

Testimony of Carolyn Van Winkle

DIRECT EXAMINATION

12

13 BY MR. GREG DAVIS:

14 Q. Ms. Van Winkle, would you please tell

15 us how you are employed?

16 A. I am employed at the Institute of

17 Forensic Sciences in Dallas, as a forensic DNA analyst.

18 Q. Okay. How long have you been with

19 SWIFS?

20 A. Since January of 1986.

21 Q. All right. How long have you been a

22 DNA analyst?

23 A. We began doing DNA analysis at the

24 laboratory in 1991.

25 Q. All right. And before you began doing

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3157

1 DNA, what were you doing at SWIFS?

2 A. I was a forensic serologist, dealing

3 mostly with blood and body fluids in criminal cases at

4 that time.

5 Q. All right. Would you give us a little

6 bit more detail of your educational and professional

7 background, please.

8 A. I have a Bachelor of Science Degree.

9 I am a medical technologist registered by the American

10 Society of Clinical Pathologists. I'm also a registered

11 Specialist in Blood Bank Technology with the American

12 Association of Blood Banks.

13 I began my training doing DNA analysis

14 at the FBI Academy. I have had other training at

15 Cellmark, one of the first laboratories in this country

16 to do DNA analytical methods.

17 I also was a visiting scientist

18 working on standards used nationwide for forensic DNA

19 analytical methods, at the National Institute of

20 Standards and Technology in Gaithersburg, Maryland.

21 I have had numerous graduate course

22 work in molecular biology, biochemistry, advanced

23 genetics, biostatistics and numerous other meetings and

24 seminars and so forth.

25 Q. All right. What are your present

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3158

1 duties at SWIFS?

2 A. Presently, we do all of the DNA
3 analysis requested through the crime laboratory. These
4 are criminal cases, whether they are rapes, assaults,
5 homicides, body identifications, paternity, all criminal
6 cases.

7 Q. Okay. How many years have you been
8 doing the DNA analysis?

9 A. Since 1991.

10 Q. At SWIFS how many people actually work
11 within the DNA section?

12 A. We have two that do the DNA analytical
13 methods full time for court. We also have a technician
14 that works for us.

15 Q. In an average year out there at SWIFS,
16 how many cases are referred to you for DNA analysis?

17 A. We have between 100 and 200 a year.

18 Q. And you personally, how many cases

19 have you actually handled where you did the DNA analysis?

20 A. Over 200.

21 Q. All right. And have you testified
22 previously in cases involving DNA?

23 A. I have.

24 Q. Approximately, how many times have you
25 testified in cases involving DNA?

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3159

1 A. Many times. I would say, 40, 50 in
2 that amount.

3 Q. Okay. When a case comes to you, is it
4 often a situation where you are going to have more than
5 one sample involved in that particular case that you need
6 to do DNA analysis on?

7 A. Yes, that's correct. You need a
8 sample to compare whatever evidence you are looking at
9 to.

10 Q. Okay. In this particular case, were
11 several items submitted to you for DNA analysis?

12 A. Yes, that's correct.

13 Q. And, did you, in fact, did you collect
14 some items yourself for DNA analysis in this case?

15 A. Some were collected from the evidence
16 by me, yes.

17 Q. Did you receive other items from the
18 medical examiner's office?

19 A. I did.

20 Q. Did you receive some items from the
21 Rowlett Police Department?

22 A. I did.

23 Q. Did you receive other items from
24 Charles Linch?

25 A. I don't believe any of the analytical
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3160

1 tests I did on this case I did.

2 Q. How about Kathryn Long?

3 A. I did.

4 Q. What kinds of DNA tests does SWIFS
5 presently do?

6 A. We do two types of methods on forensic
7 cases. That being PCR or polymerase chain reaction and
8 RFLP or restriction fragment length polymorphism.

9 Q. Okay. In your PCR testing that you
10 presently do, do you do DQ-Alpha?

11 A. That is one of the systems we do, yes.

12 Q. Are you presently beginning to get
13 ready to do D1S80 testing out there at SWIFS, also?

14 A. Yes. We have been in the process of
15 validating that for a while.

16 Q. Okay. And up to this date though, you
17 don't, you are not quite ready to begin the actual D1S80
18 testing out there; is that right?

