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JUN 14 1991

IN THE
Court of Appeals of Virginia

RECORD NO. 1454-89-4

ROY LEE WOODWARD,

Appellant

v.

COMMONWEALTH OF VIRGINIA,

Appellee.

JOINT APPENDIX

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1 ask you to step into the jury room while we take a recess.
2 We've got to wait for this witness to arrive.

3 We'll be in recess.

4 (A recess was taken from 1:35 to 2:01 p.m.)

5 THE COURT: Mr. Strom.

6 MR. STROM: I'm ready to go, Your Honor.

7 THE COURT: Bring the jury in, please.

8 (The jury was seated in the jury box.)

9 THE COURT: Again, thank you.

10 KITTY HUTCHINSON, having been duly sworn by the Clerk, was
11 examined and testified as follows:

12 DIRECT EXAMINATION
13 BY MR. STROM:

14 Q. Would you state your name and occupation for the ladies
15 and gentlemen of the jury, please.

16 A. Yes. My name is Kitty Hutchinson, and I'm a medical
17 laboratory technician.

18 Q. Where do you work?

19 A. Loudoun Hospital Center.

20 Q. As a laboratory technician what kind of duties do you
21 perform?

22 A. I perform all the duties within the laboratory; blood
23 bank especially.

24 Q. When you say blood bank, what do you do there?

25 A. We do the cross matching of the blood, the ABO, Rh
typing.

1 Q. Do you draw blood, also?

2 A. Yes, sir, I do.

3 Q. Did you have occasion to take a sample of blood from one
4 [REDACTED]?

5 A. Yes, sir, I did.

6 Q. When did you do that?

7 A. This morning.

8 Q. Did you test that blood?

9 A. Yes, sir, I did.

10 Q. What were the results?

11 A. Her ABO type was O. Her Rh was positive.

12 MR. STROM: That's all I have, Your Honor.

13 THE COURT: Mr. Campbell.

14 CROSS-EXAMINATION

15 BY MR. CAMPBELL:

16 Q. What was your name again, please?

17 A. Kitty Hutchinson.

18 Q. And you say you took a blood test this morning?

19 A. Yes, sir.

20 MR. CAMPBELL: Thank you very much. Have a
21 good day.

22 THE COURT: Mr. Strom, anything further?

23 MR. STROM: Nothing.

24 Thank you very much.

25 THE COURT: Thank you, Ms. Hutchinson. You

1 are free to go. You can go back to the hospital.

2 (The witness was excused.)

3 THE COURT: Mr. Strom, who is your next
4 witness?

5 MR. STROM: Rosemarie Anderson.

6 ROSEMARIE ANDERSON, having been duly sworn by the Clerk, was
7 examined and testified as follows:

8 DIRECT EXAMINATION

9 BY MR. STROM:

10 Q. Would you state your name and occupation, please.

11 A. Rosemarie Anderson, forensic scientist.

12 Q. Where are you employed, Ms. Anderson?

13 A. The Department of General Services, Division of
14 Consolidated Laboratory System, Northern Regional Forensic
15 Laboratory, which is part of the crime laboratory system for
16 the Commonwealth of Virginia.

17 Q. Would you tell the ladies and gentlemen of the jury what
18 a forensic scientist is, please.

19 A. A forensic scientist is a person who applies science to
20 the law in matters pertaining to the law.

21 Q. What are your duties as a forensic scientist?

22 Is this the Northern Virginia Regional Lab in
23 Merrifield that you work at?

24 A. Yes.

25 Q. What are your duties there at the laboratory?

A. I routinely examine evidence for the presence of blood,

1 body secretions, hairs, natural fibers, and fabric
2 separations.

3 Q. Would you tell the jury and the Court your formal
4 education.

5 A. I hold a bachelor of science degree in chemistry with a
6 concentration in forensic science from Mercy College of
7 Detroit in Detroit, Michigan. And I hold a master of science
8 degree in forensic chemistry from Northeastern University in
9 Boston, Massachusetts.

10 Q. Have you had any specific training for your job as a
11 forensic scientist with the Northern Virginia Lab?

12 A. Yes, I have. I spent over a year in a training period of
13 concentrated study learning the techniques for the analysis of
14 blood and body secretions with experts trained in the area,
15 and I analyzed and assisted in the analysis of a large number
16 of these types of cases.

