same as the vaginal swab?

11 A Correct.

12 Q Okay, so the gamma marker on the vaginal  
13 swab and the gamma marker of [REDACTED] were  
14 identical?

15 A Consistent.

16 Q Do you know what percentage of the--strike  
17 that.

18 Now, the gamma marker that you found in  
19 testing the blood of Mr. Linnscott you indicate here  
20 is a minus one and a minus two?

21 A Correct.

22 Q So that is different, is it not, from  
23 [REDACTED]?

24 A Right.

13021

1 Q Or does it mean that you just didn't find  
2 any?

3 A No, I did find minus one, minus two.

4 Q And what you are saying is that a minus one and  
5 a minus two is a separate and distinct genetic  
6 marker from plus one and plus two, is that what  
7 you are saying?

8 A No, there are plus one, plus two.

9 There are minus one, minus two.

10 Q Well, are they different?

11 A Yes, one is positive. The other is  
12 negative.

13 Q All right, so they are two different, is  
14 that right or is it that you just didn't find out?

15 MR. MAGNUSON: Objection to the compound  
16 question.

17 THE COURT: Would you please rephrase if you  
18 can.

19 MR. O'DONNELL: What I am trying to determine  
20 is a plus one and a plus two, is it a separate  
21 gamma marker, does a minus one and a minus two, it is  
22 a separate gamma marker or does it really mean that  
23 you didn't find one or two?

3000

1           A     There is, one is positive, there is like GM  
2       one.

3           There are two forms, either it is negative or  
4       either it is positive, so there could be one or the  
5       either.

6           So in this case Mr. Scott (sic.) was  
7       minus one, minus two, plus ten.

8           Q     Well, the ten doesn't bear in this question  
9       at all, does it?

10          A     No, because in the swab--

11          Q     Because the swab did not reveal any ten?

12          A     --yes.

13          Q     Well, how about the fact that he had  
14       gamma marker ten and you didn't find gamma marker  
15       ten on the swab, doesn't that, wouldn't that tend  
16       to exclude him?

17          A     If the gamma marker is not related to  
18       his non-secretor status.

19          You mean if the gamma marker is a minus one, minus  
20       two?

21          Q     No, we are talking about ten now?

22          MR. MAGNUSON: Judge, he is asking a question and  
23       we are entitled to a response.

1000

1           THE WITNESS: Okay, you mean if minus one,  
2           minus two and if therewould be a minus ten in the case  
3           of Mr. Scott. (sic.)

4           MR. O'DONNELL: Maybe I wrong here.

5           Do I understand that gamma marker ten is different  
6           than gamma marker one or two.

7           There is 3, 4, 5, 6, 7, 8, 9, 10 up to about  
8           24, isn't that correct?

9           A       Right, but they have certain lengths between  
10          like if a person is minus one, minus two there is a  
11          likelihood that the person may be plus ten.

12          Q       Well, in the case, in his case there was no  
13          doubt about it you found a plus ten?

14          A       But this has been done by scientific finding  
15          that if the person is minus one, minus two the ten  
16          would be positive.

17          Q       Well, that is my question, you found plus  
18          ten gamma marker on Linnscott?

19          A       Yes.

20          Q       You didn't find any plus, ten gamma marker on  
21          the vaginal swab?

22          A       There was activity.

23          I couldn't make any conclusion about ten.

1064

1 Q You could not, you did not find gamma  
2 marker ten on the vaginal swab, did you?

3 A There was activity.

4 I could not make a determination.

5 Q Would you answer the question yes or no.

6 That question can be answered yes or no.

7 A I can't answer yes or no about this.

8 Q Well, if he was minus one and minus two  
9 and the swab was a plus one and a plus two, didn't  
10 that exclude him?

11 A No.

12 Q Do you know what percentage of the  
13 Caucasian population has gamma marker one and two?

14 A Approximately thirty percent.

15 Q In other words sixty-nine percent or seventy  
16 percent--

17 MR. MAGNUSON: Objection.

18 MR. O'DONNELL: Seventy percent, okay, seventy  
19 percent of the Caucasian population of this world  
20 do not have one and two, do they?