19 A. We have not done it on case work,
20 that's correct.

21 Q. Okay. When these samples came into

22 you originally, Ms. Van Winkle, what sort of testing did
23 you perform on them? The RFLP or the DQ-Alpha?

24 A. Initially, since there was quite a

25 volume of samples that were requiring testing, DQ-Alpha
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3161

1 was performed. And the reason that was tested, was
2 because the three individuals whose blood would have been
3 present were different DQ-Alpha types. It was rapid and
4 it was a way to screen the evidence initially.

5 Q. Okay. Does RFLP testing take longer
6 than DQ-Alpha?

7 A. It does.

8 Q. So initially you did DQ-Alpha. Did
9 you later go back with these samples and do RFLP testing,

10 also?

11 A. Yes, on many of the samples I did.

12 Q. Okay. What was the purpose of going

13 back with the RFLP?

14 A. The RFLP testing is actually more

15 discriminating, the set of loci that we look at is

16 extremely discriminating, greater than 99.9 percent of

17 the individuals. It is the most discriminating test.

18 So in order to rule out the

19 possibility of any other banding pattern or any other

20 possible contributor of the blood that was done.

21 Q. Okay. In this case, do you know

22 approximately how many DNA analyses that you have

23 actually performed on the samples given to you?

24 A. I do. In this particular case, it was

25 over 100 analyses done.

Sandra M. Halsey, CSR, Official Court Reporter

3162

1 Q. Okay. And how does that compare with

2 the average case that comes out there to you from the

3 DA's office?

4 A. Well, considerably more. The majority

5 of our cases are sexual assault cases. In a typical

6 sexual assault case, we will have three samples; one from

7 the victim, one from the accused and one from the

8 evidence.

9 Q. When a sample comes to you for

10 testing, can you walk us through what happens to that

11 sample.

12 Let's say I am a police officer and I

13 bring a sample out there to you. And I say, I want that

14 tested for DNA. What would you do with that sample?

15 A. Initially, the officer will hand

16 deliver that as a rule. It would be given a specific

17 number, based on that victim and that offense. That is a

18 number called our FL number. And that number stays with

19 the case throughout the case. Each item of evidence is

20 then given another number, usually it's an accession

21 number, one through however many pieces of evidence there

22 are.

23 Q. So, if I -- let's say I bring five

24 items out there. They are all different items. Would

25 you then, let's say, I have got five different socks, for

1 instance. And I say, I want these tested. Would you
2 then number the socks 1 through 5?

3 A. That would be a common way of doing
4 it, yes. Unless, for instance, they were packaged in one
5 bag, and then they may be numbered a little differently.

6 Q. Okay. So if it came out there, you
7 have got one 1 through 5, and then let's say that you,
8 off of that, let's say I am a serologist and I have
9 already taken two samples that I want you testing off of
10 each one of those socks.

11 Would you then list that as T-1 and
12 T-2 off of each sock?

13 A. Yes, for instance, that would be 1,
14 T-1 and T-2, 2, T-1 and T-2, and so forth.

15 Q. Okay. After you have already numbered
16 these samples that I give you, what is the next thing you
17 would do with them?

18 A. Then once the samples are taken or
19 identified on the item of evidence, they are cut out and
20 then they are packaged separately. They are wrapped in
21 something similar to a wax paper and then packaged in a
22 manila envelope and stored frozen.

23 Q. How do you prevent cross-contamination
24 between samples?

25 A. Each utensil that is used in the
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3164

1 cutting out procedure is cleaned or is used, for
2 instance, sometimes we may use a sterile blade that is
3 used once and discarded.
4 Again, that would depend on the
5 sample. The sample is then wrapped separately, placed in
6 the manila envelope and, of course, the whole time, the
7 sample would be dried.

8 Q. Okay. How long does it take to run
9 the DQ-Alpha test and actually get a result back?

10 A. If we are doing just that, we can
11 complete that testing in a couple of days.

12 Q. How about for RFLP, how long does it
13 take to run that test?

14 A. To do the routine amount of -- that we
15 look at which is for -- normally that is anywhere from
16 four to eight weeks.

17 Q. All right. So two days for DQ-Alpha,
18 about four to eight weeks for RFLP, right?

19 A. That's correct.

20 Q. And when you are looking at the
21 results for DQ-Alpha, what do you actually look at to

22 determine whether or not you have got a match or not?

23 A. That type of testing used is what's

24 called a reverse dot blot and basically all you are doing
25 is looking at a color change on the dots.

