

1                    IN THE MISSOURI COURT OF APPEALS

**FILED**  
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2                    EASTERN DISTRICT

**RONALD N. BELLAMY**  
CLERK, MISSOURI COURT OF APPEALS  
EASTERN DISTRICT

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4 STATE OF MISSOURI,                    )

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Cause No. 811-01886

-vs-

DONALD LEE TATE,

Appeal No. 45406

Appellant. )

Division No. 17

TRANSCRIPT ON APPEAL

VOLUME II

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Courtesy of  
MISSOURI STATE ARCHIVES  
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1 A Yes.

2 Q Would you read them off?

3 A Yes. The first is air, a-i-r, dried cotton swabs;  
4 two sets from the affected area and since the affected area  
5 was the vagina in this case, take the cotton swab and collect  
6 the specimen on that swab. The next one is dry, unstained  
7 slides, which come from the body. In other words, you take  
8 the cotton swab, smear it on the slide and you let it dry.  
9 Fibers from the patient's body; there was nothing there. I  
10 have not checked that.

11 Combing from the patient's head in which you do  
12 comb through the patient's hair and take any loose hairs that  
13 you get out, and include those. Combing from the pubic area  
14 and you do the same thing there, extracting any loose hair from  
15 the pubic area and then six to eight samples pulled from the  
16 pubic area and that's of hair. Again, you actually just  
17 pull out hair of the pubic area itself; and twelve strands  
18 of patient's head hair pulled from different regions of the  
19 head, and I checked that.

20 Then I took a saliva sample. You put a cotton cloth  
21 in the patient's mouth and collect saliva, and that's air-dried  
22 and you include that and all of these that I'm telling you  
23 about. I took four drops of the patient's blood dried on cotton  
24 cloth. Again, we just pricked the finger and let them bleed  
25 and collect it on the cotton cloth, and the only other thing

1 is the clothing of the victim, and usually we would mark that  
2 and what I have written here is that patient came in housecoat  
3 and she wasn't seen by me before disrobing. Then my signature  
4 and again my title.

5 Q Okay. Doctor, all of those different samples that  
6 you collect, you collect at the instructions or the request of  
7 the St. Louis Police Department, is that correct?

8 A That's absolutely true.

9 Q And the samples are in fact turned over to the St.  
10 Louis Police, is that right?

11 A That's right.

12 Q And that goes to the police lab?

13 A Yes, that's right.

14 Q Now, doctor, looking at the samples that are contained  
15 in State's Exhibit 11, I'm going to direct your attention to  
16 the exhibit marked State's Exhibit 11G. Okay? Can you identi-  
17 fy that?

18 A I can't from the outside. Well, I can. Dr. S. S.,  
19 which is me, Susan Smith. It has [REDACTED] name on it.  
20 I presume they're the samples that I collected, but I can't  
21 see inside that.

22 Q Okay. Doctor, I would like you to tell the Court and  
23 jury if there is anything inside that kit?

24 A These are microscope slides. What happens is that  
25 there is a part of the slide you can write on in pencil and this

1 is my writing in pencil which says to my knowledge it certainly  
2 looks like nobody's writing that I know of and it says [REDACTED]  
3 [REDACTED] 1/22/81, and I put my initials, S. S., and a slash,  
4 vagina, and the same on the other side.

5 Q Now, after you collected that sample, did you have  
6 occasion that evening to look at these samples under a micro-  
7 scope?

8 A Yes, I did.

9 Q Now, what if anything would you be looking for when  
10 you looked under a microscope at those slides that evening?

11 A These slides reflected that process that I described  
12 briefly of taking a cotton swab and swabbing the vagina and  
13 then smearing them on the slide, and then the process is taken  
14 up to the microscope and looking for the presence of sperm  
15 and the attempt is to establish that there is sperm present in  
16 the vagina.

17 Q Did you do that that evening? A Yes.

18 Q Or early morning hours? A Yes.

19 Q And were you able to do that right in the emergency  
20 room?

21 A No, I wasn't.

22 Q What did you have to do?

23 A We don't have a microscope in our emergency room.

24 Usually, I'm the only doctor when I'm working there. When I  
25 was working there, I'd be the only doctor there; I don't know

1 if I was that night. I think one of my colleagues helped with  
2 the stitching on this patient, but for the most part all the  
3 responsibilities in that emergency room are mine and mine alone.  
4 So every emergency that comes I need to take care of. What I  
5 have to do in order to look at those microscope slides is take  
6 them to the fourth floor to the laboratory department and  
7 look under the microscope at the slide at that time.

8 Q And did you do that? A Yes, I did.

9 Q Now, do you recall what type of microscope you looked  
10 at -- the slides at?

11 A Well, I don't know the brand name. What I can tell  
12 you is that because -- I guess security reasons and because  
13 the laboratory is unlocked and the lab people go home at night  
14 with the exception of just one or two left to do specific tasks,  
15 they lock up the better microscopes and the only ones I'm left  
16 with are the ones which are really less adequate. So, they  
17 aren't very good in quality.

18 Q And did you look at those slides under the less ade-  
19 quate microscopes that morning?

20 A Yes, I did.

21 Q And you were looking for sperm, is that correct?

22 A Yes.

23 Q And did you see sperm on those slides that morning?

24 A Well, I wouldn't remember from my memory, but having  
25 looked at the record --

1 Q Let me show you your report and this would be on  
2 page 10 of the report. Did you indicate whether or not you  
3 found sperm?

4 A Yes, I did, and it shows that I didn't see any at  
5 that time.

6 Q Now, the kit was conveyed to the police officers, is  
7 that correct?

8 A That's right.

9 Q And that slide sample was sent and the kit to the  
10 police lab, correct?

11 A Yes.

12 Q Did you receive a phone call directing you to please  
13 go to the police lab sometime after that date?

14 A Yes, I did.

15 Q And did you do that? A Yes, I did.

16 Q And when you got there did you see the same slides  
17 marked State's Exhibit 11G?

18 A Well, I don't remember about the outside of it or  
19 whether they were marked, but what I do remember -- Oh, yeah,  
20 they said it says here that the seal was broken for reviewing  
21 by Dr. Smith, but what I remember, in particular, which would  
22 remind me that is that I remember looking at these slides and  
23 again, recognizing my own handwriting on the slides. So there  
24 is no question that I reviewed on October 17th -- 19 at the  
25 police lab.