17 I also have successfully completed the biochemical
18 methods course with the FBI, as well as their identification
19 of hairs and fibers course.

20 Q. How long have you been employed with the Northern
21 Virginia Lab?

22 A. Since January of 1985.

23 Q. Have you ever qualified as an expert regarding your field
24 of expertise? That would be blood and fiber generally.

25 A. Yes, I have.

1 Q. In the Northern Virginia area?

2 A. Yes.

3 Q. How many times?

4 A. About 27.

5 MR. STROM: Your Honor, I would offer Ms.
6 Anderson as an expert.

7 THE COURT: Mr. Campbell?

8 MR. CAMPBELL: We'll stipulate to that fact.
9 The expertise is forensic science?

10 MR. STROM: Yes.

11 THE COURT: Thank you.

12 Go ahead.

13 Q. Ms. Anderson, did you have occasion to examine various
14 pieces of physical evidence that were submitted to the
15 Northern Virginia Laboratory in relationship to this case?

16 A. Yes, I did.

17 Q. Did you examine the perk kit that had been collected from

18 [REDACTED]?

19 A. Yes, I did.

20 Q. Did you examine the bedding that supposedly had been
21 collected also from somewhere?

22 A. Yes, I did.

23 Q. And it was submitted as part of this case?

24 A. Yes, it was.

25 Q. And also a perk kit alleged to have come from Mr. Roy Lee

1 Woodward?

2 A. Yes.

3 Q. And a perk kit also gathered from one [REDACTED]
4 [REDACTED]?

5 A. Yes.

6 Q. Did you make some findings as a result of your various
7 examinations of these items?

8 A. Yes, I did.

9 MR. CAMPBELL: Objection.

10 Your Honor, may we approach the Bench at this juncture?

11 THE COURT: Let's meet on the side.

12 (Counsel and the defendant approached the side bar and the
13 following proceedings were had out of the hearing of the jury.)

14 MR. CAMPBELL: Again, Your Honor, if this is
15 presented for the purpose of identification, I object to it on
16 the basis that the prejudicial effect outweighs the probative
17 value. She is not able to identify Roy Woodward. If the
18 purpose is to prove the penetration, that doesn't appear to be
19 the need here. And I think he's trying to get an
20 identification of the assailant through scientific evidence.
21 And she is going to testify, if we probe further, that it
22 doesn't exclude Woodward. It doesn't include him, it just
23 doesn't exclude him.

24 MR. STROM: Your Honor, the defendant has ple
25 not guilty, which indicates that he did not have intercourse;

1 it was not against her will. There has been no recognition on
2 his part that he was present, anywhere. If he is included by
3 this witness as a possible donor of sperm which may or may not
4 indicate penetration, and may or may not indicate his
5 presence, then that evidence has value.

6 The prejudicial effect, I mean, there is no prejudice.
7 The prejudice is by his own words previously that Roy is one
8 of how many million who could possibly be a donor of this
9 blood type.

10 That is all that she can testify to, and he says that.
11 She is not going to say he is the one. She is going to say he
12 cannot be excluded. But that has evidentiary value.

13 The prejudicial effect, there is no prejudicial effect
14 other than to say it is possible. But, I mean, anybody who
15 testifies that he was there, that is to his prejudice. That
16 is part of being a defendant.

17 MR. CAMPBELL: It's like having some
18 scientific test that says the incident may not have happened,
19 not they built that building a certain way. An expert is held
20 to a higher standard. She is going to testify as to an
21 opinion as to whether these secretions are his, and she cannot
22 say they are. She can only say that they possibly could be
23 his.

24 THE COURT: That is not what she is going to
25 testify to; is it?

1 MR. STROM: She will testify that his blood
2 type and the results of her examinations indicate that he is a
3 possible donor of something.

4 THE COURT: But she is not going to say it is
5 Mr. Woodward?

6 MR. STROM: No. She can't.

7 THE COURT: She can't do that.

8 MR. CAMPBELL: Correct. That is why I think
9 the probative value is far outweighed by probative tests, and
10 samples from the body prove nothing.

11 THE COURT: I disagree with that.

12 Is that your only basis for the objection?

13 MR. CAMPBELL: That is my basis for the
14 objection.

15 THE COURT: It is overruled. It's noted.

16 (In open court.)