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3165

1 The dots being representative of the
2 alleles that you are looking at. So you are just
3 comparing the dots and what lights up. It's called
4 lights up, it's just a color change.

5 Q. Okay. And so you have got a known
6 where these alleles have lighted up, correct?

7 A. Yes.

8 Q. When you are looking at the unknown
9 from the alleles that have lighted up, do you expect
10 those then to correspond in position?

11 A. Yes, that's correct.

12 Q. How about RFLP, how do you read the
13 results there?

14 A. On RFLP, what you are looking at is
15 similar to an x-ray film where you have a series of bar

16 code looking lanes. Those are our ladders, our standards
17 that we put on those gels, and we compare the banding
18 pattern that's between those bar code looking lanes. We
19 compare it first visually, and then we do a computer
20 imaging or sizing and actually size it and compare it.

21 Q. In this case, Ms. Van Winkle, did you
22 receive blood samples identified as coming from the
23 defendant, Darlie Routier, Darin Routier, Damon Routier
24 and Devon Routier?

25 A. Yes, from the medical examiner I
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3166

1 received Damon and Devon, and drew the blood samples on
2 Darlie and Darin.

3 Q. Okay. So the defendant's blood and
4 that of Darin Routier were actually drawn there at SWIFS;
5 is that right?

6 A. They were.

7 Q. Did you also receive several blood
8 samples identified as having come from the defendant's
9 T-shirt?

10 A. Yes.

11 Q. Did you also receive several blood
12 samples identified as having come from insides 5801 Eagle
13 Drive?

14 A. Yes.

15 Q. And did you also receive several blood
16 samples from other individual items identified as having
17 come from 5801 Eagle Drive?

18 A. Yes.

19 Q. Let me go through some of the
20 individual items first with you. And I'm going to use
21 your SWIFS number. Would that be the best way to
22 identify it for you?

23 A. That would be easiest, yes.

24 Q. All right. Did you receive a window
25 screen, which will be SWIFS item No. 1?

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3167

1 A. Yes, I did.

2 Q. All right. And on that window screen,
3 did you attempt to perform DNA analysis?

4 A. Yes.

5 Q. What was the result?

6 A. Stains are -- stains that reacted
7 presumptively with our reagent were taken off the screen.
8 And they were actually performed a DNA extraction on. In
9 other words, DNA that would have been there was
10 extracted. There was no human DNA detectable at all.

11 Q. Okay. Which means what to you as a
12 DNA analyst?

13 A. There was no human blood present.

14 Q. No human blood, that is the window
15 screen item No. 1?

16 A. That's correct.

17 Q. Okay. Let's talk about the window,

18 which will be SWIFS item No. 47. What were the results
19 there?

20 A. On that item I also took off or taken
21 off was approximately five stains. Those again were done
22 a DNA extraction on and there was no human DNA present.

23 Q. Okay. Well, if you take, for
24 instance, insect blood, will human DNA extract out of
25 insect blood?

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3168

1 A. It will not.

2 Q. Let me ask you next about a green and

3 plaid wash cloth, item No. 29?

4 A. Yes.

5 Q. Okay. What were the DNA results

6 there?

7 A. The DNA types that were obtained from

8 the wash cloth were consistent with Darlie.

9 Q. With Darlie Routier?

10 A. Routier, yes.

11 Q. Okay. Now, let me ask you about a

12 white dish towel. This will be SWIFS item No. 30. What

13 were your results?

14 A. The types were consistent with Darlie

15 Routier.

16 Q. Darlie Routier. I want to talk about

17 two green and white plaid dish towels. These will be

18 SWIFS item No. 28. Were you able to get a result from

19 items 28?

20 A. I was not.

21 Q. Let me ask you now about a

22 multicolored comforter. This is SWIFS item No. 18. What

23 were your results?

24 A. The type on that comforter was

25 consistent with Devon Routier.

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3169

1 Q. Now, let me ask you about a green

2 blanket, SWIFS item No. 21.

3 A. The DNA from that item was consistent

4 with Damon Routier.

5 Q. The green blanket, Damon Routier?

6 A. Yes.

7 Q. Now, the blue blanket which is item

8 No. 26?

9 A. The blue blanket with stains

10 consistent with Darlie Routier.