1 Q And did you in fact -- you did look at those slides  
2 under a different powered microscope, is that correct?

3 A I don't know if it was different power or not, but I  
4 did finally get it in focus. One thing I'd like to say, when  
5 we looked at these slides -- what I tried to describe is the  
6 pressure that a physician feels when they're in an emergency  
7 room and every patient that comes in is someone that I need to  
8 take care of myself. So, what happens is when I have to go to  
9 the fourth floor to spend time looking in the laboratory's  
10 microscope, is that I'm not going to spend very much time there.  
11 So, there are times and I don't remember if it was this night  
12 or not, but here have been times when I couldn't even get the  
13 specimens into focus. So, certainly, that would constitute  
14 inadequate exam if that were the case.

15 Now, the microscope that I looked at in the police  
16 crime lab frankly it has a focusing problem too. It really  
17 does. They told me themselves. However, finally I got it into  
18 focus. I had to spend a great deal of time doing this and at  
19 that time there was no question. There were many sperm present  
20 on the slide.

21 Q So, in other words, you have to at this time state  
22 that although you did not see sperm the night of the incident,  
23 that you looked at the same slides at a later date and you  
24 clearly see many sperms, is that correct?

25 A That's absolutely -- they were the same slides.

1           MISS RAKER: I don't have any further questions. Thank  
2 you, ma'am.

3 CROSS-EXAMINATION BY MR. PUTZEL:

4           Q     Dr. Smith, you testified that time you have to spend  
5 looking through a microscope on the fourth floor is obviously  
6 time away from the patient who needs your attention. In this  
7 case, you have indicated that when you used the microscope in  
8 the hospital and when you used the one at the police lab, you're  
9 not certain that in fact the one at the police lab was any  
10 higher power, but that you were able to get it focused. Now,  
11 as a physician with scientific training at the hospital on  
12 January the 22nd, it had simply been a matter of your not being  
13 able to get the microscope focused. Would you not, rather than  
14 writing, "No sperm," would you have simply written, "Unable to  
15 determine?" Would you do that if you're not sure?

16           A     Well, I can't say for sure that's what I would have  
17 written.

18           Q     What do you think -- have you had that situation come  
19 up before where you could not get a focus and therefore, could  
20 not draw a legitimate scientific conclusion as to whether or  
21 not there was a certain organism present?

22           A     Yes, I have, and I have not always marked that. That  
23 exam what I would like to mark all the time is that the examina-  
24 tion was inadequate. However, if I have ten patients waiting  
25 for me and they're all screaming bloody murder, I might not

1 take the time to write it down. In this case, all I had to do  
2 is make a check mark that I didn't see any sperm and that's  
3 exactly what I did.

4 Q So, in the case of the medical records which I have  
5 prepared here -- well, if I may, the report or the form that  
6 they asked you to use indicates sperm present rather than sperm  
7 seen, and you indicate, "No."

8 A Well, let me advise the police department that their  
9 form is inadequate because no one can say whether sperm is  
10 present. All you say is whether you saw them or not; and I  
11 did not see them that night.

12 THE COURT: I don't understand that.

13 Q (By Mr. Putzel) Do you know whether or not -- is the  
14 power of the microscope -- let me ask you this. Is the micro-  
15 scope that you used that evening at the hospital, is it adequate  
16 to see sperm when it's working or when you can get it focused?  
17 In other words, have you seen sperm through that microscope  
18 before?

19 A Frankly, I don't know if I ever had, but it would be  
20 adequate to see them because sperm are actually very large and  
21 it doesn't take a high power to see them.

22 Q Okay. --

23 A Excuse me, Your Honor. You mentioned you didn't under-  
24 stand something. Did you want me to clarify it for you?

25 THE COURT: No.

1 Q (By Mr. Putzel) Doctor, in the course of your examina-  
2 tion of [REDACTED] obviously you did a vaginal examination.  
3 Is it also a part of your examination that when you do that  
4 examination you observe whether there is any external or inter-  
5 nal trauma that you're able to observe? In this case, if you  
6 need to review you can. If you already reviewed your notes,  
7 do you recall if there is any vaginal trauma of any sort, any  
8 tearing or bleeding of any sort?

9 A There were no vaginal trauma seen.

10 Q What is the purpose in examining for vaginal trauma?

11 A Pardon me?

12 Q What is the purpose for examining for vaginal trauma  
13 in a rape or sodomy case?

14 A Well, the purpose is, I suppose, to see was the patient  
15 in any way torn or traumatized to that area. I can't. Beyond  
16 that, it's for somebody else to determine after that. All I'm  
17 doing is making the appropriate observations, and we try to  
18 make those observations which the police department has instructed  
19 us they might be helpful to them.

20 Q Last question, Dr. Smith. The information that you  
21 provided with respect to the circumstances of the incident is  
22 obviously just to clarify the record. Not based on any personal  
23 observation by you, but is based on what you're told by the  
24 patient?

25 A Excuse me, I didn't understand what you were saying.

1 Q The history of the incident which leads to your examin-  
2 ation is not based on your personal observation but on what  
3 the patient tells you?

4 A Absolutely.

5 Q Except for whatever physical damage?

6 A You have to understand there is two parts what I write  
7 in the record. One is the subjective component and that's the  
8 description of what the patient tells you is wrong with them  
9 or what happened to them. In a case of a belly ache is the  
10 complaint of the patient complaining of a belly ache and then  
11 we go ahead and examine the patient.

12 MR. PUTZEL: Thank you, doctor. No further.

13 MISS RAKER: I have no further questions.

14 THE COURT: Thank you, doctor. You're excused.

15 MISS RAKER: The state will call Clarence Gibson.

16 CLARENCE GIBSON,

17  
18 DIRECT EXAMINATION BY MISS RAKER:

19 Q Will you state your name? A Clarence Gibson.

20 Q Mr. Gibson, are you -- were you at one time employed  
21 by the St. Louis School District?

22 A Right.

23 Q A bus driver, is that correct?

24 A Yes.

25 Q And when you were working there, did you meet a woman

1 MISS RAKER: Your Honor, the next witness will be  
2 criminalist, Joseph Crow. I believe that he's on his way over  
3 from the laboratory right now. I suggest that we all pause for  
4 a few moments while he gets here.

5 THE COURT: Let's be at ease for about ten minutes.  
6 Do you think that will be enough time?

7 MISS RAKER: I think it shall be more than enough  
8 time,

9 THE COURT: All right. We'll be in recess for ten  
10 minutes. The jury may remain in the box or walk outside. Just  
11 remember my previous instructions. The Court will be in  
12 recess.