17 BY MR. STROM (Resuming):

18 Q. Ms. Anderson, you just testified that you did make
19 certain findings as a result of tests that you performed on
20 these various pieces of physical evidence that were submitted
21 to the lab. Did you prepare a report and a chart that
22 indicated some findings that you had made?

23 A. Yes, I did.

24 (A document was removed from the court file and proffered to
25 counsel.)

1 Q. I show you this item marked Certificate of Analysis,
2 dated August 16, 1988, and ask you if you can recognize that?

3 A. Yes. It is the original of my report.

4 MR. STROM: I'd ask that this be admitted as
5 Commonwealth's -- it will be Exhibit #3, but the first to be
6 admitted.

7 THE COURT: Mr. Campbell?

8 MR. CAMPBELL: Please note my previous
9 objection, Your Honor.

10 THE COURT: It's noted. And it will be
11 admitted in evidence as Commonwealth's Exhibit #3.

12 (The document referred to was marked Commonwealth's Exhibit #3
13 for identification and received in evidence.)

14 MR. STROM: Your Honor, for the purposes of
15 following testimony, I would like to use the overhead
16 projector so that Ms. Anderson may explain the chart that is
17 contained in this report.

18 THE COURT: Would you like to go ahead and set
19 it up?

20 (The overhead projector was set up, and counsel conferred.)

21 Q. Ms. Anderson, could you explain to the jury the results
22 of your examinations and tests.

23 A. Do you want me to stay here or down there?

24 Q. Whichever is easiest for you.

25 A. I will come down there.

1 Q. Go ahead.

2 A. When I receive evidence into the laboratory in the case
3 of a sexual assault, what I would first do is attempt to
4 determine if, in fact, seminal fluid is present.

5 In this case I was submitted a Physical Evidence Recovery
6 Kit from Ms. [REDACTED] her bedding, or what alleged to me to be
7 her bedding. And later I received a Physical Evidence
8 Recovery Kit from Mr. Woodward; and a Physical Evidence
9 Recovery Kit from Mr. [REDACTED], who was told to me to be the
10 victim's boyfriend.

11 When I examined the Physical Evidence Recovery Kit, in it
12 were included vaginal swabs and vulva and thigh swabs. And on
13 these swabs I determined the presence of seminal fluid.

14 Once I have, in fact, determined that seminal fluid is
15 present, I can then go further and test it in different blood
16 group systems. And across the top of my chart are the
17 different blood group systems that I am able to determine
18 types in.

19 I think most of you are probably familiar with the ABO
20 blood group system. A person can be a type A, a type B, a
21 type AB, or a type O.

22 When we are dealing with secretions, like seminal fluid,
23 vaginal fluid, or saliva, I also can determine what are called
24 secretors and nonsecretors. Approximately 80 percent of the
25 population are what are termed secretor. These people have

1 the genetic ability to secrete their ABO blood group substances
2 into their other body fluids.

3 I, for example, am an A secretor. If I type my saliva or
4 my vaginal fluid, I would detect type A. A nonsecretor, which
5 is approximately the other 20 percent of the population, do
6 not have this genetic ability. Thus, if I type their vaginal
7 fluid, seminal fluid, or saliva, I would not detect anything.

8 Also listed across the top are other blood group systems:
9 PepA, PGM, and PGM subtype, which is just a further breakdown
10 of that PGM system. These are other blood group systems like
11 the ABO that I can type seminal and vaginal fluid in.

12 The first thing I have to determine after I've determined
13 the presence of seminal fluid is, in fact, to determine if I
14 can tell the difference between the type of the victim, the
15 type of the alleged suspect, and any other persons involved in
16 the case.

17 In this case I had Ms. [REDACTED] known blood sample and
18 saliva swabs, which I used to determine that she was, in fact,
19 an O secretor, and her PepA type is one, her PGM type is one,
20 and her PGM subtype is 1+1-.

21 I typed Mr. Woodward's blood sample and determined that
22 he is an A secretor. His blood type is also PepA one, PGM
23 one, PGM subtype 1+.

24 And since it was indicated to me that the victim had had
25 consensual intercourse approximately three hours prior to the

1 alleged rape, I then also needed known samples from Mr.
2 [REDACTED] to use as elimination samples to compare to the
3 testing results that I got on the swabs and the bedding.

