

IN THE MISSOURI COURT OF APPEALS
EASTERN DISTRICT

STATE OF MISSOURI,)
)
 Plaintiff-Respondent,)
) Appeal Number
 vs.)
) 72675
 ANTONIO BEAVER,)
)
 Defendant-Appellant.)

IN THE CIRCUIT COURT OF MISSOURI
ST. LOUIS CITY, 22ND JUDICIAL CIRCUIT
Honorable John J. Riley, Judge

STATE OF MISSOURI,)
)
 Plaintiff,)
) Cause Number
 vs.)
) 961-2972
 ANTONIO BEAVER,)
)
 Defendant.)

RECORD ON APPEAL
TRANSCRIPT

TRIAL

COPY

VOLUME 2 OF 3

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1 several prints.

2 Q All right. So if a person is driving the car
3 and they touch the glass, that's a good surface for you
4 to get a print; right?

5 A Oh, yes, glass, chrome, anything like that.

6 MS. TURLINGTON: I have nothing further.

7 MS. DARST: Nothing further.

8 THE COURT: May this witness be excused?

9 MS. TURLINGTON: Yes, Your Honor.

10 THE COURT: Officer, thank you sir, you
11 may be excused.

12 [Witness left the witness stand.]

13 THE COURT: Call your next witness,
14 please.

15 MS. TURLINGTON: Your Honor, the Defense
16 calls Janet Majors.

17 **JANET MAJORS,**

18 having been first duly sworn by the Deputy Clerk,
19 testified on behalf of the Defendant as follows:

20 THE COURT: Please inquire.

21 MS. TURLINGTON: Thank you, Your Honor.

22 **DIRECT EXAMINATION**

23 BY MS. TURLINGTON:

24 Q Could you state your name, please?

25 A Janet Majors.

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BEA-000513

1 Q And, Ms. Majors, how are you currently
2 employed?

3 A I am employed with the St. Louis Police
4 Department as a latent print examiner.

5 Q Okay. Could you just explain what a latent
6 print examiner is?

7 A I examine and compare and identify latent
8 fingerprints from crimes of the scene. And a latent
9 fingerprint is made up of the moistures and perspirations
10 of the fingers that is secreted from the pores and also
11 from oils from the skin where you would like touch your
12 face or your hair and it would pick up the oils from the
13 skin and be coated on the fingers.

14 Q Ms. Majors, could you tell me what kind of
15 education that you have in order to be called a latent
16 print examiner?

17 A Yes, ma'am. I have over 34 years' experience
18 in fingerprints. I had — I worked as a trainee as a
19 fingerprint technician for one year and an additional 23
20 years as a fingerprint technician. That is comparing
21 rolled ink fingerprints. I had one year on-the-job
22 training as a latent print examiner and have worked for
23 an additional eight and a half years as a latent print
24 examiner. I've also been trained by the FBI in both
25 basic and advanced latent fingerprint work. And I've

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BEA-000514

1 also been trained in palm print identification.

2 Q Ms. Majors, how many prints do you think you've
3 examined over the years?

4 A Hundreds and hundreds of thousands. A very
5 conservative estimate would be 50,000 prints that I have
6 identified.

7 Q Ms. Majors, is there any kind of licensing that
8 you have to have to be a latent print examiner?

9 A No, ma'am. We are certified by the court
10 whenever we testify, and I have testified in both
11 juvenile, federal, and state court.

12 Q And when you testified, were you certified as
13 an expert?

14 A Yes, ma'am, I was.

15 Q In the field of fingerprint examination?

16 A Fingerprint examination, comparison, and
17 identification.

18 Q Okay.

19 MS. TURLINGTON: Judge, at this time I
20 would ask that the Court recognize Ms. Majors as an
21 expert in the field of fingerprint examination and
22 comparison.

23 MS. DARST: No objection.

24 THE COURT: That will be done. The Court
25 will so find that she is an expert in that field.

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BEA-000515

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MS. TURLINGTON: I'm sorry?

THE COURT: I'm sorry. The Court will so find that she is an expert in the identification, examination, and comparison of latent fingerprints.

MS. TURLINGTON: Thank you, Judge.

Q Ms. Majors, did you have occasion in August of 1996 to examine some fingerprints that came from a car that was owned by a Ms. [REDACTED] [REDACTED]?

A Yes, ma'am, I did.

Q And did you compare those fingerprints that were taken from that car to the fingerprints of Mr. Antonio Beaver?

A Yes, ma'am, I did.

Q What was the result of your comparison?

A They were not identified as Antonio Beaver's.

Q In addition, do you have any — you have a computer system that can help you identify fingerprints: correct?

A Yes, ma'am.

Q What is the name of that computer system?

A It's a — any fingerprint computer is called an AFIS computer. It stands for Automated Fingerprint Identification System. And basically what you do is you enter a latent fingerprint, the computer scans the print like a Xerox machine, and then puts the image of the

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1 fingerprint on the screen. You tell the computer the
2 different minutia or points that we use for comparison,
3 and then ask the fingerprint machine — the computer to
4 search; and then the computer kicks back a candidate
5 list. The computer does not make an identification. The
6 latent examiner themselves make the identification. And
7 they kick back the candidate list of — with the same
8 possible minutia, and we view each print to see if it's a
9 possible identification.

10 Q Did the computer in this case or you, based on
11 what the computer came up with, ever make a match in this
12 case?

13 A No, ma'am. We only had one latent — I'm
14 sorry, two latent fingerprints that were identifiable.
15 The rest were palm prints. And I was not able to
16 identify any of the fingerprints, and the palm prints are
17 not in the computer. The palm prints are not able to be
18 put into an AFIS computer.