21 A No, these are other combinations that--there  
22 are other combinations.

23 Q Answer the question.

24 A I can't answer that question.

100

1           Q     But you did say seventy percent before  
2     didn't have it or thirty percent didn't have it?

3           A     Only for plus one, plus two.

4           Q     All right, then we will take your pluses, thirty  
5     percent of the Caucasian population of the world have  
6     plus one, plus two gamma marker, one and two?

7           A     Approximately.

8           Q     That means that seventy percent roughly  
9     do not?

10          A     No.

11          Q     Are there any gamma markers that are much more  
12     well strike that.

13          Are you familiar with gamma marker three?

14          A     Yes.

15          Q     Isn't it a fact that in the gamma marker  
16     three almost seventy percent of the Caucasian  
17     population has that?

18          A     No, no, no.

19          Q     Are you familiar with A Scientific  
20     Treatise by Richard Saperstein?

21          A     Yes.

22          Q     Prentice-Hall     Forensic Science Handbook?

23          A     Yes.

24          Q     What percentage of the people of the

1 Caucasian people of the world have gamma marker three,  
2 if you know?

3 A Gamma marker three is--you cannot say only  
4 for one, they come in pairs, one, 2,.

5 Three is not used in forensic work.

6 There are certains ones that can be used in  
7 forensic work.

8 Q Is that because the material is not readily  
9 available?

10 A Antibodies are not available and some of  
11 them they are not stable.

12 Maybe in the future, but at this moment the  
13 since--

14 Q Do you have any 3 in your lab?

15 A --no.

16 Q Do you have any 4, 5, and 6?

17 A No.

18 Q Well, how many do you use of 1, 2 and 10?

19 A 1, 2 and 10.

20 Q Well, frankly you don't have any in this  
21 lab?

22 MR. MAGNUSON: Let him finish the answer.

23 THE WITNESS: 1, 2 10 and KM1 and KM 10.

24 MR. O'DONNELL: So out of roughly we gamma

1057

1        markers you testified to you have--

2            A     Three gamma markers.

3            Q     Three gamma markers?

4            A     Yes.

5            Q     Are you aware of the fact that Gamma Marker  
6        Six is found almost exclusively, almost exclusively  
7        in non-Caucasians?

8            A     I don't think so.

9            Q     Okay, now you had evidence of the fact that  
10      there was some negroid hairs here?

11        A     Yes.

12        Q     So you were put on notice that somebody  
13      with Negroid hair had been in that apartment?

14        MR. MAGNUSON: Objection.

15        MR. O'DONNELL: Is that correct?

16        MR. MAGNUSON: Objection.

17        THE COURT: Sustained.

18        MR. O'DONNELL: Q Well, did you perform any  
19      test for gamma marker Six?

20        A     That is not done in forensic work.

21        Q     Well, when you went to Scotland Yard did  
22      they have six?

23        A     They don't do six.

1 Q To your knowledge they don't do it?

2 A That is correct.

3 MR. MORRISSEY: Objection.

4 THE COURT: Sustained.

5 MR. O'DONNELL: Q Now, in your report of November  
6 19th, you did not come to any conclusion with  
7 respect to whether or not seminal material found on the  
8 swab could have originated from the suspect, did you?

9 A 19th?

10 Q Yes, the first report that you did?

11 A Because I have this was not complete report,  
12 sir.

13 Q Because you what?

14 A Because I was directed to go  
15 for further testing to hold on for further testing.

16 Q Well, when you completed your analysis on  
17 November 19th, you could not come to any opinion  
18 based upon a reasonable degree of medical, of  
19 scientific certainty that the seminal material located  
20 on the swab could have originated from the suspect?

21 A Could have originated from him at that time.

22 Q What?

23 A At that time I couldn't eliminate him.

24

1000

1           Q     No, you couldn't have eliminated him when  
2         you went to Scotland Yard and conducted those tests.