4 In this case Mr. Stowers typed out to be an O secretor,
5 PepA one, PGM 2-1, PGM subtype 2+1+.

6 Once I had determined all the known types, I then
7 attempted to determine a type on the vaginal and thigh and
8 vulva swabs that I had received in the Physical Evidence
9 Recovery Kit. And also on the bedding I determined that there
10 were four stains on the flat sheet that were seminal fluid,
11 and four stains on the fitted sheet that were seminal fluid.
12 So what I did is I further attempted to type these stains,
13 also.

14 Starting with the vaginal swabs, I was able to determine
15 an ABO secretor type of A. It was not possible for me to be
16 able to determine a PepA or PGM type. And since I could not
17 determine a PGM type, I did not test for PGM subtype.

18 Q. Ms. Anderson, let me just ask you. Having typed [REDACTED]
19 [REDACTED] as an O secretor, and Roy Woodward as an A secretor,
20 and [REDACTED] as an O secretor, what, if anything, can you
21 tell the jury about the A that you found in the vaginal swabs?

22 A. The importance of my typing is in finding something
23 foreign to the victim. In this case, that type A is, in fact
24 foreign to her. So I know the type A is not coming from her.
25 It is also impossible for it to come from Mr. [REDACTED], because

1 he is an O secretor. However, it is possible that Mr.
2 Woodward could be the origin of that type A.

3 Q. Thank you.

4 A. On the vulva and thigh swabs, I again was able to
5 determine a type A in the ABO system. I was unable to
6 determine a PepA or a PGM type, and thus did not go further to
7 type the PGM subtyping system.

8 Again, detecting something foreign to the victim in this
9 case. It could not have come from Mr. [REDACTED]. It's possible
10 that it could have come from Mr. Woodward.

11 On the flat sheet, stain number one, I was not able to
12 determine an ABO type at all. Nor was I able to determine a
13 PepA or PGM, and thus didn't type in the subtyping system.

14 The results in this case tell me nothing. Thus, I can
15 reach no conclusion as to the possible donor of the seminal
16 fluid in this stain.

17 Stain number two on the flat sheet. Again I determined a
18 type A. Was unable to determine a type in the PepA or PGM
19 systems, and did not do a PGM subtyping.

20 Again, the A is foreign to Ms. [REDACTED], foreign to Mr.
21 [REDACTED], but it is consistent with Mr. Woodward, and thus he
22 could have contributed it.

23 The third stain on the flat sheet, I typed it as an ABO
24 type O, PepA one, PGM 2-1, PGM subtype 2+1+. If you will
25 notice in comparing this to the three known samples at the

1 top, in this case it is foreign to Ms. [REDACTED], it is foreign to
2 Mr. Woodward. However, it is consistent with Mr. [REDACTED]
3 And thus he could have been the contributor of the seminal
4 fluid in that particular stain.

5 Fitted sheet stain number one. In this stain I
6 determined an ABO type A, PepA one, PGM 2-1, PGM subtype 2+1+.
7 Now, if you go up and compare this to the known samples, you
8 will notice that it is foreign to Ms. [REDACTED]. However, what it
9 would be consistent with is either a combination of Mr.
10 Woodward and Mr. [REDACTED], or somebody completely different.

11 Fitted sheet stain number two. Again in this stain I was
12 not able to detect any ABO blood group substance, unable to
13 detect a PepA type, a PGM type, and thus did not type in the
14 PGM subtyping system.

15 As in flat sheet stain number one, since I am not
16 determining anything, I can reach no conclusion as to the
17 donor of the seminal fluid in this particular stain.

18 Stain number three on the fitted sheet. Again I detected
19 type O, PepA 1, PGM 2-1, PGM subtype 2+1+. Comparing this to
20 the known samples, you see that it is different from Ms. [REDACTED]
21 different from Mr. Woodward, and consistent with Mr. [REDACTED].
22 Thus, Mr. Woodward would be eliminated as a possible
23 contributor. However, Mr. [REDACTED] could be the origin of this
24 stain.

25 Finally, the last stain on the fitted sheet I determined

1 MR. CAMPBELL: I object to the form of the
2 question, Your Honor. It's a multiple question. There were
3 two different -- one is from the thigh. He's asking if it is
4 consistent with penetration. He can probably restate it.

5 THE COURT: I don't think it's a multiple
6 question. The objection is overruled on that ground.

7 MR. CAMPBELL: Then I object to the question
8 on the basis that the proper foundation has not yet been laid
9 to ask that question.

