

1 MR. SCHIMPF: Your Honor, I
2 would like to call a witness a little out of
3 order for court time. Like to call Pat
4 Wojtkiewicz at this time.

5 THE COURT: Let's take a
6 ten-minute recess.

7 (Whereupon a short recess was
8 taken.)

9 WHEREUPON. . .

10 PAT WOJTKIEWICZ

11 was called as a witness by counsel for the State for
12 the purpose of giving testimony, and after being
13 first duly sworn, was examined and testified as
14 follows:

15 DIRECT EXAMINATION

16 BY MR. SCHIMPF:

17 Q Would you state your full name and occupation
18 for the record, please.

19 A Patrick Wojtkiewicz. I work at Northwest
20 Louisiana Crime Lab.

21 Q I believe for the clerk's record, it might be
22 better to spell your last name.

23 A W-o-j-t-k-i-e-w-i-c-z.

24 Q How long have you been at the Northwest Crime
25 Lab?

26 A Since May of 1977.

27 Q Where is the crime lab located?

28 A Just south of Interstate-20 in Shreveport.

29 Q What is the purpose of a crime lab?

30 A A crime lab is set up to analyze evidence by

1 scientific analysis and methods in the aid and
2 helping of police agencies or law questions.
3 Q Are you necessarily just an investigative
4 body of the police agency or the State in
5 this case?
6 A We are independent of any police agency in
7 this area and of the State.
8 Q So private parties can also obtain your services?
9 A Private parties can obtain our services and
10 defense lawyers can obtain our services in
11 cases they are working with.
12 Q You have been there since 1977?
13 A Yes.
14 Q What does the Northwest stand for? What is
15 your jurisdiction?
16 A The jurisdiction of the Northwest Louisiana
17 Crime Lab -- the name was recently changed
18 to North Louisiana Crime Lab -- handles the
19 parishes from Rapides Parish northward with
20 the exception of Catahoula, and I believe
21 Concordia Parish.
22 Q That encompasses Caddo Parish?
23 A Yes, it does.
24 Q In particular what is your area of expertise?
25 A I work with forensic serology, do microscopic
26 evidence. I do marijuana identification.
27 Q In this particular case what type of analysis
28 was requested of you, what expertise?
29 A This would be forensic serology and micro-
30 scopic evidence.

1 Q Describe what microscopic evidence is.

2 A Microscopic evidence is small particles of

3 hair, fiber, glass, types of soil that are

4 found in relation to clothing or trace type

5 or transfer type evidence.

6 Q What is the purpose of analyzing this type

7 evidence?

8 A In some cases a correlation or a comparison

9 can be made in which two people could be

10 placed in the same area or in the same locale

11 by this type of evidence.

12 Q Could it also possibly exclude some person from

13 a certain place?

14 A It possibly could, yes.

15 Q Now, the serology, what is that?

16 A Serology is the study or characterization

17 analysis of body fluids. Specifically in this

18 case it would be blood and seminal fluid.

19 Q Now, in serology, basically cite to the Court

20 your background, education and training.

21 A I have a bachelor of science in biology from

22 L.S.U.- Shreveport and master of science,

23 Northwestern State University.

24 I have also been in serology seminars

25 at the crime lab in which we have taken various

26 blood groups and work with the different type

27 of blood grouping methods.

28 We have had two seminars on just

29 semen identification, semen characterization.

30 We have several seminars on blood identification

1 and blood typing, and we have also had
2 outside experts that were renowned in the
3 field come and talk and teach at these work-
4 shops at the crime lab.

5 Q In addition, was there any additional micro-
6 scopic evidence?--

7 A I have been trained in microscopic evidence
8 by Walter McCroan, who has his lab in Chicago.
9 He taught a class in Baton Rouge which I
10 attended, a week-long class in Baton Rouge.

11 I have also been up to his lab
12 in Chicago where I did electron microscopy
13 of gunshot residue which could be microscopic
14 evidence.

15 I have also taken a course or a
16 week-long course under Joe Coles that does
17 microscopic identification and characterization
18 of chemicals, specifically drugs, in his work.

19 Q Have you trained under -- or how much on-the-
20 job training could you say you have had in
21 both these areas?

22 A I don't know if I can put a specific amount
23 on it. I was trained by a serologist after
24 I was first hired.

25 Q Who was that?

26 A That was Judy Houston.

27 Q How long was she there before you arrived?

28 A She had been at the crime lab, I believe,
29 two years before I was hired there.

30 Q She trained you?

1 A Yes, she did.

2 Q You have already stated you are trained under

3 microscopic evidence. Do you have any

4 supervisor, anybody who is your supervisor

5 at this time?

6 A Ray Hurd is my supervisor.

7 Q How long has he been at the crime lab?

8 A He's been at the crime lab since it opened

9 in 1970. Prior to that, he was at the police

10 crime lab for eighteen years.

11 Q You work closely with him?

12 A Fairly closely, yes.

13 Q Now, have you ever been qualified in a court

14 of law in these two areas as an expert?

15 A Yes, I have.

16 Q Particular in serology have you ever been

17 qualified as an expert in Caddo Parish

18 District Courts?

19 A Yes, I have.

20 Q What other parishes?

21 A I have testified and been qualified in

22 Rapides Parish, Webster Parish, Bossier Parish,

23 Natchitoches Parish, DeSoto Parish, Sabine

24 Parish, Lincoln Parish, Winn Parish, Bienville

25 Parish and possibly some others have taken

26 my reports as evidence from the crime lab.

27 Q On more than one occasion?

28 A Yes.

29 Q In each of those parishes numerous occasions?

30 A Some of the parishes I have only testified one

1 or two times.

2 Q Does this differ any in your expertise for
3 qualifying in microscopic evidence?

4 A I have not testified in all parishes in
5 microscopic evidence, although in many instances
6 I testify forensic serology and microscopic
7 evidence at the same time. In some cases
8 I have testified microscopic evidence alone
9 without the forensic serology.

10 Q Can you put any number or numbers of times
11 you have been qualified in Caddo Parish in
12 both these areas?

13 A Probably in the neighborhood of thirty, forty
14 times.

15 Q Has your expert opinion actually been accepted
16 by the Court on these occasions?

17 A Yes, it has.

18 Q In all these other parishes as well?

19 A Yes.

20 MR. SCHIMPF: Your Honor, at
21 this time I would tender Mr. Wojtkiewicz
22 as an expert.

23 MR. FREEMAN: No questions,
24 Your Honor.

25 THE COURT: He is accepted
26 as the expert in areas concerning forensic
27 serology and microscopic evidence. You may
28 proceed.