13 (In recess at 2:39 p.m.)

14 JOSEPH CROW,  
15 being sworn by the Deputy Clerk, testified as follows:

16 DIRECT EXAMINATION BY MISS RAKER:

17 Q Will you please state your name?

18 A Joseph Crow.

19 Q What's your occupation?

20 A Criminalist.

21 Q What is a criminalist?

22 A A criminalist is a person who receives evidence from  
23 law enforcement officers to perform appropriate tests on the  
24 evidence received, writes reports concerning the evidence re-  
25 ceived and the result of the test performed, and testifies in

1 Court concerning the evidence received, the test performed and  
2 the results.

3 Q And where are you employed?

4 A St. Louis Metropolitan Police Department.

5 Q And how long have you been employed with the St.  
6 Louis Police Department?

7 A Seven years.

8 Q Seven years? A Yes.

9 Q During the entire time have you been employed as a  
10 criminalist?

11 A Yes, I have.

12 Q And what training did you receive to become a  
13 criminalist?

14 A I have a degree in chemistry from the University of  
15 Columbia University. I went through a six-month training per-  
16 iod in the criminalist particulars with the United States Army  
17 and attended graduate courses at Northeast Missouri State  
18 University, Southeast Missouri State University and University  
19 of Virginia.

20 Q Among the type of evidence that you receive occas-  
21 sionally, do you receive clothing that is involved in assault  
22 or other types of crimes?

23 A Yes, I do.

24 Q And when you receive this clothing what type of  
25 evidence are you looking for when you examine it?

1 A It's according to the offense that was supposed to  
2 have occurred.

3 Q In an offense that would be a rape and assault, what  
4 type of tests would you perform?

5 A On the rape portion of the examination we would be  
6 looking for the presence of human seminal fluid on the assault  
7 portion of the case. We would be looking for blood, maybe  
8 rips or tears in the clothing that would indicate some kind of  
9 force was used.

10 Q I'm going to show you an item that's been marked as  
11 State's Exhibit 14, and ask you whether you recall, whether  
12 you can identify that exhibit?

13 A Yes, I can.

14 Q What is it.

15 A It's a Metropolitan Police City of St. Louis Evidence  
16 Bag, and it states on here that the contents is a rag blind-  
17 fold.

18 Q Would you open that exhibit? Mr. Crow, have you seen  
19 that exhibit before? Can you tell either from the bag or from  
20 the scarf?

21 A Yes, I have.

22 Q And how can you tell?

23 A There is a Metropolitan Police City of St. Louis  
24 Evidence Tag stapled to the scarf with my initials on it.

25 Q And when you received that evidence kit containing

1 that scarf, what, if any tests did you perform on that scarf?  
2 A I don't recall right off.  
3 Q Okay. Did you bring any police reports with you?  
4 A Yes, I did.  
5 Q Would you like to look at your reports to refresh  
6 your recollection?  
7 A Yes.  
8 Q I'm going to show you what's been marked State's  
9 Exhibit 13B. Can you identify that document?  
10 A Yes, I can.  
11 Q What is it?  
12 A It's a Metropolitan Police City of St. Louis Labora-  
13 tory Report.  
14 Q And who was it prepared by? A Myself.  
15 Q And what does it indicate?  
16 A It indicates that there were many red stains on the  
17 scarf and that they contained blood.  
18 Q Now, looking at that document you identified that  
19 bag, that evidence bag containing that scarf as Q1, is that  
20 correct?  
21 A No, the scarf was Q2.  
22 Q Q2, is that right? A Yes.  
23 Q And you said the analysis of the stain was -- it  
24 appeared to be the presence of human blood?  
25 A Just blood.

1 Q How did you determine it?

2 A We do a visual inspection of the item to see if there  
3 are any stains that appear to be blood. In this case, there  
4 were numerous reddish brown stains. We took a piece of filter  
5 paper, rubbed it across the stain and added a mixture of  
6 phenolthylene and hydrogen peroxide. If a pink color appears  
7 on the filter paper, then the original stain contained blood.

8 Q Okay. Do you recall the results of this test? Did  
9 you perform this test on that item Q2?

10 A Yes, I did.

11 Q And do you recall the results?

12 A The stains were positive for human blood.

13 Q On that same report which would be laboratory number  
14 10151-1, State's Exhibit 12B, I'm sorry, 13B. There is a  
15 specimen that you have indicated as Q1, is that correct?

16 A Yes, there is.

17 Q And what is that? A That was a robe.

18 Q I'm going to show you what's been marked as State's  
19 Exhibit 10, and ask you whether you can identify that item?

20 A Yes, I can.

21 Q What is it?

22 A It's a red robe.

23 Q Can you tell whether that's the same red robe that's  
24 referred to in Q1 on State's Exhibit 13B?

25 A Yes, it is.

1 Q How?

2 A There is a Metropolitan Police Laboratory sticker  
3 stapled to the robe and it is marked Laboratory No. 101518-1,  
4 Specimen Q1, and according to the laboratory report, it is  
5 Laboratory Report No. 101518-1, Q1, and Q1 is the robe.

6 Q What test, if any, did you perform on that robe once  
7 you received custody of it, Mr. Crow?

8 A I did a visual inspection to see if there are any  
9 stains. There were two stains, one in the back and one along  
10 the hem. The stains appeared that they may have been human  
11 seminal blood. I then performed an enzyme test to determine  
12 if the stains contained human seminal fluid.

13 Q Mr. Crow, what is human seminal fluid?

14 A That is the ejaculate that a male produces during  
15 intercourse.

16 Q And what does this fluid contain?

17 A It contains human spermatozoa. It contains water.  
18 It contains numerous chemicals. It also contains in approxi-  
19 mately eighty percent of the people.

20 Q Let's take those different things that in contains  
21 one at a time so that we understand what it is that you look  
22 for when you prepare your various tests. You said in contained  
23 water. That meaning we all know what water is?

24 A Yes.

25 Q In addition to water it contained human spermatozoa,

1 is that correct?

2 A Yes, it is.

3 Q Does the human spermatozoa -- what is human sperma-  
4 tozoa?

5 A That is the male equivalent of the female egg, and  
6 it is that item in human seminal fluid which when it comes in  
7 contact with the human egg that makes the conception of a  
8 human being.