11 Q. All right. Now, I would like to ask

12 you about blue jeans which were identified as Damon

13 Routier's blue jeans, item No. 25. What were the

14 results?

15 A. Stains from the right leg, back and

16 front, were consistent with Darlie Routier and Damon

17 Routier.

18 Q. Okay. Did you then have two mixtures

19 actually?

20 A. That's correct.

21 Q. Where both individual's blood is

22 present in the mixture; is that correct?

23 A. That's correct.

24 Q. How many samples did you have on the

25 jeans?

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3170

1 A. The one that had these results was one

2 from the front and one from the back of the right leg.

3 Q. The back and front right leg?

4 A. That's correct.

5 Q. How about item No. 13, that is Damon

6 Routier's T-shirt?

7 A. From that item, the stain was

8 consistent with Damon Routier and Darlie Routier.

9 Q. Okay. Again, a mixture?

10 A. That's correct.

11 Q. No. 68, a black baseball cap with

12 Planet Hollywood logo on the front?

13 A. Stains consistent with Darlie Routier.

14 Q. A vacuum cleaner, item No. 69?

15 A. Several stains consistent with Darlie

16 Routier.

17 Q. Do you recall how many stains?

18 A. Four were tested.

19 Q. Okay. Four, all Darlie Routier?

20 A. Correct.

21 Q. Okay. A rug, item No. 70. What were

22 your results?

23 A. Seven stains were tested, all Darlie

24 Routier.

25 Q. Now, on item No. 3, I'll refer to

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3171

1 these as Devon Routier's shorts?

2 A. Stain consistent with Devon Routier.

3 Q. Two items, which I am going to refer

4 to as Devon Routier pillow and pillow case, the Power

5 Ranger pillow and pillow case. What were your results?

6 A. On the pillow, stain consistent with

7 Darlie Routier.

8 Q. Okay. The pillow, Darlie Routier?

9 A. That's correct.

10 Q. How about the pillow case?

11 A. Oh, one stain was consistent with

12 Devon Routier, the other one Darlie.

13 Q. Okay. That's going to be SWIFS No. 3,

14 also; is that correct?

15 A. Three.
16 Q. Three also. Okay. So we had pillow
17 and pillow case, still with the SWIFS No. 3.
18 The pillow is Darlie Routier, the
19 pillow case is Devon Routier on one and Darlie Routier on
20 the other, right?
21 A. And Darlie and Devon on the other one,
22 yes. That's correct.
23 Q. Okay. So Darlie and Devon. So one is
24 pure Devon and one a mixture?
25 A. Yes.
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3172

1 Q. Okay. A black and white blanket, this
2 is again item No. 3, referred to as Devon blanket. What
3 was the result there?
4 A. Two stains consistent with Devon
5 Routier.
6 Q. How about an item No. 2, a knife?
7 A. The stains in the handle of the knife
8 from -- was consistent, by DQ-Alpha only with Darlie and
9 one of the boys.
10 Q. Okay. Was that the handle?
11 A. Yes.
12 Q. Okay. And what are the blood types?
13 A. It was a DQ-Alpha type. And that
14 particular type was the type consistent with Darlie
15 Routier and one of the boys' types.
16 Q. Okay. Was that a mixture?
17 A. It was.
18 Q. Okay. So it's Darlie. And can you
19 tell from that DQ-Alpha testing which of the two boys was
20 the contributor on that mixture?
21 A. From that particular stain, no. On
22 item 63 through 65, yes.
23 Q. Okay. Where did items 63 through 65
24 come from?
25 A. They were submitted from J.P. Howell.
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3173

1 Q. Okay. Did they also originate from
2 the knife, item No. 2?
3 A. They did.
4 Q. Okay. Did they originate from another
5 part of the knife then?
6 A. Three different areas of the knife,
7 yes.
8 Q. Okay. What areas did they come from?