29 BY MR. SCHIMPF:

30 Q In this particular case a victim by the name of

1 Cynthia Johnson -- did you have anything to do
2 with that investigation?
3 A Yes, I did.
4 Q When did you first become involved in that?
5 A The case was first submitted on June 10,
6 1981.
7 Q Who was the first person that contacted
8 you?
9 A Sergeant McGrew.
10 Q He is with the Shreveport Police Department?
11 A He is with the identification department of
12 the Shreveport Police Department, yes.
13 Q What did he bring to you?
14 A He brought me a sex crime examination kit
15 recovered from Cynthia Johnson. He brought me
16 a plastic bag which contained a nightgown and
17 a pair of panties. He brought me a sack with
18 a green bedspread, and he brought me a sack
19 with a pair of undershorts.
20 Q How were these items packaged when they were
21 brought to you?
22 A The sex crime examination kit is in a manilla
23 envelope. It was the one we issued from the
24 lab. The nightgown and the panties were
25 inside plastic bags. The green bedspread was
26 wrapped with two paper sacks, I believe,
27 and undershorts was in a paper sack.
28 Q Now, these items already have marks on them?
29 A The sacks did have marks on them, yes.
30 Q They were marks under the name of Sergeant

1 McGrew?

2 A I believe so. I don't recall all the names

3 that were on the outside of the sack.

4 Q Now, what procedure for identification and

5 your purposes, for preservation and identity

6 purposes -- is there any procedure followed

7 to number and to preserve these items?

8 A When a case is checked into the crime lab,

9 the items are marked with a case number, an

10 item number, the date they were received

11 in the crime lab and the initials of the person

12 checking them in.

13 Q These items that Sergeant McGrew brought in

14 were brought to you on June 10, 1981?

15 A That's correct.

16 Q At what time?

17 A At 12:38.

18 Q What number was given to this case?

19 A NW118581.

20 Q NW stands for what, Northwest?

21 A Yes.

22 Q '81 is the date. So the four numbers in

23 between are the unique numbers?

24 A That is the number all cases are checked in

25 at, sequential numbers starting at the one

26 beginning with the year.

27 Q Is there any other case that would have this

28 number?

29 A To my knowledge, no.

30 Q Should not have?

1 A Should not have.
2 Q This procedure is followed pretty closely?
3 A Yes.
4 Q And this number, 1185, would be consistent
5 all the way through this case?
6 A Yes, it would.
7 Q Even if additional evidence was brought in?
8 A It is a possibility that later evidence could
9 be put on another number if there was no
10 reference made to this case. However, I
11 believe in this case all later evidence was
12 put on this number.
13 Q If you know it is part of the same case, you
14 give it the same number?
15 A That's correct.
16 Q I ask you to identify State Exhibit 28, ask
17 if you can identify this?
18 A This is the transfer receipt -- it's a copy
19 of the transfer receipt which I filled out at
20 the crime lab. This is the receipt that is
21 put inside our sex crime examination kit.
22 Q This was given to whom?
23 A It was given to me. The evidence was received
24 by me.
25 Q This was filled out by you?
26 A Yes, it was.
27 Q This indicates it was delivered by Sergeant
28 McGrew?
29 A Yes, it does.
30 Q This is actually indicating what items were

1 actually brought to you?

2 A This is the first four items of the items I
3 named were brought to me.

4 Q I ask you to identify State Exhibit 13 if you
5 are familiar with this item.

6 A This is the sex crime examination kit which is
7 prepared at the crime lab, Number 757. It
8 contained the crime lab number, 118581. This
9 was Item Number 1. Date received was June 10,
10 1981, and my initials.

11 Q Those are your markings?

12 A Yes.

13 Q This is the item you marked on your lab report
14 and received as Item Number 1?

15 A That's correct.

16 Q And what are the contents of Item Number 1,
17 which is State Exhibit 13?

18 A The contents are a tube of blood from the
19 victim, a tube containing saliva sample from
20 the victim, a tube containing a vaginal swab
21 from the victim, two tubes containing vaginal
22 washings from the victim, a plastic bag con-
23 taining pubic hair combings from the victim,
24 a plastic bag containing pubic hair plucked
25 or clipped from the victim and plastic tube
26 containing fingernail scrapings.

27 Q Would you look and see if all those items are
28 still in there.

29 A This is the pubic hair combings, the pubic hair
30 that was plucked, the vaginal swab, the two

1 tubes with the vaginal washings, a tube with
2 fingernail scrapings, a tube of blood and a
3 tube containing the saliva sample.

4 Q Is that all the items that were in there when
5 you received them?

6 A There was also a list of instructions and an
7 item list in the brown paper sack.

8 Q That is supplied to the hospital so that they
9 will follow those procedures? That is part
10 of the rape kit when it is given to them?

11 A Yes, it is.

12 Q When you received these items with this sex
13 kit, what did you do with them.

14 A The tube of blood is taken out of the main
15 paper sack. It is labeled and put in the
16 refrigerator. The rest of the kit is put in
17 a freezer until it is analyzed.

18 Q Now, what security procedure is followed in
19 that respect to make sure this does not get
20 switched with some other type of blood or
21 other substance and the fact that nobody else
22 would tamper with it?

23 A The blood, as I said, is labeled and placed
24 in a refrigerator in the laboratory. We do
25 check the numbers when we analyze it.

26 Q Each item is marked just as the wrappings
27 were marked?

28 A Yes, they are subscripted with letters for
29 the various items inside.

30 Q This refrigerator and freezer, are they open

1 to the public or people have access to this?

2 A The only people who have access to it is

3 laboratory personnel?

4 Q You put these items in there yourself?

5 A Yes, sir.

6 Q You put the blood in the refrigerator and

7 the other items in the freezer?

8 A Yes.

9 Q Why do you put the blood in the refrigerator?

10 A The blood is best typed when you put it in the

11 refrigerator. If you put blood in the freezer,

12 it's much more difficult to blood type. The

13 remainder of the items go in the freezer

14 because the vaginal washes and swabs and

15 saliva are stable in the freezer. They are

16 not as stable in the refrigerator as they are

17 in the freezer.

18 Q So this is the best way to keep them in the

19 condition they were when they were given to

20 you?

21 A That's correct.

22 Q And these items were kept in that freezer

23 and refrigerator until you examined them?

24 A When they are examined, they are removed from

25 the freezer or from the refrigerator, allowed

26 to thaw out and analyzed. They are then put

27 back in the freezer.