9 Q In addition to water and human spermatozoa, what  
10 else does seminal fluid contain?

11 A It contains in approximately eighty percent of the  
12 people the person's blood antigens of ABO blood type.

13 Q What are the blood antigens of the ABO blood  
14 type? What do you mean by that?

15 A It was found near the turn of the century, that  
16 human beings can be separated by the way their blood reacted  
17 with other human being's blood. A person who discovered this  
18 said that that item in a person's blood that reacts with  
19 another person's blood I will call A. He found that other  
20 people have a thing in their blood that reacts with someone  
21 else's blood also. He decided to call that item B. There-  
22 fore some people are A because their blood reacts with the  
23 item in the person who he first saw. Some people have blood  
24 type B, because their blood reacts with something in the blood  
25 of a person that he checked the second time. Some people have

1 blood that is AB. Their blood reacts with the blood of both  
2 of those persons. Some people are type O and their blood does  
3 not react with anybody else's blood.

4 Q So, in other words, all people or eighty percent of  
5 all people can be characterized as either A, B, AB or O, is  
6 that correct?

7 A Everybody can be separated into one of those four  
8 groups when they're talking about the human blood.

9 Q So, in other words, everybody has either A or B or  
10 AB or O blood?

11 A Yes.

12 Q And there are eighty percent of us in the United  
13 States?

14 A In the world.

15 Q What about the other twenty percent?

16 A The other twenty percent even though they may be A  
17 or B their seminal fluid or their vaginal secretions would  
18 appear to be type O.

19 Q In other words, they would appear as O regardless of  
20 the fact that in addition to the appearance of their seminal  
21 fluid being O, their blood was O or if their blood was even A,  
22 it would still appear as O, is that correct?

23 A Yes.

24 Q Now, how do you determine what blood type a person  
25 is?

1           A     The easiest way is to take a blood sample, put a  
2 drop of blood in a tube marked A, one marked B, one marked O,  
3 Add anti-A to the one marked A, anti-B to the one marked B,  
4 and anti-H to the one marked O. If the person's blood reacts  
5 with anti-A and A, he has blood of type A. If his blood  
6 reacts with anti-B, in the tube marked B, he has blood of  
7 type B. If neither of those twenty-two tubes react and the  
8 tube marked O reacts, the person has type O blood.

9           Q     That's the way to determine that by taking the blood  
10 test, is that correct?

11          A     Yes.

12          Q     But you also said that eighty percent of all people  
13 their blood type can be typed also because it would be contained  
14 or part of it would be contained in their seminal fluid, is  
15 that correct?

16          A     Yes.

17          Q     So for eighty percent of all people you can deter-  
18 mine what their blood type is by checking their seminal fluid?

19          A     Yes.

20          Q     In addition to the blood antigen part that's in the  
21 seminal fluid, plus the human spermatozoa, plus the water, is  
22 there any other element that is contained in human seminal  
23 fluid?

24          A     There is the enzyme seminal acid phosphatase.

25          Q     What are they?

1           A     It is an enzyme that the body uses for at this  
2 time some unknown physiological purpose. The use that the  
3 body makes of it is not known at this time. However, it is  
4 found in large concentrations in human seminal fluid.

5           Q     Now, you stated that you checked these two stains,  
6 that you found on Q1, which would be the robe, State's Exhibit  
7 10, for the presence of seminal fluid, is that correct?

8           A     Yes, it is.

9           Q     And which tests -- what tests did you run on these  
10 stains that you found?

11          A     I performed a test to determine the presence of  
12 seminal acid phosphatase.

13          Q     And describe that test.

14          A     We make a visual inspection of the garment. We  
15 find a stain that might contain human seminal fluid. Take a  
16 piece of filter paper, wet it, place it on the stain. Take  
17 a piece of glass, lay it over the filtered paper and press  
18 down. This forces water into the stain. We then removed the  
19 pressure of the glass. The filter paper reabsorbs the water  
20 and any water soluble items in the stain. We then add a mix-  
21 ture of fast blue b alfa naptha phosphate. If seminal acid  
22 phosphatase is present, it reacts to the alfa naptha phosphate,  
23 and that in return reacts to the fast blue b and the blue color  
24 appears. Consequently, to find a blue color on the filtered  
25 paper after the addition of the chemicals, we know that the

1 original stain contained human seminal fluid.

2 Q Did you perform that test on that robe?

3 A Yes, I did.

4 Q What were the results of your test?

5 A The filter paper turned blue and this indicated to  
6 me that the stains on the robe contained human seminal fluid.

7 Q Your Honor, at this time the State would move for  
8 admission of State's Exhibit 13B into evidence.

9 MR. PUTZEL: I have no objection to the admission of  
10 those portions to which the witness has testified. Again,  
11 the whole report is not necessarily relevant, and for that  
12 reason, although I have no objection to its admission as a  
13 business record, I am not stipulating everything in the report  
14 is relevant. What Mr. Crow has testified to is only relevant.

15 THE COURT: Do you find your offer at this time  
16 to the restrictions imposed by Mr. Putzel?

17 MISS RAKER: My objection to that is that I don't --  
18 other than various numbers such as complaint number, the date  
19 received, I don't think there is anything on this document  
20 that he hasn't testified to, and I would like the jury to be  
21 able to send for the evidence if they so choose.

22 THE COURT: As we stand right now, would you confine  
23 your offer to the items that have been specifically testified  
24 to. 13B, is it?

25 MISS RAKER: Well, Your Honor, what I'm going to do

1 is ask him to read the rest into evidence. So, my offer will  
2 go into everything.

3 THE COURT: Can we take another look at the problem,  
4 Mr. Putzel?

5 (The following proceedings were had out of the hear-  
6 ing of the jury:)

7 THE COURT: What part of it do you object to?

8 MR. PUTZEL: He is not entitled to, in my opinion,  
9 which indicates [REDACTED] victim, Donald Tate, suspected  
10 of rape and robbery, all of which you know, especially rape  
11 and robbery are legal conclusions. This stuff is I suppose  
12 argued with already from testimony given, but in likewise  
13 chain of custody in addition to the issue given the long ex-  
14 planation which Joe Crow has made of the process by which he  
15 had arrived at his conclusions. In this case I don't think  
16 that a jury without the insistence of more than just a bold  
17 statement contained in the report is authorized to have this  
18 in their possession.

19 MISS RAKER: Can I respond?

20 THE COURT: Yeah.

21 MISS RAKER: Your Honor, everybody knows [REDACTED]  
22 [REDACTED] the victim. They don't need it in writing to remem-  
23 ber it. And it being in writing doesn't in any way shape or  
24 form prejudice the defendant. The instructions are going to  
25 contain that. The instructions are also going to contain he's

1 charged with rape and robbery. The instructions are also  
2 going to obtain the date everything he's objected to is in  
3 the instructions chain of custody. How does that prejudice  
4 the defendant?