10 THE COURT: That's overruled, also.

11 A. Can I please have the question again.

12 Q. The finding of an A from the vaginal swab, is that
13 finding consistent with penetration in order to leave that
14 deposit, or that A substance?

15 A. My interpretation of the vaginal swabs is that those
16 swabs are taken from the vaginal canal. And I can't testify
17 to how the seminal fluid got there except to say that -- I'm
18 actually not --

19 MR. CAMPBELL: Objection and move to strike
20 Your Honor. She's attempting to testify to something she says
21 she is not qualified to testify to. I think it ought to be
22 stricken.

23 MR. STROM: Your Honor, that is not exactly
24 what she said at all. She was prepared to qualify her answer
25 and with candidly saying, I can't say A, but I may be able

1 an ABO type A, and a PepA type one. The A in this case is
2 foreign to the victim, foreign to Mr. [REDACTED], and it is
3 consistent with Mr. Woodward. Thus, he could be the origin of
4 the seminal fluid in this stain.

5 Q. Thank you.

6 Perhaps you could testify in front of the jury. We
7 can leave this on, and I could ask you a few questions.

8 Can you say what would result if it was true that Mr.
9 Woodward and Mr. [REDACTED] had had intercourse with Ms. [REDACTED]
10 within a brief period of time of one another in terms of the A
11 and O combining or interreacting with one another in some
12 manner?

13 A. If I mixed a type A with a type O, I would detect type A
14 because what would happen is called a masking effect. In
15 other words, the type A would cover up the type O.

16 Q. You also said that secretors represent approximately 80
17 percent of the general population. Can you tell us what
18 percent of the male population would be A secretors? Do you
19 have any idea what that figure is?

20 A. The population of A secretors would be approximately 32
21 percent of the population.

22 Q. You also have vulva and thigh swabs, and vaginal swabs.
23 What is the possibility that the A reading you got from the
24 vaginal swabs -- is the A reading from the vaginal swabs
25 consistent with penetration for the deposit of that substance?

1 say X. And since he doesn't know what X is, his objection is
2 premature.

3 MR. CAMPBELL: Your Honor, I thought I heard
4 the witness clearly say that she really can't say, and that
5 she was going to take a guess.

6 THE COURT: If you consider prior testimony in
7 this case in relation to her testimony, the objection is
8 overruled.

9 Go ahead and continue to answer the question, if you can
10 remember what the question was, Ms. Anderson.

11 A. I can testify to the fact that I found seminal fluid on
12 the vaginal swabs. As to how it got in the vagina of the
13 victim, that I cannot testify to.

14 Q. I'm not asking that. What I'm asking is, is it
15 consistent with sexual penetration?

16 MR. CAMPBELL: Objection, Your Honor. She
17 didn't take the swabs, she just received them. That's all she
18 can testify, that's what she received.

19 THE COURT: The objection is sustained.

20 Q. Ms. Anderson, are you familiar with the ability of sperm
21 to move?

22 A. I do know that in the male ejaculate they are for a
23 certain period of time mobile.

24 Q. But isn't it true that even in the female vulva and
25 vaginal canal area that sperm do move?

1 A. From my basic biology; yes.

2 Q. I will go no further.

3 Have you testified to already here the results of your
4 report, which has already been admitted into evidence? I'm
5 referring to results one, second paragraph.

6 A. I testified to the fact that I found seminal fluid on the
7 vaginal and vulva and thigh swabs. I also found the presence
8 of seminal fluid on the cervical smear, vaginal smear, thigh
9 smear and vulva smear.

10 Q. When you say seminal fluid, would you explain that,
11 please, in more detail to the jury.

12 A. Seminal fluid is the male ejaculate, the fluid that
13 carries, and also the spermatozoa cells themselves.

14 Q. So you found live sperm?

15 A. No. I never see live sperm.

16 Q. Did you find sperm heads?

17 A. I found spermatozoa, some intact. And I also found
18 spermatozoa heads.

19 Q. What is the difference between intact and the heads?

20 A. A spermatozoa is comprised of a head, a neck, and a tail.
21 In some cases I will find it intact, meaning the head, the
22 neck and the tail are all together. And in other cases I just
23 find the heads present.