28 Q Okay. Now, the Item Number 2 on your list,

29 I believe plastic bag containing a green

30 nightgown and then B containing the panties.

1 I am going to show you State Exhibit 10 and
2 10-A and ask if you can identify those?
3 A This is the plastic bag which contains the
4 nightgown.
5 Q That is the nightgown we brought to you,
6 and those are your markings on it for this
7 case?
8 A They would have it on the outside of the sack.
9 The nightgown is also marked with the case
10 number, the item number and my initials.
11 Q Now, 10-A?
12 A These are the panties that were brought.
13 They are also marked with the case number,
14 Item Number 2-B and my initials.
15 Q Those were the panties that were brought to
16 you?
17 A Yes, they are.
18 Q What is this stained area?
19 A That appeared to be a bloody area.
20 Q These are the two items that were brought to
21 you?
22 A Yes, they are.
23 Q They are listed as Item 2 on your list?
24 A That's correct.
25 Q They were brought to you by Sergeant McGrew
26 on the same occasion?
27 A Yes.
28 Q Item Number 3, I show you State Exhibit 11.
29 First of all, the bag. Can you identify
30 that and the item here?

1 A This has my case number, 118581, Item Number 3,
2 the date, June 10, 1981, and my initials.
3 Q Are your markings also on this bedspread?
4 A Yes, this is.
5 Q This is the bedspread that was brought to
6 you?
7 A Yes, it is.
8 Q Brought to you on the same occasion by Sergeant
9 McGrew?
10 A That's correct.
11 Q Okay. Number 4, I show you State Exhibit
12 Number 12 and ask you if you can identify
13 the bag and the item in the bag?
14 A The bag has NW118581, which is the case number,
15 Item 4 and my initials on the sack. This was
16 Item Number 4 of this case that was submitted
17 to me, and this is the undershorts which also
18 has the same case number, NW118581, Item 4,
19 and my initials.
20 Q State Exhibit 12 is the item brought to you
21 also by Sergeant McGrew on that occasion?
22 A Yes, sir, it is.
23 Q Are those all the items that were brought to
24 you on that occasion?
25 A Yes, it was.
26 Q Did you receive any other items in this par-
27 ticular case?
28 A Yes, I did.
29 Q On what date?
30 A On June 11, 1981.

1 Q By whom?

2 A Jimmy Jeter brought me an individual which I

3 took blood from, a saliva sample from and

4 a pubic hair sample.

5 Q Was that individual's name placed -- your

6 analysis, normally you give it a number.

7 Is it also under the victim's name?

8 A Yes.

9 Q Is there a name added to this case?

10 A Yes, there was.

11 Q What is that?

12 A Calvin D. Willis.

13 Q That is the person Detective Jeter brought

14 to you?

15 A He brought a person he identified to me as

16 Calvin D. Willis.

17 Q What did you do with Calvin Willis?

18 A Took a saliva sample. I took a blood sample

19 and I took pubic hair samples.

20 Q I show you State Exhibit 36 and ask you to

21 identify this piece of paper.

22 A The receipt which I filled out after collecting

23 the items from the individual, Calvin D.

24 Willis.

25 Q This was done in the presence of Detective

26 Jeter?

27 A Yes, it was.

28 Q These items were referred to which you have

29 listed on here?

30 A That's correct.

1 Q State Exhibit 37?

2 A This is the same case number, Item Number 5,
3 June 11, 1981, and my initials on the outside.

4 Q Will you open the bag and tell what the con-
5 tents are?

6 A Contents are a tube of blood, NW -- the same
7 case number, Item Number 5-A. Have my initials,
8 the date and a time on them.

9 Q I am going to mark the blood State Exhibit 37.
10 And the next item?

11 A This is a saliva sample, Case Number NW118581,
12 Item Number 5-B, my initials, the date, 6-11-81,
13 and the time.

14 Q I mark that State Exhibit 37-B.

15 A This is a small plastic bag which contains
16 pubic hair plucked and the same case number,
17 Item Number 5-C, my initials and the date,
18 6-11-81.

19 Q Mark that 37-C. These are actually the
20 pluckings you made?

21 A Yes.

22 Q And these are the three items that were
23 contained in which you have listed as Number 5
24 on your list?

25 A That's correct.

26 Q I show you what I have marked as -- previously
27 marked as State Exhibit 34 and ask you to
28 identify this?

29 A This is a box which contains a slide holder.
30 It is used at the lab to hold slides that were

| | | |
|----|---|---|
| 1 | | made as part of the investigation. They are |
| 2 | | fiber slides that were used in comparison in |
| 3 | | this case. |
| 4 | Q | Where were these fibers obtained from? |
| 5 | A | <u>These fibers</u> were obtained from the bedspread, |
| 6 | | the undershorts and the contents of Item |
| 7 | | Number 1, which are the nightgown and the |
| 8 | | panties. |
| 9 | Q | So the items we have already marked, the panties, |
| 10 | | the nightgown, State Exhibit 10, the bedspread, |
| 11 | | State Exhibit 11, and the boxer shorts, State |
| 12 | | Exhibit Number 12 is where you obtained |
| 13 | | these fibers from? |
| 14 | A | The fibers were on these slides, yes. |
| 15 | Q | I ask you to identify State Exhibit 38. |
| 16 | A | These are small paper -- folds of paper which |
| 17 | | contain debris and material that is taken |
| 18 | | from the clothing items, the bedspread in this |
| 19 | | case. This is used to compare fibers, hairs |
| 20 | | and material like that. These are swept down |
| 21 | | from the item. |
| 22 | Q | These are actually, Item 34 and 38, the two |
| 23 | | you have just identified, these are things |
| 24 | | you have done yourself? |
| 25 | A | Yes. |
| 26 | Q | From the evidence we have already identified? |
| 27 | A | Yes. |
| 28 | Q | Now, where was all this evidence kept? |
| 29 | A | The items of evidence, Items 2 through 4 |
| 30 | | were kept in my evidence locker. |

1 Q That is the clothing item and bedspread item?
2 A Yes.
3 Q And how did those items get to court?
4 A I turned them over to you.
5 Q Did I collect all these items from you all
6 at one time?
7 A Yes, you did.
8 Q These other items you have identified also?
9 A Yes, sir.
10 Q I will ask you to identify State Exhibit 39
11 if you can identify that?
12 A Yes. This is the receipt I filled out when
13 you picked up the evidence.
14 Q This was turning all this evidence over to
15 me?
16 A Yes.
17 Q Nobody else picked up or interfered with any
18 of this evidence?
19 A No, they did not.
20 Q Up to the time you released it to me?
21 A Yes.
22 Q That includes the shorts, the bedspread, the
23 nightgown, the panties, the slides, the debris
24 that you described taken from these items,
25 the contents of the sex crime examination kit
26 and also the analysis and the items you obtained
27 from the person represented to you as Calvin
28 Willis?
29 A That's correct.
30 Q According to your report, your analysis