5 THE COURT: I will accept the report. I'll --

6 MR. PUTZEL: If I may, Judge, add one thing to my  
7 objection. The report is in the nature of a transcript. And,  
8 in fact, it does not accurately transcribe all the things Joe  
9 Crow said in Court today. What's in the report he has testi-  
10 fied to, but it does not include all the other matters which  
11 he testified to which explained how he reached the conclusions.

12 THE COURT: I don't see how ~~that~~ would be at war  
13 with the report as far as it goes. I'm going to overrule the  
14 objection based on that point.

15 (Proceedings returned to open Court.)

16 THE COURT: I'm going to permit the report to be  
17 accepted into evidence with the indication about the limita-  
18 tions if it's passed to the jury or at any time given to the  
19 jury.

20 MISS RAKER: The jury may in fact ask for the docu-  
21 ment.

22 THE COURT: I didn't hear that.

23 MISS RAKER: The jury may ask to see the document,  
24 It's in evidence as far as that.

25 THE COURT: They may ask for any evidence.

1 MISS RAKER: Thank you, Your Honor,

2 Q (By Miss Raker) Mr. Crow, I'm going to hand you  
3 what's been marked State's Exhibit 11, and ask you whether  
4 you can identify that?

5 A Yes, I can.

6 Q What is it?

7 A It's a Metropolitan Police City of St. Louis Sexual  
8 Assault Kit.

9 Q And have you seen that particular kit before?

10 A Yes, I have.

11 Q How do you know?

12 A It has my initials on the back.

13 Q Is there a place on the front where the victim's  
14 name is indicated?

15 A Yes, there is.

16 Q And what's the victim's name in that kit?

17 A [REDACTED].

18 Q Would you open that bag and examine the contents?  
19 Would you for the record and for the jury read the labeling  
20 of the contents of the bag?

21 A Pulled pubic hair, saliva sample, vaginal smear,  
22 saliva sample, pubic combing, head combings, vaginal swabs,  
23 pulled head hair.

24 Q Now, I'd like to direct your attention to State's  
25 Exhibit 13C which is laboratory report No. 101518, and ask you

1 can identify this document?

2 A Yes, I can.

3 Q What is it?

4 A It's a Metropolitan Police City of St. Louis Labora-  
5 tory Report.

6 Q Who prepared this?

7 A I prepared it.

8 THE COURT: What's that Exhibit No.?

9 MISS RAKER: This would be 13C, Your Honor.

10 THE COURT: 13C?

11 Q (By Miss Raker) And what case was that report  
12 prepared in reference to?

13 A The case in which [REDACTED] was the victim.

14 Q Okay. And after the identifying features of the top  
15 part of the report, there is a large type word stating report  
16 and you have specimens to the left, is that correct?

17 A Yes.

18 Q Would you read what you placed as the specimens?

19 A Speciment Q1, one rape kit containing A, vaginal  
20 smear. B, vaginal swab. C, saliva sample, and D, blood sam-  
21 ple. Also submitted, pulled head hair, pulled pubic hair,  
22 head hair combings, pubic hair combings.

23 Q You concerned yourself with the ones that are vaginal  
24 smear, the vaginal swab, the saliva sample and the blood sample,  
25 is that right?

1 A Yes.

2 Q Why don't we pull those from this. Now, I'm going  
3 to show you what's been marked as State's Exhibit 16, and  
4 ask you whether you can identify that pack.

5 A Yes, I can.

6 Q What is it?

7 A It's a saliva sample.

8 Q And who from? A Peggy Johnson.

9 Q So that would be [REDACTED] saliva sample, is  
10 that correct?

11 A Yes, it is.

12 Q And there is an exhibit marked State's Exhibit 11A  
13 which is also a saliva sample of [REDACTED] is that right?

14 A Yes.

15 Q Was there a problem with that first one?

16 A Yes, there was.

17 Q What was that.

18 A There was nothing in the envelope.

19 Q So, at a later date did you have [REDACTED] come  
20 to your lab and give you this additional sample?

21 A Yes, I did.

22 Q Now, the vaginal smear is identified as State's  
23 Exhibit 11G. Is that the one you're referring to in your re-  
24 port under Q1A?

25 A Yes, it is.

1 Q And in terms of the test that were performed for  
2 the saliva sample, would that be State's Exhibit 16? Would it  
3 be Q1C or actually it would be the other one, but you replaced  
4 it with Q1C, is that correct?

5 A Yes.

6 Q And samples of the vaginal swabs which would be  
7 State's Exhibit 11B, did you use those in any tests?

8 A Yes, I did.

9 Q And in addition I'd like you to look at what's been  
10 marked as State's Exhibit 17, and indicate for the jury what  
11 the exhibit is.

12 A This is a saliva sample that has the name of Donald  
13 Tate on it.

14 Q Now, using those various exhibits that are before  
15 you now, did you perform any tests?

16 A Yes, I did.

17 Q What test did you perform and for what reason?

18 A The first test that I performed was a microscopic  
19 test on the vaginal smears to determine if there was any human  
20 spermatozoa on the smears.

21 Q Okay. You're referring to State's Exhibit 11G, is  
22 that correct?

23 A Yes.

24 Q And contained in this is what? A Two slides.

25 Q Can you identify those slides?

1           A     The one slide has -- both slides have the name of  
2     [REDACTED] on them and one of the slides has a Y that  
3     I placed there.

4           Q     And what does the Y on the slide indicate to you?

5           A     That it was positive.

6           Q     Positive in what sense?

7           A     That there was human spermatozoa on that slide,

8           Q     Okay. And that slide is a sample that was taken  
9     from a vaginal examination of [REDACTED], is that correct?

10          A     I believe so. Yes.

11          Q     Now, Mr. Crow, after you determined that there was  
12     in fact human spermatozoa, what did you do next?

13          A     I wrote a report stating that the vaginal smear was  
14     positive and requested a saliva sample from them.

15          Q     From who?

16          A     The people that were involved in the case.

17          Q     That would be both the defendant, Donald Tate, and  
18     the victim, [REDACTED], is that correct?

19          A     Yes, it is.

20          Q     In fact, the report that has been identified as  
21     State's Exhibit 13C says that it says the examination of the  
22     vaginal smear from specimen Q1 reveals the presence of human  
23     spermatozoa. The vaginal swab would be retained for ABO  
24     type if necessary, is that correct?