9 A. 63 originated from the blade tip.
10 Q. Okay. Let's start with No. 63. What
11 was your result there?
12 A. Consistent with Damon and Darlie.
13 Q. Damon and Darlie on the tip. Where
14 did 64 come from?
15 A. 64 was lower on the blade, toward the
16 handle.
17 Q. Okay. What was your result there?
18 A. Darlie Routier.
19 Q. And where did No. 65 come from?
20 A. It was another area on the handle.
21 RFLP pattern consistent with Darlie Routier.
22 Q. 65 from the handle?
23 A. That's correct.
24 Q. That's Darlie Routier?
25 A. That's correct.
Sandra M. Halsey, CSR, Official Court Reporter
3174

1 Q. Did you receive an item No. 27, a
2 sock?
3 A. Yes.
4 Q. Okay. What were your results there?
5 A. One stain from the sock consistent
6 with Damon and Devon Routier. Additional stain from the
7 sock with Devon Routier only.
8 Q. So, one mixture of Damon and Devon,
9 and then one pure Devon, is that right?
10 A. That's correct.
11 Q. Ms. Van Winkle, let me show you
12 State's Exhibit No. 122. Do you recognize this diagram?
13 A. I do.
14 Q. Have you had a chance to look at it
15 prior to your testimony today?
16 A. I have.
17 Q. Have I asked you to go through the
18 blood samples shown on this board and initial the samples
19 that you have tested?
20 A. Yes.
21 Q. Have I also asked you to look at the
22 results reported out on this board to determine whether
23 or not they are accurate or not?
24 A. You have.
25 Q. Okay. Have you initialed the samples
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3175

1 that you tested and have you also verified that the
2 results shown here on the board are in fact correct and

3 they correspond with your findings after your testing?

4 A. Yes.

5 Q. Ms. Van Winkle, also have I had you
6 look at State's Exhibits 120 and 121 prior to your
7 testimony today?

8 A. Yes.

9 Q. Have I asked you also, with regards to
10 this, to initial the samples that you tested from the
11 T-shirt front, both front and back?

12 A. Yes, that's correct.

13 Q. Have you done that?

14 A. I have.

15 Q. Have you also verified that the result
16 shown here on the board, in fact is correct, and it

17 corresponds with the findings of your DNA analysis?

18 A. Yes.

19

20 MR. GREG DAVIS: Your Honor, at this
21 time we will offer State's Exhibit 120, 121, 120-A,
22 120-B, 120-C, 121-A and State's Exhibit 122.

23 THE COURT: Any objection?

24 MR. JOHN HAGLER: Yes, your Honor.

25 May we approach the bench?

Sandra M. Halsey, CSR, Official Court Reporter
3176

1 THE COURT: You may.

2

3 (Whereupon, a short
4 Discussion was held

5 Off the record, after
6 Which time the
7 Proceedings were resumed
8 As follows:)

9

10 THE COURT: For record purposes, why
11 don't we just take them one at a time, so we keep the
12 record clear.

13 MR. GREG DAVIS: Okay. Yes, sir.

14 THE COURT: All right.

15 MR. JOHN HAGLER: Okay, your Honor.

16 THE COURT: Just for the record, you
17 are now viewing State's Exhibits what?

18 MR. JOHN HAGLER: Yes, Your Honor,
19 we're viewing State's Exhibit Nos. 121-A and 121. And
20 again, we would re-urge our objection.

21 The State has failed to establish a
22 proper chain of custody as to the T-shirt from which

23 these various blood samples were obtained.
24 They haven't -- there is a break in
25 the link. In fact, they have not brought all of the
Sandra M. Halsey, CSR, Official Court Reporter
3177

1 links in the chain. And specifically, they have not
2 brought paramedic Zimmerman, who handled this shirt,
3 apparently put it into a bag.
4 Our argument, your Honor, and
5 objection is that the shirt has been contaminated and
6 there has been no showing made to the jury of the

7 condition that the shirt was in, how it was folded, how
8 the stains were positioned on the shirt prior to the time
9 as received by Mr. Zimmerman and at the time that they
10 were subsequently received by the crime lab.

11 Furthermore, your Honor, there is no
12 indication as to how the particular shirt was packaged,
13 or whether or not there were other items in the package
14 at the time.
15 There has been testimony before the

16 Court that there were other clothing by other victims.
17 We would submit that there has been a showing of

18 contamination of this particular exhibit, which is
19 State's Exhibit No. 25 from which the State subsequently
20 obtained various samples which were subsequently
21 submitted to DNA testing.

22 So based on those reasons, plus the
23 other reasons that we objected to the admission into

24 evidence of the samples themselves, namely, all of the
25 samples obtained from State's Exhibit 25, we would object
Sandra M. Halsey, CSR, Official Court Reporter
3178

1 to the admission into evidence of this particular
2 exhibit.