1 started on June 11, 1981. What did you do
2 on that occasion?
3 A I don't recall what specific analysis was
4 performed on that day.
5 Q Starting at a different spot, with the
6 nightgown and panties, what type of examina-
7 tion was conducted with State Exhibit 10
8 and 10-A?
9 A The items were looked at in a gross type method,
10 just an eye look-at to see what was in the
11 plastic bag. When they are taken out, the
12 debris, dirt, hair, fibers, whatever was
13 brushed down on a piece of paper, and then
14 the item was labeled, and this was checked
15 for stains and any type of seminal stains
16 or blood stains.
17 Q How was this done?
18 A By visual examination. The item is examined
19 for any type of visible stain. The stains
20 are then -- if there is a stain present -- is
21 cut out. A small portion is cut out, dissolved
22 in distilled water and checked for either
23 blood or seminal fluid.
24 Q Starting with 10-A, the panties, you have
25 already noted what appeared to you to be a
26 blood stain?
27 A Yes.
28 Q Did you do anything with that blood stain?
29 A We checked in the center of the panties to
30 see if there was any seminal stains present.

1 The garment, I had information the garment
2 was from a victim who was bleeding. So blood
3 analysis was not selected to be important
4 type of analysis in this case. However, seminal
5 fluid, since it was from a female, was checked
6 for.

7 Q What was the result of that?

8 A Did not find any seminal fluid present on
9 that item.

10 Q That is in the panties?

11 A Yes.

12 Q Would this amount of blood have anything to
13 do with that?

14 A Yes. An extremely bloody pair of panties
15 could hide the location of seminal stains
16 just by covering them up. It also could
17 dilute any seminal fluid present that could
18 tend to make the results negative for seminal
19 fluid.

20 Q Could have been on this garment. You just
21 could not find it?

22 A That's correct.

23 Q Now, State Exhibit 10, were there any stains
24 that you examined on here?

25 A Yes, there was a stain found on there.

26 Q This is the nightgown.

27 A It was identified as being a seminal stain.

28 Q And did you actually find -- I believe what
29 you referred to as -- seminal acid phosphatase?

30 A That's a word for seminal fluid.

1 Q What produces this content?
2 A Seminal acid phosphatase is found and is
3 part of semen in the male ejaculate.
4 Q Is there any other source of that?
5 A Not to my knowledge.
6 Q That was found on this nightgown?
7 A Yes, it was.
8 Q Do you remember the location on the night-
9 gown?
10 A I don't recall it offhand. I would have to
11 refer to my notes. May I refer to my notes?
12 Q Yes. I show there are some holes in there
13 with some circular markings. Are those
14 your markings?
15 A Yes, they are.
16 Q How did you mark them?
17 A I marked them with what is termed a "sharpy".
18 It is a black felt pen. These two stains were
19 both determined to be seminal stains. This
20 is a controlled or negative reactivity area
21 which is used in determining or used in the
22 analysis of any type of postive stain.
23 Q This is more or less the standard area, more
24 or less a clean area?
25 A Yes.
26 Q See what appears to be without any type of
27 fluid.
28 A Right, to make sure the fabric itself or anything
29 in the fabric to make the reaction.
30 Q That was used against the other two pieces you

1 cut out?

2 A Yes.

3 Q You were able to determine that location there

4 was semen present?

5 A These two stains both had seminal fluid present.

6 Q All this area, this discoloration seems to

7 go down -- does that appear to be some type

8 of pink?

9 A It does appear to be tinged with blood. The

10 only areas I can positively identify as

11 seminal fluid.

12 Q This is mixed in with blood. Is it as concentrated

13 an area as on these panties?

14 A No, it wasn't.

15 Q This wasn't enough to camouflage in at least

16 those locations?

17 A Since it wasn't that much blood, it did lend

18 itself to say there was seminal fluid in that

19 area, or you could identify seminal fluid.

20 Q I believe that location, those items were

21 marked in the front, little lower than the

22 middle section.

23 A I think that is the rear inside.

24 Q From the rear inside?

25 A Yes, I believe that is inside out as you hold

26 it.

27 Q You are correct. So it would be from the rear

28 side?

29 A Inside.

30 Q Can those stains, seminal stains, be confused

1 with anything else?

2 A Not to my knowledge.

3 Q The only source of that is --

4 A Human male.

5 Q Human male. Now, taking those stains, can

6 you reduce that down to any limit or group

7 of human males?

8 A The stain was checked for blood grouping by

9 absorption inhibition. The stain was determined

10 to have blood group specific substance O

11 present which would indicate that the seminal

12 fluid came from a person that was blood group

13 O and a secretor.

14 Q And a secretor?

15 A And a secretor. It is not from Ms. Johnson

16 because she is blood group A and a secretor.

17 I did not find any indication of her blood

18 type by this method of testing.

19 Q Plus this blood group area is also mixed in

20 with the seminal acid phosphatase?

21 A The particular test that is used to establish

22 blood group seminal fluid is not very sensitive

23 to blood, blood antigens itself from the red

24 blood cell. It is more sensitive to water

25 soluble.

26 Q So whatever left these stains or the group of

27 people leaving this stain would be in blood

28 group O and a secretor?

29 A That's correct.

30 Q And the fact it is a secretor -- there is also

1 blood type O that is nonsecretors?

2 A Yes, there are.

3 Q Now, State Exhibit 12, the boxer shorts, did

4 you check for any stains or analysis on this

5 item?

6 A Yes, I did, and on examination of this gar-

7 ment, I noticed several areas that appeared

8 to have a slight tinge of blood. These were to

9 the right front or the right frontal area.

10 Parts of this were cut out and checked for the

11 presence of blood which was positive for blood.

12 It was positive for human blood, and it was

13 blood typed as blood group A.

14 Q Blood group A?

15 A Yes.

16 Q How about secretors with blood group A?

17 A Since it was blood, the secretor or nonsecretor

18 status does not hold. All persons with

19 red blood cells will have --

20 A Whoever's blood on this is within blood group

21 A?

22 A Yes.

23 Q Now, the sex crime kit that you analyzed

24 with what was represented to you as the victim's

25 blood that was delivered to you, did you examine

26 that blood and type of that blood?

