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JOAN FAUNCE, introduced on behalf of the Commonwealth, after being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. PRESTON:

MR. PRESTON: Your Honor, I believe Mr. Maclin and I have agreed to stipulate that she is an expert analysis person.

Q Would you state, first of all, your full name to the ladies and gentlemen of the jury?

A My name is Joan Faunce.

Q And what is your occupation?

A I'm a forensic scientist.

Q And where are you employed?

A I'm employed by the Division of Consolidated Laboratories Services, Bureau of Forensic Science, in Richmond.

Q And how long have you been so employed?

A Since 1973.

Q Nineteen seventy-three.

1 MR. PRESTON: Your Honor, I believe we can  
2 now stipulate that she is a qualified forensic  
3 scientist.

4 THE COURT: In what area of expertise,  
5 Mr. Preston?

6 Q What is your area of expertise, Dr. Faunce?

7 A Forensic serology.

8 MR. PRESTON: Forensic serology.

9 MR. MACLIN: Judge, I've heard her qualifi-  
10 cations before. I would stipulate that she is an  
11 expert.

12 THE COURT: All right.

13 Q Mrs. Faunce, did you have an occasion that  
14 you received certain items from Dr. Marcella Fierro involving  
15 one [REDACTED]?

16 A Yes, I did.

17 Q And did you have an occasion to analyze  
18 her blood and would you tell the ladies and gentlemen of the  
19 jury what you did with those items?

20 A I was given certain known samples from her,  
21 amongst them a sample of blood, and I was given swabs and  
22 smears of various portions of her body, including the oral  
23 cavity, the vagina, the abdominal swabs. I was also given a  
24 towel labeled "peri-anal wipings." I was given swabs of

1     apparent blood from the body surface and known head and pubic  
2     hair exemplars, public combings, nail clippings from her hands,  
3     fibers collected from the left shoulder, left axilla and  
4     abdomen. These are the items that I received from Dr. Fierro  
5     that were collected from the body of the decedent.

6             Q             And would you tell what, if anything, you  
7     found on those items with regard to any semen being found or  
8     (pause) -- on the victim?

9             A             Yes. I examined all the swabs and smears  
10    for the presence of semen. Semen is the male ejaculate con-  
11    taining the male reproductive cell, the spermatozoon. I iden-  
12    tified spermatozoa on the vaginal swabs and smear, on the anal  
13    smear, and on the peri-anal wipings. I typed the secretions  
14    and compared them with known secretion types of the victim and  
15    the accused.

16            Q            Okay. And at some point in time, did you  
17    have an occasion to have items submitted to you by Officer  
18    Redden of the Petersburg Bureau of Police involving the defend-  
19    ant, Ronald Hoke?

20            A            Yes, I did.

21            Q            Would you tell the ladies and gentlemen of  
22    the jury exactly what you did receive from Officer Redden?

23            A            From Officer Redden, I received cigarette  
24    butts from an ashtray in the kitchen, --

1 Q This is of the victim's house?

2 A I don't know.

3 Q Yes. Go ahead.

4 A Cigarette butt from the ashtray. I  
5 received a total of (pause) several cigarette butts from the  
6 ashtray in the kitchen and in the living room-kitchen ashtray  
7 and I received blue jeans from the suspect. I later received  
8 from Officer Redden standard samples from Ronald Hoke which  
9 included blood, a blood sample, ~~saturated saliva swabs~~, and  
10 head and pubic hair samples from the defendant.

11 Q And were you able to determine if any of  
12 the items that were submitted to you by Officer Redden were  
13 from the defendant, Ronald Hoke, and could you tell the ladies  
14 and gentlemen of the jury how you would have arrived at that  
15 conclusion?

16 A I typed the secretions on the cigarette  
17 butts and found that the secretions on the Kool cigarette butt  
18 and on the cigarette butt of unknown brand were both Type O.  
19 The defendant, Ronald Hoke, is a Type O secretor, according to  
20 my typing test.

21 Q Okay.

22 A The decedent's blood type is Type B. I was  
23 unable to determine secretor status from her blood.

24 Q Okay. What about the semen that was

1 found, were you able to match the semen found on the victim  
2 that of (pause) -- matching the type of secretor that the  
3 defendant, Ronald Hoke, would be?