19 Q So the bottom line is, we know that those
20 fingerprints are not Antonio Beaver's but we don't know
21 whose they are.

22 A Yes, ma'am, that's true.

23 Q Now, Ms. Majors, some surfaces are very good
24 for getting a fingerprint off of; correct?

25 A Yes, ma'am.

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BEA-000517

1 Q What kind of surfaces would those be?

2 A Anything kind of painted, varnished, metal, a
3 painted or very hard and smooth metal, painted or
4 varnished wood. You need a very smooth moisture-bearing
5 surface. Any rough surface, any kind of material would
6 not be suitable for latent fingerprints.

7 Q Okay. So glass is an excellent surface.

8 A Glass would be an excellent surface.

9 Q Okay. Such as mirrors or windows.

10 A Yes.

11 Q All right.

12 MS. TURLINGTON: I have no further
13 questions of this witness.

14 THE COURT: Cross-examination?

15 **CROSS-EXAMINATION**

16 BY MS. DARST:

17 Q Ms. Majors, I understand you said that only two
18 of the lifts were identifiable.

19 A No, ma'am. Two of the lifts were fingerprints.
20 The other -- I had two prints that were of no value. The
21 rest of the lifts were palm prints.

22 Q And were any of the palm prints compared to the
23 defendant?

24 A Yes, ma'am, they were.

25 Q And they were not his?

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BEA-000518

1 A They were not identified.

2 Q And were any of the palm prints or the
3 fingerprints compared to the victim, the owner of the
4 car?

5 A No, ma'am. I did not have access to the
6 victim's fingerprints.

7 Q What about her family?

8 A No family.

9 Q Or the people that towed her car?

10 A I did not have access to anyone else's prints.

11 Q Or any of the investigating officers?

12 A I have no investigating officers.

13 Q And would there be any value or reason to
14 compare these prints to those people?

15 A If I had access to their fingerprints, I would
16 normally compare their prints trying to eliminate or
17 identifying any latent fingerprints that I have.

18 Q But since it is Ms. [REDACTED]'s car, her
19 fingerprints being on it is of no value.

20 A Well, it would be an identification but no
21 value as far as a suspect.

22 Q The same thing with her family and the
23 investigating officers, everything like that?

24 A That is true.

25 Q Okay. And is it unusual for no prints to be

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BEA-000519

1 recovered even though a person has touched an item?

2 A No, it is not unusual at all.

3 Q Could a person touch a suitable surface, glass,
4 any of those things, and still not leave a print?

5 A Yes, ma'am. You can touch an object in such a
6 way as not to leave a print. The object has to be a very
7 smooth surface. Some people do not sweat. I personally
8 have very dry hands, and it would be hard for me to leave
9 an identifiable latent fingerprint. You can touch an
10 object — some people have very oily skin and their
11 fingers could touch an object and slip. And that would
12 render the latent fingerprint as of no value.

13 You can touch an object, lift up your hand,
14 turn around and pick it up again, and what you're doing
15 is putting a latent print over the top of another latent
16 print which would render all of those latents of no
17 value. You would not be able to identify any of them.

18 Q Are there many weather or atmospheric
19 conditions, do those impact the ability of a print to be
20 recovered?

21 A Of course. Anytime if you've got a rainy
22 condition and the object is wet, it's going to be very
23 hard: you're going to have to dry it out to see. It's
24 going to be almost impossible to get a latent fingerprint
25 off of an object that's wet. Anything that sets out in

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BEA-000520

1 the hot or in an extremely heated room would dry out the
2 perspiration. the moisture in the latent fingerprint and
3 it's going to be very hard to get an identifiable latent
4 fingerprint.

5 Q And all of these conditions are why individuals
6 who touch a suitable surface and still no print be
7 recovered.

8 A That is one of the reasons, yes, ma'am.

9 Q Well, I mean all of those reasons.

10 A Yes.

11 Q Weather, obliteration, moisture, lack of oils
12 in the hands --

13 A Right, yes, ma'am.

14 MS. DARST: I have nothing further.

15 MS. TURLINGTON: Just a couple of
16 questions, Your Honor.

17 **REDIRECT EXAMINATION**

18 BY MS. TURLINGTON:

19 Q You said it is not unusual for a person not to
20 leave fingerprints. On the other hand, it is not unusual
21 for a person to leave a fingerprint when they touch a
22 suitable surface; correct?

23 A It could work both ways. Yes, ma'am.

24 Q And, Ms. Majors, I believe you said heat could
25 affect fingerprints.

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1 A I'm sorry? Heat?

2 Q Heat --- how hot --- a hot environment can affect
3 the fingerprints.

4 A Oh, yes, ma'am. It could evaporate or if it's
5 hot your hand's not going to touch that object very long.
6 And the heat would have a tendency to evaporate the
7 moisture in the fingerprint.

8 Q All right.

9 MS. TURLINGTON: I have nothing further.

10 MS. DARST: Nothing further.

11 THE COURT: May this witness be excused?

12 MS. TURLINGTON: Yes, Your Honor.

13 MS. DARST: Yes, Your Honor.

14 THE COURT: Thank you, ma'am. You may be
15 excused.

16 [Witness left the witness stand.]

17 THE COURT: Call your next witness,
18 please.

19 MS. TURLINGTON: Your Honor, at this time
20 the Defense will rest.

21 THE COURT: Well, we're going to go to
22 lunch early today. And the lawyers and I have some
23 --- is there anything further that we ---

24 MS. TURLINGTON: Yes.

25 THE COURT: We'll be right with you.

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