27 A Yes, I did.

28 Q I believe that is State Exhibit 13-A, and

29 what are the markings and name on that?

30 A I have my label, crime lab number, Item Number

1 1-A, my initials. The name on there is Cynthia
2 Ann Johnson. There are several numbers on
3 here and appear to be some initials.
4 Q That was one of the contents of this sex crime
5 kit that you received?
6 A Yes.
7 Q From Sergeant McGrew?
8 A Yes.
9 Q What blood type is that?
10 A It was blood group A and a secretor.
11 Q And a secretor?
12 A Yes, sir.
13 Q Cynthia Johnson is within the group of people
14 that left the blood on these shorts?
15 A That's correct.
16 Q That means these shorts were in contact with
17 somebody with blood type A?
18 A That's correct.
19 Q Now, State Exhibit 11, the bedspread, were
20 there any stains checked on there?
21 A Yes, there was.
22 Q And describe what you did there.
23 A Human blood was found on the bedspread.
24 Q You also found the same seminal acid phosphatase on the bedspread?
25
26 A Yes.
27 Q That means a male ejaculated on there?
28 A It means there was seminal fluid present
29 there. I'm not sure how it got there.
30 Q The original source would have to be some

1 male?

2 A Yes.

3 Q That was located on the bedspread?

4 A Yes.

5 Q Now, were you able to blood type anything on

6 there?

7 A In the examination of the seminal stain, I

8 did note there was blood group O, specific

9 substances present in the seminal stain.

10 Q How about secretor?

11 A Since I did detect it, it would have to be a

12 secretor.

13 Q You would not be able to detect --

14 A Seminal stain of a nonsecretor does not show

15 a blood group type.

16 Q So you have a Type O and a secretor leaving

17 seminal fluid on this bedspread?

18 A That is correct.

19 Q That is the same group of people leaving the

20 seminal stain on the nightgown?

21 A That's correct.

22 Q Now, when Detective Jeter brought the defen-

23 dant or brought a person to the crime lab on

24 June 10, you withdrew blood from that person?

25 A On June 11, yes.

26 Q That has been marked as State Exhibit 37-A.

27 Describe the markings on that item.

28 A The markings are a label that we have at the

29 crime lab. It is in my writing. It is Calvin

30 D. Willis, the name of the person, the blood

1 collector's initials, P. W., which are mine,
2 the police officer's initials, which are
3 J. E. J., I believe, the date, 6-11-81, the
4 time, 6:11 p.m., the lab number, and I wrote
5 blood to indicate it was a blood sample, and
6 Item Number 5-A.

7 Q Okay. Did you type that for blood type?

8 A Yes, I did.

9 Q What was represented to you as Calvin Willis
10 was the result of that type?

11 A Yes.

12 Q What is it?

13 A It is blood group O.

14 Q Secretor or nonsecretor?

15 A Saliva was used, and the person identified
16 as Calvin Willis was blood group O and a
17 secretor.

18 Q State Exhibit 37-B is actually the saliva
19 sample you took to determine if that person
20 was a secretor?

21 A That's correct.

22 Q He is a secretor?

23 A Yes, sir.

24 Q Within blood group O?

25 A Yes.

26 Q So Calvin Willis or the person represented
27 to you as Calvin Willis is within the group of
28 people who left the seminal stain?

29 A He cannot be excluded as having left that
30 seminal stain.

1 Q Basically, with blood typing, that is the result
2 of your examination whether or not you can
3 exclude somebody?
4 A That's right.
5 Q We are working at a backwards way.
6 A All you can say is you can exclude a person.
7 You cannot say positively that they did leave
8 that blood stain or seminal stain.
9 Q Even with better sources, you cannot get it
10 any closer than that?
11 A The final line is you say you cannot individualize
12 that or say it came from that particular person.
13 Q So Calvin Willis cannot be excluded from this
14 group?
15 A That's correct.
16 Q And Cynthia Johnson cannot be excluded from the
17 group leaving the stain on these shorts?
18 A Leaving the blood stain, no.
19 Q Were there any other stains examined on the
20 shorts?
21 A I believe there were a couple of bloody areas
22 that were checked. They were just confirmed
23 as being blood.
24 Q Of any significance?
25 A No. There was also a controlled area which was
26 checked, and it was used for the blood group.
27 Q Now, what microscopic analysis did you conduct?
28 A I tested several -- I microscopically examined
29 the debris from the various items. Hairs were
30 noted to be present, and fibers were noted

1 to be present in there.

2 Q What I have marked as State Exhibit 30, is

3 this what you are referring to?

4 A Yes.

5 Q This was collected from the bedspread, State

6 Exhibit 11?

7 A Yes.

8 Q From any of the other items?

9 A Yes, there were individual packets, from

10 various items, from the bedspread to the under-

11 shorts and the nightgown and the panties I

12 have there.

13 Q Were there any unique fibers obtained from

14 any one of these items that matched to the

15 fibers of any of the other items?

16 A I'm not sure. Now, on the nightgown or the

17 Item 2 which contains nightgown and panties

18 and the undershorts, there were small fibers

19 which matched or had the same microscopic

20 characteristics as the fibers of that bedspread.

21 Q So these shorts, these panties and this night-

22 gown were in contact with that bedspread?

23 A It appears that to be the case, yes.

24 Q Okay. I believe your report also indicates

25 some foreign hair analysis?

26 A Yes.

27 Q Describe that.

28 A The hair that was collected from the bedspread

29 was compared against the hair of Calvin Willis

30 and of Cynthia Johnson. These were not able to

1 be matched, or the hairs did not match hairs
2 from Calvin Willis or pubic hairs from Calvin
3 Willis.

4 Q Does this in any way exclude Calvin Willis?

5 MR. FREEMAN: Your Honor,
6 I object to that. He said they weren't his.
7 We do not know what was on the bedspread.
8 They found some hair there. If it had matched --
9 but I think that is outside Mr. Wojtkiewicz's
10 expertise to say he is going to be the
11 man because these things did not match.

12 MR. SCHIMPF: I do not think
13 he was about to say that was the man.

14 THE COURT: Question is: We
15 have been operating from the negative throughout,
16 especially when he testified that he could not
17 be excluded from the group of people who left
18 the blood stains and seminal fluid. I am
19 interested in finding out if he has an opinion.
20 Is it negative or positive? The objection is
21 overruled. I would like to see what he has
22 to say.