25          A     Yes, it is.

1           Q     In referring you to State's Exhibit 13A, I'd like  
2 you to look at this document. Your Honor, at this time the  
3 State will move for admission of State's Exhibit 13C which was  
4 the report that Mr. Crow read from, that I read from.

5           MR. PUTZEL: I would, unless the deems necessary  
6 to come to the bench, I have no objection to the admission as  
7 a business record. However, again, on the grounds that not  
8 all of the information contained in the report is in evidence  
9 through Mr. Crow, and on the ground in fact some portions of  
10 the evidence are hearsay as to Mr. Crow, I would object to its  
11 admission for all purposes.

12          THE COURT: Yes. I'm going to limit the admission,  
13 Miss Raker to those items from that have been specifically  
14 testified to with the understanding also that Mr. Putzel has  
15 stipulated that the report is a business record.

16          MISS RAKER: Okay. It will be the same limitations  
17 then that we discussed at the bench.

18          THE COURT: Less than the more than the same, because  
19 the other report be restricted merely to covering two items.

20          MISS RAKER: Okay. Now, at this time, Your Honor,  
21 the State would move for admission of State's Exhibit 16 which  
22 is the saliva sample from [REDACTED], and State's Exhibit  
23 17 which is the saliva sample from Donald Tate, the defendant.

24          MR. PUTZEL: I have no objection to the admission  
25 of the saliva sample from my client, Your Honor. I would

1 just like to be able to ask a question about Mrs. [REDACTED]  
2 saliva sample.

3 THE COURT: Do that in cross, and we'll hold the  
4 ruling until that.

5 All right. That will be admitted then.

6 Q (By Miss Raker) Mr. Crow, have you had a chance to  
7 look at State's Exhibit 13A?

8 A Yes, I have.

9 Q What is it?

10 A It's a Metropolitan Police City of St. Louis labora-  
11 tory report.

12 Q And who prepared this report? A I did.

13 Q Starting from where you indicated specimens used  
14 in preparing this report, will you please read?

15 A Specimen Q1: One bag containing B vaginal swab  
16 from laboratory report number 101518. Q1: One bag containing  
17 one rope from laboratory number 10151A-1. Q1: One saliva  
18 sample from suspect Tate. K2: One blood sample and one sali-  
19 va sample from victim [REDACTED].

20 Q Okay. The vaginal swab that you used and that you  
21 identified as Q1, would be State's Exhibit 11B, is that  
22 correct?

23 A Yes.

24 Q So you used State's Exhibit 11B, State's Exhibit 10  
25 and State's Exhibit 16, is that correct?

1           A     State's Exhibit 10 is the robe, then those were the  
2 ones that I used.

3           Q     Okay. You have down there the results of the exam-  
4 ination, is that correct?

5           A     Yes, I do.

6           Q     Will you first describe the types of tests that you  
7 performed with these specimens?

8           A     I took each of the specimens separately. I cut them  
9 up into three. I took the stains from each of the items, cut  
10 them up into three equal pieces, placed them into test tubes  
11 marked A, B and H. I then added anti-A to the tube marked,  
12 anti-B to the tube marked B, and anti-H to the tube marked H.  
13 I mixed the stain with the antibodies and left them in contact  
14 in the refrigerator overnight. The next morning I took the  
15 liquid off of the stains. I took the liquid from the tube  
16 marked A, placed it on a slide marked A, the liquid from the  
17 tube marked B, placed it on a slide marked B, the liquid from  
18 the marked H, placed it on a slide marked H, and then added  
19 known A cells to the slide marked A, known B cells to the slide  
20 marked B, and known O cells to the slide marked H. I left  
21 these in contact for approximately ten minutes and looked at  
22 the slides under the microscope.

23           Q     What were you trying to determine, Mr. Crow?

24           A     The ABO blood type of the stains.

25           Q     And when you say the stains at this point, are you

1 talking simply about the stains from the robe, Q1 or are you  
2 talking about the ABO blood type of the vaginal swab and the  
3 two saliva samples?

4 A I attempted to do it on all four items.

5 Q Okay. And looking first at the saliva sample of  
6 the defendant, Donald Tate, what if any result did you achieve?

7 A After the test was completed, I found the presence  
8 of the A and the H antigens. This indicated to me that Mr.  
9 Tate is a type A secreter.

10 Q What are antigens?

11 A Antigens are sugars that are found in different  
12 body fluids in the human body.

13 Q When you say you found both A and H antigens, how  
14 did that tell you what blood type the defendant is?

15 A The A antigen by definition makes the person a type  
16 A person.

17 Q What does the H antigens tell you?

18 A That the person is able to secrete his antigens into  
19 his other body fluids and that makes him part of that eighty  
20 percent whose blood type is found in their other body fluids.

21 Q So, in other words, back when we were talking about  
22 this presence of blood antigens and human seminal fluid, you  
23 indicated eighty percent shows and the other twenty percent  
24 who also come out as O, is that correct?

25 A Yes.

1 Q So you identified that eighty percent as H, is that  
2 correct?

3 A Yes.

4 Q So the fact that he was AH then makes him A blood  
5 type and in that eighty percent where the blood type would  
6 show up in their seminal fluid, is that right?

7 A Yes.

8 Q Now, when you say he's a type A secreter, what does  
9 that mean? What is the difference between a secreter and a  
10 non-secreter?

11 A A secreter is a member of that eighty percent of  
12 the population whose blood type is also found in their seminal  
13 fluid or their vaginal secretions or their saliva.

14 Q So then by typing someone as AH, saying that they're  
15 H, you're also saying that they're also in fact a secreter?

16 A Yes.

17 Q Okay. What percentage of the population can be  
18 classified as an A secreter?

19 A Approximately thirty-three percent of the general  
20 United States population are type A secreters.

21 Q I have a placque before you which is State's Exhibit  
22 15. Are you familiar with this placque?

23 A Yes, I am.

24 Q And this placque -- Can you describe this placque?

25 A It is a circle graph in which we try to show the

1 relative abundance of the different blood types in human  
2 body fluids, the approximate percentage of people who are  
3 type A secreter or say people who are an O non-secreter by  
4 the size of the pie that they occupy.