3 THE COURT: All right. And for the
4 record, you are objecting on the grounds stated, to

5 State's Exhibit No. 120, 120-A, 120-B and 120-C; and
6 State's Exhibits 121 and 121-A; is that correct?

7 MR. JOHN HAGLER: Yes, sir, all of the

8 photographs on that one board.
9 THE COURT: All right. Overruled.

10 State's Exhibit 120, 120-A, B and C; and State's Exhibit
11 121 and 121-A are admitted. Let's get --
12

13 (Whereupon, the above

14 Mentioned items were
15 Received in evidence
16 As State's Exhibit

17 Numbers 120, 120-A, 120-B,
18 And 120-C, and 121 and 121-A,
19 For all purposes, after
20 Which time, the

21 Proceedings were
22 Resumed on the record,
23 In open court,

24 As follows:)

25
Sandra M. Halsey, CSR, Official Court Reporter
3179

1 MR. JOHN HAGLER: In addition, your
2 Honor, we would submit that due to the contamination of
3 that exhibit that the confusing and prejudicial effect

4 vastly outweighs any probative value that the exhibit may
5 have.

6 THE COURT: Overruled. Can we see
7 that? Let's go on State's Exhibit No. 121 -- 122 rather.

8 MR. GREG DAVIS: Yes, sir, 122.

9 THE COURT: 122. Now, this is the
10 next one, right?

11 MR. JOHN HAGLER: Again, your Honor,
12 we would simply re-urge all those objections that we
13 voiced to the admission of evidence obtained from State's
14 Exhibit No. 25, and submit they have not shown a proper
15 chain of custody under Rule 901-A.

16 THE COURT: All right. Overruled.

17 State's Exhibit 122 is admitted.

18

19 (Whereupon, the above

20 mentioned item was
21 received in evidence
22 as State's Exhibit

23 Number 122, for all
24 purposes, after

25 which time, the
Sandra M. Halsey, CSR, Official Court Reporter
3180

1 proceedings were
2 resumed on the record,
3 in open court,
4 as follows:)
5

6 MR. JOHN HAGLER: Finally, your Honor,
7 again, as to the last exhibit, that objection included
8 all of the objections that we have voiced in relation to
9 evidence of the exhibits arising out of State's Exhibit
10 No. 25.

11 THE COURT: Fine. That will be noted
12 in the record.

13 MR. JOHN HAGLER: Furthermore, we
14 would object, your Honor, in addition to the exhibits, we
15 would also object to any testimony this witness may have
16 as to the results of the testing of these exhibits and
17 also, all of the exhibits obtained by State's Exhibit No.
18 25.

19 THE COURT: Fine. Overruled.

20 MR. JOHN HAGLER: Can we have a
21 continuing objection, your Honor?

22 THE COURT: Continuing objection, you
23 have it. Anything else?

24 MR. JOHN HAGLER: No, your Honor.

25 THE COURT: Thank you. All right.
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3181

1 MR. JOHN HAGLER: Thank you.

2 THE COURT: Let's move right along.

3 MR. GREG DAVIS: Yes, sir.

4

5 BY MR. GREG DAVIS:

6 Q. Ms. Van Winkle, as we look at State's

7 Exhibit 122, the names down here at the bottom, do they

8 reflect, we have just color coded the blood results, have
9 we not?

10 A. Yes, that is correct.

11 Q. So would it be fair to say that the

12 DNA result, coming back to Damon would be a red and

13 Darlie would be a green and to Devon would be a yellow?

14 A. Yes, that's correct.

15 Q. So, that wherever we see green on this

16 board, does that reflect a DNA result that it came back

17 as a match to Darlie Routier?

18 A. That's correct.

19 Q. Where we see a yellow, would that be a

20 DNA match back to Devon Routier?

21 A. That's correct.

22 Q. Finally, a red result would be a

23 match, DNA-wise, with Damon Routier, is that correct?

24 A. Yes, that's correct.

25 Q. If we come through here, beginning in

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3182

1 the utility room, for instance, we see three stains,

2 correct?

3 A. That's correct.

4 Q. One on the floor and two on the ball

5 cap here, just for example, these came back to who?

6 A. To Darlie Routier.

7 Q. Now, did you also test here in the

8 sink area?

9 A. Yes.

10 Q. And, your results there would be shown

11 here; is that right?