23 BY MR. SCHIMPF:

24 Q I think I will start from a different direction?
25 The items obtained -- go ahead and answer it.

26 A Could you repeat the question?

27 Q Does this exclude Calvin Willis?

28 A To not find his hairs present?

29 Q No.

30 A It really -- it does not, in my opinion, say

1 he was there or not there.

2 Q It means the foreign hairs, for instance, got

3 on this bedspread at some time, and they are

4 not Calvin Willis'?

5 A That's right.

6 Q And this rather large bedspread?

7 A That's correct.

8 MR. SCHIMPF: I will tender,

9 Your Honor.

10 CROSS EXAMINATION

11 BY MR. FREEMAN:

12 Q Mr. Wojtkiewicz, it is -- you took the hair

13 samples from Calvin Willis yourself?

14 A I was present. I believe he pulled them

15 himself.

16 Q You felt relatively safe that those hairs

17 you examined are Calvin Willis'?

18 A Yes.

19 Q You found some foreign hair on the bedspread?

20 A The hair that I could not identify, neither

21 one of the individuals that I had hair from.

22 Q So you did not find any hair that matched Mr.

23 Willis on that bedspread?

24 A That's correct.

25 Q So from that we can deduce he still could have

26 done it, but he did not leave any hair there?

27 A That's correct.

28 Q On the other hand, we can also deduce he was

29 not there?

30 A That would be a correct deduction, yes.

1 Q Sure does not help things much from a stand-
2 point of analysis. Sure does not put him in
3 any group. As a matter of fact, sort of takes
4 him out?

5 A Well, there is hair present that does not
6 match him. As you said, there is no group
7 involved.

8 Q Pat, seminal acid comes from what source?

9 A The seminal acid phosphatase is found in the
10 male ejaculate. The source is the prostate
11 gland of the male.

12 Q So if a male ejaculates inside a woman, you
13 expect to find this seminal acid inside the
14 vagina?

15 A It could be found there, yes.

16 Q If a male -- if there is sperm found within
17 the vagina, would you assume that you would
18 find seminal acid there?

19 A It would be an assumption; however, it has
20 not happened in all the cases that I have
21 examined at the crime lab.

22 Q What percentage of cases have you examined
23 that that was true?

24 A I can recall two or three cases which I
25 have found a fair amount of spermatozoa and
26 no seminal acid phosphatase.

27 Q So it is not impossible?

28 A That's correct.

29 Q If you examined Item 1-C and found no seminal
30 acid on it, what conclusion would you reach?

1 A I really could say the only conclusion would be
2 that no seminal fluid was present that I could
3 detect.

4 Q And in what percentage of the cases would you
5 say in that case then you would not find sperm
6 within that area?

7 A What cases if I found no seminal acid phosphatase,
8 what percentage would I not find spermatozoa?

9 Q Yes.

10 A Probably a significant percentage better than
11 ninety percent.

12 Q When you find one, you usually find the other?

13 A Generally true, yes.

14 Q In a vaginal wash, would you assume that you
15 would find a sufficient quantity if it were
16 present to be able to analyze?

17 A A vaginal wash is best used when -- or comes
18 in the best analysis when the time of analysis
19 or time of collection is a fair amount of
20 time after the intercourse or alleged rape or
21 whatever. This is used to collect any traces
22 of seminal fluid we found in the vaginal vault
23 whereas a swab was used for a specific loca-
24 tion to pick a pool of seminal fluid or pool
25 of material. A vaginal wash is used to pick
26 up any traces of seminal fluid.

27 Q So between the two, you expect whoever did
28 it did a pretty thorough job of examination
29 and collection?

30 A I can't judge how thorough a job was done.

1 The vaginal wash is used to clean out or wash
2 out the remnants or any vaginal or seminal
3 fluid that would be in there.

4 Q That is what these kits are for?

5 A Yes.

6 Q When we question that, we have to question the
7 kit itself?

8 A That's correct.

9 Q Could we assume that the kit is developed by
10 someone who has some fair knowledge of what
11 he is doing?

12 A Yes.

13 Q When you do these things, if seminal acid
14 were present, you should have found it?

15 A That's correct.

16 Q Now, in finding seminal acid in some substance
17 or on some substance -- for example, the bed-
18 spread -- how long could it be present there
19 before you would not be able to detect a
20 blood type or something like that in the
21 seminal acid?

22 A Of course, the time varies depending on the
23 condition, the storage condition of the
24 garment. If it had been washed, obviously
25 that would wipe off the stain. If it was
26 kept unwashed in room temperature, no excessive
27 heat, no moisture and bacterial contamination,
28 was kept very low, I have examined clothing
29 items up to and over a year which identified
30 seminal fluid and was able to blood group them

1 for ABO blood groups for specific substances.

2 Q Now, in your Items 1-B, -C -- excuse me --
3 -C and -D -- I think that is the two -- you
4 were unable to find any seminal acid?

5 A Phosphatase, yes.

6 Q Now, would that indicate to you that whoever
7 committed this crime was one of those rare
8 people whose sperm contained no seminal acid?

9 A No. My feeling the reason I found spermatozoa
10 and not seminal acid is bad storage conditions
11 of the items of the rape kit, or it is possibly
12 that there is certain bacteria present in the
13 vaginal vault which breaks down acid phosphatase.
14

15 I don't feel it is so much that the
16 male does not have the seminal acid phosphatase
17 present. I feel it is vaginal constituents
18 that either destroy the acid phosphatase and
19 not the spermatozoa. It's improper storage
20 conditions of the sex crime examination kit.

21 Q Have you ever questioned one of these rape
22 kits, the storage of one of these rape kits?

23 A I have on occasion, yes.

24 Q Would you question this one?

25 A I have no indication since this one was brought
26 directly to me by the police officer. I have
27 no knowledge of how it was stored prior to
28 coming to the crime lab.

29 Q So would you assume then that the kit was
30 kept intact in storage, whatever it should

have been, and it was a good kit?

1 A Yes.

2 Q So this then may be one of those rare cases,
3 and chances are -- you said, I think, about ninety
4 percent -- this is one of those cases that this
5 person, whomever he was, although you found
6 sperm present, you did not find seminal acid?

7 A I did not find any sperm present.

8 Q You did not find any sperm either?

9 A No, I didn't.

10 Q Not finding any sperm in the vaginal wash,
11 or the swab and not finding any seminal acid,
12 what would that indicate to you about the
13 victim?