4 A. In addition to samples that were submitte  
5 by Dr. Fierro, samples that were from the body of the deces  
6 there were also samples of bedding and so forth submitted.  
7 These included a bedspread and a bottom sheet and a top shee  
8 And on the bedding, I identified through extraction procedur  
9 and microscopic examination I identified spermatozoa on stai  
10 on the sheet and on the bedspread. I typed all of these sta  
11 in which I found semen. In the case of the peri-anal wiping  
12 swabs, I determined that the PGM Type was 1+1-, consistent  
13 with the victim's own PGM Type. In the case of stains on th  
14 bedspread, I determined that there was a PGM 2+1+, Peptidase  
15 and that's consistent with the blood of the defendant, Ronal  
16 Hoke.

17 Q. So I guess for simplification purposes,  
18 the sheet -- the semen found on the sheets and bedspread  
19 matched the defendant's blood type?

20 A. That's correct.

21 Q. That's correct. And what is the probabili  
22 ty of that being someone else's blood type based on your  
23 analysis?

24 A. That particular combination, the PGM Type

1 2+1+ occurs in approximately one person out of five, 20% of  
2 the population. Peptidase A1 occurs in most people, well over  
3 90% of the population. So the combination there would give  
4 you approximately 18% of the population.

5 Q Okay. Now, I have here -- . Can you have  
6 identify what the Commonwealth has not had marked previously  
7 for identification? Do you recognize those reports?

8 A Yes, I do.

9 Q And can you tell the ladies and gentlemen  
10 of the jury if, in fact, you prepared those?

11 A Yes, I did prepare both of these reports.

12 Q And could you tell them basically what  
13 those reports contain?

14 A Those reports contain basically what I have  
15 just stated in addition to some other findings.

16 MR. PRESTON: Thank you. The Commonwealth  
17 would move to have these introduced into evidence.  
18 I believe they'd be Commonwealth's Exhibits Numbers  
19 13 and 14. (Discusses numbering with the Clerk)

20 THE COURT: Has Mr. Maclin had a chance to  
21 see them?

22 MR. PRESTON: He does have copies of them,  
23 Your Honor.

24 MR. MACLIN: (pause) Judge, I've seen them.

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THE COURT: Any objections to them?

MR. MACLIN: No, Your Honor.

THE COURT: All right.

EXHIBITS: Commonwealth's  
Exhibits 11 and 12, two reports made by  
Joan Faunce, Forensic Scientist.

Q Mrs. Faunce, were there any other significant findings that you made after having the various findings of evidence submitted to you?

A There was another item of evidence that was submitted that wasn't mentioned that may be of some significance and that was submitted by Detective Tom Lauter. (pause)

Q All right, go ahead and tell the jury what it is.

A That item of evidence consisted of a kitchen knife. There was blood (pause) -- there were stains on both

1 sides of the blade of the knife. I combined the stains and  
2 typed the stains in all systems that I typed the known samples  
3 in and found that in six or seven separate systems, it was  
4 consistent with the victim's blood type and different from  
5 that of the accused.

6 MR. PRESTON: I have no further questions  
7 of this witness, Your Honor, at this time. Answer  
8 any questions that Mr. Maclin or the Court might  
9 have.

10  
11 CROSS EXAMINATION

12 BY MR. MACLIN:

13 Q Mrs. Faunce, I believe you testified that  
14 ~~spermatozoa found on the two bed sheets and the bedspread~~  
15 matched that of Mr. Hoke and which you estimate it is approxi-  
16 ~~mately 18% of the population and that --~~

17 A Ahh, I -- I stated, I believe, there was  
18 one stain that I was suc -- only -- only one stain that I was  
19 able to type successfully in the PGM and PGM Subtyping System  
20 and in the Peptidase A System. That stain did match the PGM,  
21 PGM Subtype, and Peptidase A Types of the accused --

22 Q So there was one stain on each of the --  
23 each of --

24 A One stain on the bedspread. I identified--

1 I identified spermatozoa on a stain on the sheet. I was not  
2 successful in typing that stain. And I identified spermatozoa  
3 in two stains on the bedspread and I was successful in typing  
4 in the PGM and Peptidase A System this stain, one of these two  
5 stains.