12 A. That's correct.

13 Q. Let me ask you about the two in

14 particular where we have half of it is green and then we

15 have quarters of yellow and red. What do those

16 particular results reflect there?

17 A. There were two particular stains, one

18 of which was on the handle of that sink and one of which

19 was in the bottom of the sink, both fairly faint stains.

20 They did -- the primary type was Darlie's type. There

21 was a faint type 3 which could have been contributed by

22 either Damon or Devon.

23 Q. The samples listed as 70 here on this

24 rug, those are who?

25 A. Those are Darlie.

Sandra M. Halsey, CSR, Official Court Reporter

3183

1 Q. The item 69 here with the vacuum

2 cleaner, those are whose?

3 A. Those are Darlie's.

4 Q. On the kitchen floor here, with the RM

5 and RH designation, those are who?

6 A. Those are Darlie.

7 Q. Again, along the wall here in the
8 kitchen near the light switch?

9 A. Yes, those are Darlie.

10 Q. This up here on the kitchen bar area?

11 A. Darlie.

12 Q. And, then a designation for the green
13 and white plaid rag there, item No. 29?

14 A. Darlie.

15 Q. Along the wall here in the hallway as
16 well as the family room?

17 A. Darlie.

18 Q. Where we have represented Damon

19 Routier here on the carpeted area?

20 A. That is correct.

21 Q. That would be Damon; is that right?

22 A. That's correct.

23 Q. Okay. Then we have on his T-shirt and
24 on his blue jeans, we have half green and half red. Do
25 those reflect the mixtures that you testified about?

Sandra M. Halsey, CSR, Official Court Reporter
3184

1 A. They do.

2 Q. On the couch here, items 52, 53 and
3 54?

4 A. Darlie.

5 Q. The two samples here on the cut out
6 carpet behind this couch?

7 A. Darlie.

8 Q. The two samples here on the carpet by
9 the chair?

10 A. Darlie.

11 Q. Again, on the carpet near the chair,
12 105s?

13 A. I don't believe I tested those, but
14 those --

15 Q. -- reflect Darlie also?

16 A. Reflect Darlie.

17 Q. Okay. Now, in the area where we have
18 represented Devon Routier, the shorts were his, correct?

19 A. That's correct.

20 Q. And you had two off the black and
21 white blanket came back to him; is that right?

22 A. That's correct.

23 Q. On the pillow case here, and on the

24 pillow and pillow case, we had one Darlie, one Devon and
25 then one mixture; is that right?

Sandra M. Halsey, CSR, Official Court Reporter
3185

1 A. That's correct.

2 Q. The carpet area by Devon?

3 A. Darlie.

4 Q. And then finally, in this area between
5 the two couches, on the green blanket we had Damon?

6 A. Damon, I'm sorry.

7 Q. Damon Routier?

8 A. That's correct.

9 Q. On the blue blanket we had?

10 A. Darlie.

11 Q. Coming from this couch in this
12 position, we had a mixture; is that right?

13 A. That's correct.

14 Q. Of Damon and Darlie Routier; is that
15 right?

16 A. That's correct.

17 Q. Over here on the arm of this couch
18 near the windows, we had a Damon; is that right?

19 A. Damon, correct.

20 Q. And, finally, on the handprint that
21 came out of the carpet, that was Damon; is that right?

22 A. The print itself was Damon, that's
23 correct.

24 Q. And the green dot, indicated right
25 here next to that handprint, what does that represent?

Sandra M. Halsey, CSR, Official Court Reporter
3186

1 A. Adjacent to the area of the handprint

2 was a soaked through stain of Darlie.

3 Q. So we have Damon's blood in this

4 portion of the den by the couch and we also find his
5 blood on this portion where his body was; is that right?

6 A. That's correct.

7 Q. Now, Ms. Van Winkle, looking at the

8 T-shirt, again, we have used the same color coding; is
9 that right?

10 A. Yes.

11 Q. Where Damon Routier will be
12 represented in red?

13 A. Yes.

14 Q. Darlie Routier will be represented in
15 green?

16 A. Yes.

17 Q. And, finally, Devon Routier will be
18 represented in yellow; is that right?

19 A. Yes.

20 Q. Ms. Van Winkle, for the samples that
21 you tested where you actually got a result that you could
22 report out, did you have any unidentified samples?