14 A I have no indications of the victim because
15 all I'm examining is the material that is
16 submitted to me.

17 Q I have to assume -- I think we both do -- that
18 the swab was taken from the vagina of the
19 victim?

20 A Yes.

21 Q And the wash was taken from the vagina of the
22 victim?

23 A That's my assumption, yes.

24 Q If you found no sperm or seminal acid in your
25 sample that was taken from the vagina, what can
26 we draw from that?

27 A No seminal acid was present.

28 Q No sperm was present either?

29 A That would follow the same, yes.
30

1 Q From what I draw from your test then, what
2 we can conclude is there was no sperm in the
3 vagina, and there was no seminal acid in the
4 vagina?

5 A That's correct.

6 Q Now, let's suppose that testimony showed
7 that there conclusively was an amount of
8 sperm in the vagina. We are going to suppose
9 that for a moment.

10 A Yes.

11 Q Is it possible that this is one of those unusual
12 cases where there was sperm, could be one of
13 those rare cases?

14 A One of the items I have noted, when I find
15 spermatozoa and no seminal acid in a vaginal
16 wash, is that it is oftentimes an exceptionally
17 bloody vaginal vault. I am sure of the situation
18 in this case if the vaginal wash was exceptionally
19 bloody. Sometimes a lot of blood present
20 hinders the detection of seminal acid phosphatase.

21 Q Was there in your wash?

22 A I don't see any areas. There does seem to be
23 a reddish tinge to that vaginal wash. This
24 one does not have very much liquid in it.
25 That does not appear to be a large amount of
26 blood.

27 Q Let's go back, and we have excluded the other
28 things. Assuming this is one of those rare
29 cases where we have found sperm present,
30 but you were unable to detect seminal acid?

1 A Yes.

2 Q So this is one of those rare cases you have
3 found that that situation occurred in?

4 A I still have not found spermatozoa in my
5 items.

6 Q This is an assumption. As an expert you are
7 able to give an opinion. So I am going to
8 ask your opinion. Let's take the situation
9 where there is sperm present.

10 MR. SCHIMPF: Before we go into
11 the hypothet, I think the proper foundation
12 needs to be laid.

13 MR. FREEMAN: Your Honor, I
14 didn't qualify this expert. He is an expert,
15 and he is on the stand, and Mr. Schimpf has
16 chosen to call him. I can ask him hypothetical
17 questions based on given facts, and he can
18 give an opinion.

19 THE COURT: Let's refer back
20 to the testimony of Dr. Scotty Herman. Based
21 on his testimony, I think the question is
22 proper.

23 MR. SCHIMPF: Yes, Your Honor.
24 I am not objecting to the expertise of the
25 witness or a hypothet. I am just asking for
26 a hypothet put in proper terms.

27 THE COURT: Well, if we had
28 a jury, I would sustain, but under the cir-
29 cumstances, I don't think we need to go through
30 all of that. You may proceed, Mr. Freeman. I

1 think we know what you are talking about.

2 BY MR. FREEMAN:

3 Q We are going to assume now in this particular
4 case that sperm was found in quantity in the
5 vagina.

6 A Inside the vagina?

7 Q Yes. Now, and as I have heard many times in
8 courts, these kits are designed to do a job.
9 Everything is kept so perfectly, refrigerator
10 and it is rushed from one place to another,
11 and there's no doubt about the identification.
12 There just could not be. We have been so
13 careful to be sure everything was taken care
14 of, and everything is proper. So we don't
15 have to worry about that.

16 Now, assume that we take the thing
17 one step further, and you had a vaginal swab
18 and a vaginal wash, and it produced no seminal
19 acid --

20 A --phosphatase.

21 Q Yes. Now, given my example or given my
22 hypothetical question to you, we have one
23 of those rare cases where a person produces
24 sperm, but no seminal acid?

25 A Yes.

26 Q All right. And you found seminal acid on this
27 nightgown and on that bedspread?

28 A Yes.

29 Q So it is possible then that the seminal acid
30 on that bedspread and on that nightgown did

1 not come from the same person that you have
2 looked at in your rape kit?

3 A That is true. Under that hypothesis, that
4 could be true.

5 MR. FREEMAN: That is all I
6 need to know. I think that is all the
7 questions we have, Your Honor.

8 REDIRECT EXAMINATION

9 BY MR. SCHIMPF:

10 Q Mr. Wojtkiewicz, under the hypothet are
11 we talking about possibility, probability or
12 what?

13 A If I thought that to be the case, I would have
14 requested a seminal sample from a suspect,
15 and then I would have confirmed it. Had it
16 been shown that he had spermatozoa and no
17 seminal acid phosphatase, it would have
18 excluded him as leaving those seminal stains.

19 Q Did you have any indication of that in this
20 case?

21 A No, I did not.

22 Q So you did not request additional --

23 A No, I did not.

24 Q So when you find semen, you said you assumed you
25 found seminal acid phosphatase?

26 A Yes.

27 Q The fact if it is not there, there could be
28 explanations for that?

29 A There can be, yes.

30 Q One of those is storage conditions?

1 A Storage conditions was one of them.

2 Q Bloody areas?

3 A That could be true.

4 Q Let me give you a little bit different hypo-
5 thet. Okay. If a doctor examined a person
6 recently sexually assaulted and came to this
7 conclusion: sperm is evidenced on the perineum
8 and a few in the vaginal secretions, does that --
9 with your conclusion that seminal acid phosphatase
10 could not be detected in the vaginal swab,
11 vaginal wash, what would that indicate?

12 MR. FREEMAN: Your Honor, the
13 hypothet does not go exactly along with
14 Dr. Herman's testimony if we look back. He
15 was so emphatic what he had found that he
16 said he confirmed it under the microscope, but
17 there was no doubt in his mind what he found.
18 Said he found it in the vagina. So let's
19 stick with our hypothet. If we are going to get
20 it, let's get it right.

21 THE COURT: My notes reveal
22 found it in the vagina as well as elsewhere.
23 We are going to overrule and allow the prose-
24 cutor to go at his hypothet in his own manner.

25 BY MR. SCHIMPF:

26 Q Is that inconsistent with your findings?

27 A I believe the perineum is external to the
28 vaginal vault, and the secretions, no location
29 as to where the secretions came from or if
30 they were internal or external. So I find no

1 inconsistencies on the outside of that or
2 just looking at the hypothet.

3 Q Going a little bit further and saying there
4 is actually sperm, indicated sperm, did not
5 go into acid phosphatase, but sperm was
6 located within the vagina --

7 A Yes.

8 Q -- which was supposedly confirmed by the
9 doctor under microscope. Are there conditions
10 that could make your conclusion the way they
11 are?