6 Q So which sheet was it that you identified  
7 the stain on the bottom of?

8 A That was the bottom sheet.

9 Q Could you identify the stain on the top  
10 sheet?

11 A I did not find any seminal fluid on the  
12 top sheet.

13 Q Were there any other seminal fluid stains  
14 on either one of the bedspread or the bottom sheet?

15 A Well, I have mentioned two seminal -- two  
16 stains on which I identified spermatozoa. I may have gotten  
17 (pause) -- let me refer to my (pause to go through papers) -- .  
18 Spermatozoa were identified in extracts of two oily, yellowish  
19 stains near the massive blood stain on the bedspread. Results  
20 of chemical tests on another oily stain near the top end of the  
21 bedspread indicated the possible presence of seminal fluid.  
22 And in my next report, I identified spermatozoa in that second  
23 stain and I went ahead and typed those two stains, (pause) or --

24 Q So there was basically one --

1 A -- attempted to type those two stains.

2 Q -- stain on one sheet that you couldn't  
3 type, is that correct?

4 A One stain on the sheet I was unable to get  
5 successful secretion typing results primarily due to the oily  
6 nature of the contaminants that were in the stain, and one  
7 stain on the bedspread and which I was able to type, (pause)  
8 to get a type.

9 Q Now, did you find any evidence of sperma-  
10 tozoa on the anal ring?

11 A On the anal what?

12 Q Anal (pause) -- in the anal area.

13 A I did. I found -- I identified spermatozoa  
14 on the anal swabs from the victim and on the peri-anal wipings  
15 from the victim.

16 Q Could those be linked to Mr. Hoke?

17 A I was unable to get secretion typing re-  
18 sults in the ABO System; the PGM System was consistent with  
19 that of the victim's own type, which would (pause) -- is also  
20 consistent with a mixture of her type with insufficient seminal  
21 fluid to contribute to type. (pause) In other words, her own  
22 va -- her own secretions could give me that type, and if there  
23 is seminal fluid present, which I did identify, it's feasible  
24 that it is there in insufficient quantity to contribute to type.

1 Q Was there any evidence of secretions b  
2 another person?

3 A No.

4 Q From your evidence, could you tell us  
5 she'd been raped?

6 MR. PRESTON: Objection, Your Honor.  
7 That's a pure conclusion of law.

8 THE COURT: A conclusion, exactly, on  
9 part of the jury. The objection's sustained.

10 MR. MACLIN: I withdraw the question.  
11 No further questions.

12  
13 REDIRECT EXAMINATION

14 BY MR. PRESTON:

15 Q Mrs. Faunce, I just have one or two mor  
16 questions. You said there was some other oily substance pr  
17 ent. Were you able to identify what that was?

18 A On many of these items of evidence, the  
19 stains on the bedding or the bedspread and both sheets and  
20 many of the swabs, notably the anal swabs and, also, I beli  
21 the oil swabs, there was evidence of a heavy, oily substanc  
22 a rather solidified oil-type substance, which made my typin  
23 test difficult and my extraction procedures difficult, but  
24 was successful to some extent.

1 Q Could you tell the jury what that oily  
2 substance was? Do you know?

3 A I did not identify it but it was consistent  
4 with a harder type oil, not a liquid oil but something like  
5 margarine, butter, that type of thing.

6 MR. PRESTON: Thank you very much, Mrs.  
7 Faunce. I have no further questions of this witness.

8  
9 RECROSS EXAMINATION

10 BY MR. MACLIN:

11 Q Mrs. Faunce, you're saying that you didn't  
12 type it but it could have been the same as margarine or butter,  
13 is that correct?

14 A I didn't say I didn't type it. I didn't  
15 identify it. I'm not an expert in that area.

16 MR. MACLIN: Oh, I see. Thank you.

17 No further questions. (long pause)

18 MRS. FAUNCE: Am I excused?

19 MR. PRESTON: Yes, you are. Any reason to  
20 hold her, Mr. Maclin?

21 MR. MACLIN: (Indicates no)

22 MR. PRESTON: You're excused. What about  
23 Dr. Fierro? Any reason to hold Dr. Fierro?

24 MR. MACLIN: (Indicates no)