5 Q So in other words, here you have A secreters, 32.4%,  
6 ~~is that~~ correct?

7 A Yes.

8 Q So these would be all of the other options that  
9 the defendant could have fallen into or anyone else in our  
10 population does fall into if you're an O secreter you would be  
11 in the thirty-four percent. If you were in the non-secreter,  
12 twenty percent population, you may be in A non-secreter on  
13 which occasion it's 9.5 etc., is that correct?

14 A Yes.

15 Q So the part of the pie that's separated here at the  
16 bottom, the non-secreters are the H people and they're the  
17 people who their blood type would not show up in their seminal  
18 fluid, is that right?

19 A Yes.

20 Q But everyone else in the pie up here where the OA,  
21 where the AB or B, their blood type would in fact show up in  
22 their seminal fluid, is that right?

23 A Yes.

24 Q And the defendant fell into this upper part category,  
25 is that correct?

1 A Yes.

2 Q And he had A type blood, so he's in the 32.4%, is  
3 that correct?

4 A Yes.

5 Q Did you also type the victim [REDACTED] from her  
6 saliva sample?

7 A I attempted to type her from her saliva.

8 Q Were you successful?

9 A She was a non-secreter. Consequently, we were un-  
10 able to determine her blood type from her saliva.

11 Q So [REDACTED] then falls within that twenty per-  
12 cent down here, is that right?

13 A Yes.

14 Q And she would show up as O, is that right?

15 A Yes.

16 Q So you can't distinguish then from a saliva sample  
17 without taking a blood sample what [REDACTED] blood type  
18 is, is that right?

19 A That's correct.

20 Q Now, did you type the specimens that you took from  
21 the robe, State's Exhibit 10?

22 A I attempted to type the stain on the robe.

23 Q What was the result of that attempt?

24 A There was so much debris, I don't know exactly what  
25 it was. A portion of it though if I recall, were epithelio

1 cells. It made it impossible to type correctly, so I did not  
2 attempt to.

3 Q And were you successful in typing the vaginal swabs  
4 that was the result of the physical examination performed by  
5 Dr. Susan Smith at the hospital at the early morning hours of  
6 January 22nd, 1981?

7 A I attempted to type the vaginal swab that came from  
8 the rape kit on [REDACTED] I don't know what the doctor's  
9 name was or what time she performed the test or what time.

10 Q Were you able to type that swab?

11 A Yes, I was.

12 Q And what was the result of that?

13 A I found the presence of the A and the H antigens,  
14 and that indicated to me that at least a part of the seminal  
15 stain came from a type A secreter.

16 Q In other words, the slides that came from the rape  
17 kit from [REDACTED] examination at the hospital contained  
18 the same type of seminal fluid, that would be AH or A secreter  
19 as the defendant has as well, is that correct?

20 A The vaginal swab was not the slide.

21 Q Okay. The swab is what you tested, is that right?

22 A Yes.

23 Q The slide you only tested for the presence, is that  
24 correct?

25 A I checked the slide for human spermatozoa and the

1 swab for the ABO blood type.

2 Q And the swab is the cotton part of what is used  
3 what goes into the vaginal during the examination and then  
4 that's how the sample is placed on the slide, is that  
5 correct?

6 A Yes.

7 Q So the results of your examination or your conclu-  
8 sion based upon the result --

9 A That the victim had vaginal intercourse with a  
10 type A secreter.

11 Q That would be consistent with the victim and the  
12 defendant having had intercourse, isn't that correct?

13 A Yes, it is.

14 MISS RAKER: No further questions.

15 CROSS-EXAMINATION BY MR. PUTZEL:

16 Q Mr. Crow, were you ever provided with a saliva  
17 sample from Clarence Gibson?

18 A Not to my knowledge.

19 Q Were you ever provided with a saliva sample from  
20 anyone besides Donald Tate, beside from [REDACTED]?

21 A Not to my knowledge.

22 Q Is it fair to say that what your testimony means  
23 as we have it here in Court today, is that Donald Tate is a  
24 type A secreter, right?

25 A Yes.

1 Q The vaginal swab which was taken from [REDACTED]  
2 indicates that at least part of the seminal fluid found in  
3 her vagina was from a type A secreter?

4 A Yes.

5 Q Okay. So you testified -- I believe the response  
6 to the last question that was found in [REDACTED] vagina  
7 in terms of the type of the depositor is consistent with  
8 Donald Type and his type?

9 A Yes.

10 Q Now, what you also have said that characterizes  
11 the type A secreters make up approximately 32.4% of the popu-  
12 lation?

13 A Yes.

14 Q Is that evenly broken down between both men and  
15 women?

16 A 32.4% of general United States population are A  
17 secreters. That number is the same both for male and female.  
18 32.4 of males are A secreters and 32.4% of females are also  
19 A secreters.

20 Q So, if we take a group of 10,000 men, all of them  
21 let us say capable of sexual intercourse from age 15, 16,  
22 whatever that may be, out of that 10,000 men, 2,000 will be  
23 non-secreters?

24 A Approximately right.

25 Q 8,000 will be secreters? A Yes.

1 Q And of that 8,000, 32.4% which would come to -- I  
2 don't know. Two hundred and twenty-seven hundred? Something  
3 like that?

4 A No. The 32.4 is of the general United States popu-  
5 lation, so that would be one-third of 10,000.

6 Q Three thousand two hundred and forty?

7 A Three thousand two hundred and forty.

8 Q So, out of that 10,000, three thousand non-secreters,  
9 three thousand two hundred and forty are type A secreters?

10 A Yes.

11 Q So what your conclusion means that if you have a  
12 pool of possible depositors which is 10,000 in size, accord-  
13 ing to the evidence that you gotten in this case aside from  
14 any other evidence you do not have personal knowledge of, it  
15 could be anyone of three thousand two and forty men?

16 A Three thousand two and forty of those ten thousand  
17 would have a blood type that would be consistent with them  
18 having intercourse with the defendant or with the victim, and  
19 I would have still gotten the same results.

20 Q If I may have one moment, Judge.

21 THE COURT: Uh-huh.

22 Q (By Mr. Putzel) Have you got the reports that the  
23 prosecutor was showing you there in front of you?

24 A Yes, I have.

25 Q I'd like you to take a look first at the report

1 which is marked State's Exhibit 13C, okay? That is the one  
2 in which you indicate that you examined the vaginal smear from  
3 the rape kit and found that it had human spermatozoa on it,  
4 is the correct?

5 A Yes, it is.

6 Q According to your report, that sample or specimen  
7 was received by your office on January 22nd, and was examined  
8 by you on January 26th, is that right?