3           All you could conclude was that it could have come  
4         from him, isn't that right?

5           A     Correct.

6           Q     So all that testing failed to do was  
7         to exclude him?

8           A     No.

9           Q     Well, even your gamma marker test just  
10         failed to exclude him, isn't that it?

11          A     Yes, all these tests, they couldn't  
12         eliminate him.

13          Q     So that is the what I mean, when I use the  
14         word exclude, it just failed to eliminate him?

15          A     Being the possible source.

16          Q     Can you say with any reasonable degree  
17         of scientific certainty, Mr. Tahir, based upon the  
18         tests that you conducted whether or not this girl  
19         had sexual intercourse within twenty-four hours of  
20         the time?

21          A     No way that I could tell or anybody else  
22         could.

23          Q     You couldn't even say that, could you?

1 A No.

2 Q And if she didn't have sexual intercourse--  
3 strike that.

4 Thank you very much.

5

6 (Which was all the testimony typed at  
7 this time.)

8 \*\*\*\*\*

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

10/71

1                   REDIRECT EXAMINATION

2                   BY MR. MAGNUSON:

3  
4                 Q     Mr. Tahir, the X-ray analysis formerly  
5     done in the field of forensic serology, is that done  
6     any more in this Country?

7                 A     On hairs, not that I know of.

8                 Q     Neutronic activation, is that an accepted  
9     method of examination, to your knowledge, in this  
10   jurisdiction, or any other?

11                A     A lot of people have done studies on  
12   neutronic activation. They are merely to produce  
13   the results.

14                Q     You indicated that a pencil is different  
15   than a hair because light passes through a hair,  
16   is that correct?

17                A     Yes.

18                Q     Is that why it is not necessary to cut  
19   a hair in half, like you do with a lead pencil in  
20   order to see the cross section?

21                A     Right.

22                Q     You found several hairs from Karen's  
23   right hand that were consistent with Mr. Linscott's,  
24   is that correct?

1072  
AC

1           A     Right.

2           Q     You found few hairs on the carpet that  
3     were consistent with Mr. Linscott's, is that  
4     correct?

5           A     Linscott's head hairs, correct.

6           Q     And you found two pubic hairs that had  
7     been combed from the vaginal area of [REDACTED]  
8                 [REDACTED] which were consistent with Mr. Linscott's,  
9     is that correct?

10          A     Consistent with pubic hair standards of  
11     Mr. Linscott.

12          Q     So all three of those areas failed to  
13     eliminate him, is that correct?

14          A     Correct.

15          Q     Now, you indicated that on cross-examination  
16     that among others that you examined the medulla, the  
17     cortex, cuticle, the color, color of the hair, the  
18     pigmentation of the hair, the shape of the pigmentation  
19     of the hair, distribution of the pigments and the  
20     color of the medulla, is that correct?

21          A     Correct.

22          Q     Did you state that on cross-examination,  
23     sir?

24          A     Correct.

10978

1 Q And in every single respect to Mr.  
2 Linscott's hair to the unknown hair off of the  
3 carpeting they were consistent, is that correct,  
4 sir?

5 A Yes.

6 Q Not once were they dissimilar, is that  
7 correct?

8 A Would you please rephrase the question,  
9 sir.

10 Q That in none of these respects were any  
11 of the hairs, that you testified that were consistent  
12 with Mr. Linscott's known head hair standards, in  
13 none of these respects was there one dissimilarity,  
14 is that correct?

15 A Correct.

16 Q And you examined these items with regard to  
17 the pubic hair combings submitted to you from the  
18 Oak Park Police Department?

19 A Correct.

20 Q And did you compare those pubic combings  
21 to Mr. Linscott's known pubic standards?

22 A Correct.

23 Q With respect to the medulla, the cortex,  
24 the cuticle, the color of the pigmentation, the

1 distribution of the pigmentation, the shape of the  
2 pigmentation and the color of the medulla, did you  
3 examine it in all of those respects?

4 A Correct.

5 Q Among others?

6 A Correct.

7 Q And could you find even one dissimilarity,  
8 dissimilar aspect among that whole range of aspects  
9 that you testified to, to make the hairs inconsistent  
10 with Mr. Linscott's?

11 A I didn't find anything dissimilar.

12 Q So again all we are talking about is that  
13 they match in every respect, is that correct?

14 A They were consistent.

15 Q Now, let's talk about the hairs that  
16 were taken from [REDACTED] right hand.

17 Did you examine them in all of those aspects  
18 against all of those aspects in the known head hairs  
19 of Mr. Linscott?