24 Q. Is there any significance to an intact head, neck and
25 tail as opposed to just the head?

1 A. On the smears it would indicate to me that it was more
2 recent that the exam took place after the alleged incident as
3 opposed to just finding heads on a smear. In my own extracts,
4 since the way I take the extract, it's very possible for me to
5 break the spermatozoa up themselves. I cannot say.

6 MR. STROM: Thank you. I don't have any other
7 questions.

8 MR. CAMPBELL: I might have a few. You might
9 want to retake the witness stand, if you don't mind.

10 CROSS-EXAMINATION
11 BY MR. CAMPBELL:

12 Q. Ms. Anderson, on the report and examination that you did,
13 on several of the items you were not able to do the PepA, the
14 PGM, and the PGM subtype testings; is that correct?

15 A. Yes, that's correct.

16 Q. Can you tell me why you were not able to do that?

17 A. In the cases where I actually had dashes, not the nts --
18 nts mean I did not test it. The dashes mean that when I did
19 test it I was unable to determine a type. This could be for a
20 number of reasons. It could have been degraded, which means
21 it was broken down so I couldn't get a type; there was not
22 enough present, that's a possibility.

23 Q. So that is why you were not able to do those subtypings,
24 one of the reasons?

25 A. If I cannot determine a conventional PGM type, which is

1 just the PGM itself, there is no reason for me to do the PGM
2 subtype.

3 Q. Does the lapse of time between you examining it and the
4 taking of the sample have anything to do with it?

5 A. That's a possibility; yes.

6 Q. And you received this sample on the 21st, is that
7 correct, of June, 1988?

8 A. Of June. Yes; that's correct.

9 Q. Your certificate is dated the 18th of August, 1988. Who
10 did you actually do the testing?

11 A. Let me check my notes here. I actually did the exam on
12 the Physical Evidence Recovery Kit and the bedding on the 8th
13 of July, 1988.

14 Q. Pursuant to your report you found one stain that cannot
15 be attributed either to Mr. Woodward or to Mr. [REDACTED]
16 individually?

17 A. Which stain are you referring to?

18 Q. Stain number one on the fitted sheet.

19 A. That's correct.

20 Q. Do you have an opinion as to whether it's possible that
21 that could be a third secretor?

22 A. I have no idea. I cannot testify to whether it's a
23 mixture, or whether it is from somebody completely different.

24 Q. But it's one of the two?

25 A. Right; that's correct.

1 Q. So that third stain is either a mixture, and you can't
2 tell if it is?

3 A. That's correct.

4 Q. Or it's from another secretor?

5 A. Yes; that's correct.

6 Q. But the results were not consistent with either of the
7 samples you had, vis-a-vis Mr. Woodward or Mr. [REDACTED]?

8 A. Correct.

9 Q. For that particular stain?

10 A. Yes.

11 Q. Can you tell by your examination the age of the material
12 that you are observing?

13 A. Not within any specific amount of time. The closest I
14 can get, because on some of the stains I was detecting the
15 types from the PGM, PepA systems, I can narrow it down to
16 anywhere within a couple months.

17 Q. Within a couple of months?

18 A. Yes.

19 Q. Did you, in your examination, determine what the age of
20 each of these stains were?

21 A. I don't determine age.

22 Q. Did you narrow it down?

23 A. Like I said, I can't narrow it down any farther than
24 within maybe a couple of months. And in the stains that I
25 only detected the ABO type on the sheets, those could have

1 been there for years.

2 The enzymes are degradable. They will degrade within a
3 number of months, even in a dried stain. The ABO type, if you
4 left a stain on a sheet and left it alone, it would be
5 typeable for years.

6 Q. I'm not sure if I understand you. But you're stating
7 that the stain number one on the flat sheet, and the stain
8 number two on the fitted sheet could have been there for
9 years?

10 A. It's a possibility. I have no way of knowing.

11 Q. Is it also possible that the other stains that you
12 detected on the bedclothes could have been there for years?

13 A. Only the stains where I was not able to detect an enzyme
14 type. With an enzyme type, I would narrow it down to a couple
15 months.

16 Q. A couple of months?

17 A. Yes.

18 Q. Which stains were you able to narrow down to enzyme
19 types?

20 A. That would be flat sheet stain number three, fitted sheet
21 stain number one, and fitted sheet stain number three.

22 Q. You've said that approximately 32 percent of the male
23 population has a blood typing consistent with Mr. Woodward?