9 A Yes, it is.

10 Q State's Exhibit 13B. Is that an -- You say you  
11 examined the robe which is State's Exhibit 10 and found seminal  
12 stains on that robe or you find it as had phosphatase on the  
13 robe which is a component of seminal fluid. Right?

14 A Yes.

15 Q Which led you to conclude that the stains were  
16 caused by seminal fluid?

17 A Yes.

18 Q And when did you receive that robe?

19 A On 7/17/81.

20 Q So, July 17th? A Yes.

21 Q And you examined it on July 20th? A Yes.

22 Q Of 1981? A Yes.

23 Q State's Exhibit 13A is the one that you testified  
24 about last, I believe. And you have an indication here that  
25 the samples that you examined were received on January 22nd,

1 1981, and that the examinations of the items took place when?

2 A December the 15th and December the 18th.

3 Q So, approximately ten and a half to eleven months  
4 after they were received?

5 A The date received I put down was the date received  
6 of the rape kit -- sexual assault kit, but it was eleven  
7 months after that was received.

8 Q Okay. Do you know in fact when my client provided  
9 you with the saliva sample?

10 A It's written on the package. I don't see the pack-  
11 age.

12 Q And do you know when the blood sample and the  
13 saliva sample were taken from [REDACTED]

14 A It was within the last week or so. It's written on  
15 the package, but I don't have an independent recollection.

16 Q Okay. Is it fair to say, Mr. Crow, your testimony  
17 in Court today establishes just what we talked about earlier  
18 with regard to the depositor of the semen being a type A  
19 secreter, the woman [REDACTED] being a non-secreter, and  
20 that it does not establish anything because you have no know-  
21 ledge of any other circumstance than the scientific evidence  
22 you just testified.

23 MISS RAKER: I object to the form of the question  
24 saying that it doesn't establish anything. It's up to the  
25 jury. I'm going to object to the form of it. It's

1 argumentative,

2 MR. PUTZEL: I'll rephrase the question.

3 MISS RAKER: -- and improper. And I would like the  
4 jury to be instructed to disregard it.

5 THE COURT: Go ahead and restate your question, Mr.  
6 Putzel.

7 Q (By Mr. Putzel) Mr. Crow, do you have any personal  
8 knowledge in which the incident in which my client is charged?

9 A No, I do not.

10 Q Do you in fact have any knowledge at all, personal  
11 knowledge, of how the semen, which apparently was examined by  
12 you on the swab, how the semen which you examined was deposited  
13 in [REDACTED]?

14 A Besides the fact that she had to have intercourse  
15 with somebody, I don't anything else about it.

16 MR. PUTZEL: No further.

17 MISS RAKER: I just have two questions.

18 REDIRECT EXAMINATION BY MISS RAKER:

19 Q In terms of the life span of the sperm on the slide,  
20 once a sample is taken from the person during the vaginal  
21 examination and it's placed on the slide, what is the life  
22 span?

23 A I would say indefinite.

24 Q So in other words, you can look at that same slide  
25 sample as it sits here today and see the same thing that you

1 see today next to you --

2 A Next year.

3 Q In terms of the factor of time on the examination  
4 of the swabs from the robe, the robe being seized January 22nd  
5 and sitting in an evidence locker in the seventh district un-  
6 til some time in April or until some time in July, would that  
7 factor or the fact that it was seven months before it came to  
8 a police lab change the results in any way or alter the re-  
9 sults of the test?

10 A No, it would not.

11 MISS RAKER: I don't have any other questions.

12 MR. PUTZEL: Just a couple, Judge.

13 RE-CROSS-EXAMINATION BY MR. PUTZEL:

14 Q You indicated, Mr. Crow, that the reason that you  
15 had originally tested the robe, which is State's Exhibit 10  
16 and found that the two stains contain seminal acid phosphatase  
17 which is in human seminal fluid, you then testified,  
18 however, that you were unable to perform any ABO typing. In  
19 other words, trying to determine whether the depositor of  
20 that seminal stain was type A, B, AB or O, because of superfi-  
21 cial debris?

22 A Yes.

23 Q Can you explain to me when you meant there was some  
24 epithelial cells on that and why that prevented you from  
25 typing it?

1           A     There were numerous items in the slide. They were  
2 so heavy that I could not see the blood cells in there. I  
3 noted that some of the stuff that was there appeared to be  
4 epithelio cells. There were other items that I don't know  
5 what they were, but the addition of all of them made it such  
6 that I couldn't see any red cells. The red cells that I  
7 added at the end of the test to determine the blood typing  
8 were massed by ~~debris~~ that I couldn't make a decision,

9           MR. PUTZEL: Okay. Thank you.

10           MISS RAKER: I have nothing further, other than at  
11 this time the State would move for admission of State's  
12 Exhibit 13A which is the last report that Mr. Crow referred  
13 to where he came up with the summary of the results of the  
14 examination.

15           MR. PUTZEL; I would again agree that it is admiss-  
16 ible and that those portions of it to which Mr. Crow has  
17 testified here today with respect to his scientific conclu-  
18 sions are certainly admissible. Other portions I believe are  
19 not material or relevant or not admissible. For other reasons,  
20 which for some reasons I accept to be for business records.

21           THE COURT: I will accept it on the basis that it is  
22 a business record. The matters specifically testified to are  
23 accepted into evidence. Both having been testified to and as  
24 they were represented by the exhibit.

25           MISS RAKER: I have no further questions.

1 THE COURT: Thank you, Mr. Crow. You may leave,  
2 sir.

3 MISS RAKER: Your Honor, at this time the State  
4 will move for admission of the following items into evidence.  
5 State's Exhibit 1, which is the placque of [REDACTED]  
6 apartment.

7 MR. PUTZEL: No objection.

8 THE COURT: Admitted.

9 MISS RAKER: State's Exhibit 11, which is the rape  
10 kit.

11 MR. PUTZEL: No objection.

12 THE COURT: Admitted.

13 MISS RAKER: State's Exhibit 16, which is [REDACTED]  
14 [REDACTED] saliva sample.

15 MR. PUTZEL: No objection.

16 THE COURT: Admitted.

17 MISS RAKER: State's Exhibit 15, which is the placque  
18 that Mr. Crow used during his testimony.

19 MR. PUTZEL: No objection.

20 THE COURT: How did you start it?

21 MISS RAKER: That he used during his testimony.

22 THE COURT: Yes.

23 MR. PUTZEL: No objection.

24 THE COURT: Admitted.

25 MISS RAKER: The State would move for admission of