20 A Correct.

21 Q Did you find so much as one dissimilar  
22 aspect in all of the aspects in the hairs that you  
23 compared and said that were consistent with Mr.  
24 Linscott's?

EX-75

1 A I didn't find any dissimilarity.

2 Q So they are consistent across the  
3 board?

4 A Correct.

5 Q Mr. Tahir, what is a stronger word,  
6 consistent or similar?

7 MR. O'DONNELL: Objection.

8 THE COURT: Sustained.

9 MR. MAGNUSON: He cross-examined him.

10 THE COURT: He has always used the word  
11 consistent.

12 MR. MAGNUSON: Q Sir, what does similar  
13 mean to you?

14 MR. O'DONNELL: Objection, asked and answered.

15 He told--

16 MR. MAGNUSON: It is my turn, Judge.

17 MR. O'DONNELL: Are you going to get a  
18 different answer?

19 THE COURT: He may answer.

20 THE WITNESS: Similar is similar, as I mentioned  
21 earlier.

22 MR. MAGNUSON: Q Now, you said that you have  
23 ceased to use the word similar in approximately the  
24 last four or five years?

156-1d 1070

1           A     I have used a few times similar.

2           Q     To you what is the better scientific  
3     accepted word, similar or consistent?

4           A     Consistent.

5           Q     Mr. O'Donnell cross-examined you on many  
6     tests that you did that were inconclusive.

7           In this case do you recall all of those tests  
8     that said nothing?

9           The only test that indicated anything to you  
10    was the fact that there were head hairs consistent  
11    with Mr. Linscott's on this rug.

12           There were head hairs consistent with Mr.  
13    Linscott's in the hand of [REDACTED]

14           There were pubic hairs consistent with Mr.  
15    Linscott's found in the vaginal combings of [REDACTED]  
16    [REDACTED]

17           The gamma marker, if you mixed the vaginal  
18    and the seminal fluids of Mr. Linscott and the vaginal  
19    fluids of [REDACTED] they were consistent.

20           Furthermore, the non-secretor factor being  
21    consistent with Mr. Linscott.

22           That is all that you found that was consistent  
23    with Mr. Linscott?

24           A     Correct.

1                   MR. MAGNUSON: I have no further questions,  
2 your Honor.

3                   MR. O'DONNELL: May I recross?

4                   THE COURT: Proceed.

5

6                   RECROSS EXAMINATION

7                   BY MR. O'DONNELL:

8

9                   Q      I notice that you didn't use the word  
10 matched when Mr. Magnuson asked you if they matched,  
11 you don't use that word, do you?

12                  A      No.

13                  Q      And the only samples of hair that were  
14 submitted to you to be examined were his, isn't  
15 that right?

16                  A      Correct.

17                  Q      If others had been submitted they could  
18 have been consistent with.

19                  If other hairs of other persons had been submitted  
20 to you for examination they could have also been  
21 consistent, couldn't they?

22                  A      It is a possibility.

23                  Q      Certainly.

24                  So all of this stuff really means that he

1 didn't exclude himself from those, because of those  
2 tests, isn't that what it really comes down  
3 to?

4 A I cannot exclude about the tests.

5 MR. O'DONNELL: That is all.

6 MR. MAGNUSON: Thank you, Mr. Tahir.

7 Witness excused.

8 THE COURT: Ladies and gentlemen of the Jury  
9 we will recess until tomorrow at eleven o'clock.  
10

11 (Proceedings had outside the presence and  
12 hearing of the Jury.)  
13

14 MR. O'DONNELL: Your Honor, I am going to  
15 file here, with certain physical evidence for  
16 laboratory testing, supported by affidavits and  
17 exhibits.

18 The Court can take them and rule on it  
19 tomorrow morning.

20 I would like to serve a copy on the State and  
21 have the Clerk sign a copy for me.

22 I would like to tender in connection with that  
23 motion two cases, one which was cited by the State,  
24 People versus Mazzone and United States versus  
Renteria, for the Court's consideration.