12 A Yes, if it had not been stored proper. It's
13 possible the sperm --

14 MR. FREEMAN: Your Honor, if
15 we want to go on Mr. Wojtkiewicz, we can throw
16 it all out and start from scratch. I will be
17 glad to do that if there is something wrong
18 with these samples. I have been told every
19 time I am in court that these samples are
20 kept so well. First time I have ever heard
21 them questioned.

22 THE COURT: Gentlemen, this
23 goes not to admissibility, but to weight.
24 The objection is overruled. You may proceed,
25 Mr. Schimpf.

26 BY MR. SCHIMPF:

27 Q Now, the fact that sperm was located in the
28 vagina and you did not find seminal acid
29 phosphatase on the vaginal wash, you were talking
30 about storage conditions?

1 A Yes.

2 Q How about bleedings?

3 A As I mentioned earlier, excessive bloody

4 vaginal vault could account for the lack of

5 detection of seminal acid phosphatase. I

6 have noted that on several occasions.

7 Q Now, you stated when you received this sex

8 crime kit, you put the blood in a refrigerator;

9 the vaginal wash, et cetera, in a freezer?

10 A That's correct.

11 Q Is that the way -- is that the best storage

12 you have available?

13 A Yes. It's also mentioned on the back of the

14 kit, how to properly store the evidence.

15 Q If that evidence is kept overnight, that entire

16 package, the vaginal wash, all the pluckings

17 and the blood is kept in a refrigerator, is

18 that optimum storage?

19 A On the kit it says if it can't be delivered to

20 the lab within six hours, the whole kit can

21 be refrigerated and that would be adequate

22 storage. Anything after six hours, the wet

23 sample such -- everything else except for the

24 blood should be frozen.

25 Q Refrigerator is better than leaving it out in

26 the open, but it's not as good as freezing?

27 MR. FREEMAN: Am I understanding

28 the District Attorney's questioning, the

29 crime lab storage techniques?

30 MR. SCHIMPF: Your Honor, I am

1 putting the facts out.

2 THE COURT: We are going to
3 deny your objection, Mr. Freeman. But what
4 the Court understands the prosecutor is
5 doing is attempting to determine an expla-
6 nation of the failure of detection of the
7 seminal fluid that you have made a point of.

8 MR. FREEMAN: Your Honor, I
9 want to keep this for reference. Maybe this
10 would come up again.

11 THE COURT: I am sure it will.
12 You may proceed.

13 BY MR. SCHIMPF:

14 Q Okay. You stated you received the items from
15 Sergeant McGrew which includes the sex crime
16 kit Number 757 at 12:38 p.m., shortly after
17 noon, on June 10, '81?

18 A That's correct.

19 Q Okay. These items were obtained on June 9,
20 1981?

21 MR. FREEMAN: Your Honor, I
22 am going to have to object to this. I have
23 never seen a situation where the State has
24 evidence they want to introduce, yet they are
25 trying to contradict their own evidence.

26 THE COURT: The objection is
27 overruled and not contradicting, but merely
28 obtaining an explanation of the facts and time
29 sequence.

30 MR. FREEMAN: We are about to

1 get to the point I could object to introducing
2 the whole kit, which I don't think I would
3 want to.

4 THE COURT: The objection is
5 overruled. You may proceed, Mr. Prosecutor.

6 BY MR. SCHIMPF:

7 Q Is that a fact to be considered?

8 A It would be considered; however, as I said,
9 I don't know how the items were stored prior
10 to my receiving them. I do now know how they
11 were stored afterwards, but I cannot make any
12 judgment on how they were stored before.

13 Q I think that is our whole point. Your analysis,
14 despite anything that happened prior, your
15 entire analysis is based solely upon the examina-
16 tion of these items when you obtained them and
17 when you examined them?

18 A That's correct.

19 Q You cannot even discuss or even in your expert
20 opinion talk about what happened prior to that?

21 A No, I don't know what happened. I could
22 conjecture to what possibly happened, but I
23 could not say.

24 THE COURT: It is a matter of
25 common knowledge.

26 BY MR. SCHIMPF:

27 Q Now, Mr. Wojtkiewicz, I am going to ask you
28 to identify State Exhibit Number 40 as soon
29 as I put my hand on it. And I mark the second
30 page as 40-A and ask you to identify these.

1 A This is the original of the report that is
2 issued by the crime lab in relation to this
3 case.
4 Q Okay. This you said contains all the items
5 you received on the proper dates and the
6 analysis conducted and the results thereof?
7 A My report on it, yes.
8 Q Can you exclude Calvin Willis from this crime?
9 A I have no evidence which specifically excludes
10 Calvin Willis in this case from having left
11 the seminal stains on the sheet or on the
12 nightgown.

13 MR. SCHIMPF: Thank you.

14 RECROSS EXAMINATION

15 BY MR. FREEMAN:

16 Q Mr. Wojtkiewicz, how would you rate the
17 Northwest Criminalistics Laboratory, now the
18 North Louisiana Criminalistics Laboratory, to
19 its excellence or modernization?
20 A I think forensic serology and also drug chemistry
21 we have the most modern equipment out.
22 Q You use the latest techniques available?
23 A Latest I can find, yes.
24 Q You have tried in every way you can to
25 protect the evidence or the samples that you
26 intend to take for integrity?
27 A That's correct.
28 Q You do the best you can?
29 A Yes.
30 Q You feel like your methods are the most modern

1 available?
2 A Yes, I do.
3 Q Do you know Dr. Herman that took these samples
4 of the vaginal washings and swabs?
5 A No, I do not.
6 Q Have you had any problems out there with the
7 people who took these kits before? Have you
8 had any problems with collection or anything
9 like that?
10 A I have no specific knowledge of problems.
11 Q So you do not suppose there is any problem
12 with them?
13 A No. Like I said, I have no specific knowledge
14 of any problems.
15 Q You pretty well rely on the competence of
16 who took the sample as being competent and
17 qualified?
18 A I have to, yes.

19 MR. FREEMAN: Your Honor,
20 I don't think we have any other questions.

21 MR. SCHIMPF: I have nothing
22 else.

23 (Whereupon the witness
24 was excused from the stand.)

25 MR. SCHIMPF: Your Honor, I
26 would like to introduce State Exhibits 40, 40-A,
27 State Exhibit 39, State Exhibit 36. Those
28 are evidence transfer receipts. I believe
29 State Exhibit 13 and all its contents, A through
30 H.