24 A. Approximately 32 percent of the population are A
25 secretors.

1 Q. That's all that you can say, is that these fluids were
2 left by an A secretor?

3 A. On the ones where I detected type A; yes.

4 Q. So that's about as close as it gets? It's not like blood
5 typing?

6 A. I don't quite understand your question.

7 Q. Let me ask another question, then.

8 You didn't find anything that directly ties this
9 forensic evidence to the defendant, Roy Woodward, in this
10 case?

11 A. As direct as I can get is to say that he is an A
12 secretor, and I detected type A on some of the pieces, or some
13 of the stains.

14 Q. So the answer to my question is no, you didn't find
15 anything in your forensic examination that would make a one-
16 to-one match to Roy Woodward?

17 A. I can never make a one-to-one match.

18 Q. With this particular test?

19 A. In any particular case as of right now.

20 Q. Now, I also understand that no examination was conducted
21 on the hair samples?

22 A. As far as I know, on the victim's pubic combings, no
23 examination was conducted per a conversation with Lieutenant
24 McVeigh on July 8th.

25 As far as the rest of the hairs, if I'm not mistaken, I

1 turned them over to Myron Scholberg, who then did the hair
2 comparison.

3 Q. You did not yourself do the hair comparison?

4 A. No. The only thing I did was recover the hairs.

5 MR. CAMPBELL: One moment to confer with
6 counsel, Your Honor.

7 THE COURT: Yes, sir.

8 (Pause in proceedings.)

9 MR. CAMPBELL: Thank you very much for your
10 answers.

11 THE COURT: Mr. Strom.

12 REDIRECT EXAMINATION
13 BY MR. STROM:

14 Q. I think perhaps I'm now confused.

15 On the flat stain number one, wherein under the ABO
16 heading you say, "No ABO blood group substances detected", di
17 I hear you to say that that meant that that stain was from ar
18 origin other than Ms. [REDACTED], Mr. Woodward, or Mr. [REDACTED]?

19 A. No. What I previously testified to was that in the
20 stains where I detected no ABO blood group substances, and wa
21 unable to determine any enzyme types, I can't reach a
22 conclusion as to what male left the seminal fluid in those
23 stains.

24 Q. So all you can say about that particular stain is for
25 whatever reason you couldn't get any result?

1 A. That's correct.

2 Q. It could or could not have come from the same time period
3 that any one of these other ones did, but for some reason you
4 are just not getting a sufficient quantity or something else;
5 is that correct?

6 A. Yes; that's correct.

7 Q. You also said that for the ABO stains, or samples, that
8 they could exist for years if left alone; is that right?

9 A. Yes, that's correct.

10 Q. What if, for example, in the sheets, if they had been run
11 through the washing machine with laundry detergent?

12 A. I would expect the stains would have been washed away.

13 Q. You also said that 32 percent of the population are A
14 secretors. Does that 32 percent include males and females?

15 A. Yes.

16 Q. So if, if the population was equally divided between
17 males and females, only 16 percent of the male population are
18 A secretors; would that be correct?

19 A. All I can testify to is that approximately 32 percent of
20 the population are A secretors. Now, as far as dividing it
21 down the middle --

22 Q. I'm saying that if you say females are not going to
23 produce --

24 A. Well, no. If you had a population of a hundred males,
25 you would still have 32 percent of that male population would

1 be & secretors.

2 MR. STROM: Thank you.

3 THE COURT: Mr. Campbell, anything further?

4 MR. CAMPBELL: No, Your Honor. I think I'm
5 sufficiently confused.

6 THE COURT: May Ms. Anderson be excused?

7 MR. STROM: Yes.

8 Thank you very much.

9 THE COURT: Thank you very much. Have a nice
10 trip back.

11 (The witness was excused.)

12 MR. STROM: I would expect to call Ms. [REDACTED]
13 next, Your Honor, if the Court wants to take a break or not.

14 THE COURT: Do you need a few minutes to have
15 her brought over?

16 MR. STROM: Probably.

17 THE COURT: We're going to take about a five
18 minute recess.

19 (A recess was taken from 2:45 to 3:14 p.m.)

20 THE COURT: Mr. Strom.

21 MR. STROM: Your Honor, I'd like to call
22 Lieutenant McVeigh briefly for the purposes of having these
23 two previously identified documents admitted.

24 THE COURT: Lieutenant McVeigh, come forward,
25 please.