23 A. Other than the three individuals, no.

24 Q. So, if you tested and you got a
25 result, they either came back to Damon, Darlie or Devon
Sandra M. Halsey, CSR, Official Court Reporter
3187

1 Routier; is that right?

2 A. That's correct.

3

4 MR. GREG DAVIS: I'll pass the
5 witness.

6 THE COURT: Mr. Mulder. All right.

7 Thank you.

8

9

10 CROSS EXAMINATION

11

12 BY MR. DOUGLAS MULDER:

13 Q. Ms. Van Winkle, did you do any DNA
14 testing with respect to the pubic hair that was recovered
15 out there at the Routier residence?

16 A. No, I did not.

17 Q. That was sent over to Gene Screen; is
18 that right?

19 A. I don't have any direct knowledge of
20 that, no.

21 Q. Have you reviewed Gene Screen's
22 findings?

23 A. No, I have not.

24 Q. Who would know about that evidence?

25 Whatever went to Gene Screen came through y'all, didn't
Sandra M. Halsey, CSR, Official Court Reporter
3188

1 it?

2 A. Through the laboratory, not through
3 me.

4 Q. Yes, ma'am. But either, as I recall
5 what Ms. Floyd testified to, she said she either got the
6 evidence from Ms. Van Winkle, that would be you?

7 A. That's correct.

8 Q. Or Ms. Floyd, would be your partner, I
9 mean, that was Ms. Floyd or Mr. Linch?
10 A. Normally, he does the trace analysis,
11 the hair-type evidence. I deal with the blood and the
12 body fluid evidence.
13 Q. Okay. So you don't have any idea why
14 pubic hair was not given to you first, I guess, and was
15 sent over to Gene Screen?
16 A. I don't have any direct knowledge of
17 that, no.
18 Q. But that is Mr. Linch's area of
19 expertise, is it not?
20 A. As far as which part of it? As far as
21 microscopically identifying it?
22 Q. Yes, hair analysis.
23 A. That part of the hair analysis, yes.
24 Q. Okay. Now, as I understand your
25 testimony, you are telling this jury that you did your
Sandra M. Halsey, CSR, Official Court Reporter
3189

1 various analysis on the knife, butcher knife. You only
2 had one knife, didn't you?
3 A. That had blood on it, yes.
4 Q. Yes, ma'am. And you are telling this
5 jury that you did your analysis on that knife, on the tip
6 of the knife, several places on the blade of the knife
7 and on the handle of the knife; is that right?
8 A. Yes.
9 Q. Okay. And you are telling the jury

10 that you have no evidence that Devon's blood was ever on
11 that knife. Is that fair to say?

12 A. That's correct.
13 Q. Okay. No question about that, is
14 there?
15 A. From the samples I tested?
16 Q. Yes, ma'am.
17 A. Which were limited and was not all of
18 the blood on the knife.
19 Q. Well --
20 A. There was no evidence of Devon's
21 blood.
22 Q. Okay. Well, you had access to all of
23 these exhibits and were able to take samples from
24 wherever you desired, were you not?
25 A. Are you referring to the knife?
Sandra M. Halsey, CSR, Official Court Reporter
3190

1 Q. No, I'm referring to all of the
2 exhibits.
3 A. Basically, yes. That would be a fair
4 statement.
5 Q. Okay. And, for example, do your
6 records reflect how many dish towels, wash cloths, dish
7 rags, whatever you want to call them, came into your
8 laboratory?
9 A. They do perhaps, but I have not sat
10 down and counted them.
11 Q. Would you do that please?
12
13 THE COURT: Mr. Mulder, I think Ms.
14 Van Winkle --
15
16 BY MR. DOUGLAS MULDER:
17 Q. Ms. Van Winkle, how many towels do you
18 find?
19 A. Towels and rags, approximately 21, if
20 I counted correctly.
21 Q. Approximately 21?
22 A. Yes.
23 Q. How many of those were tested by you?
24 A. By myself as far as DNA analysis?
25 Q. Yes.
Sandra M. Halsey, CSR, Official Court Reporter
3191

1 A. Only the ones we spoke of earlier.
2 Q. All right. Now, I believe you said
3 you did some green plaid towels?
4 A. That's correct.
5 Q. Would these be the plaid towels?
6 A. They would be item No. 28.

7 Q. Okay. And, these tests you have are
8 very sensitive, aren't they?
9 A. Yes.
10 Q. Okay. Matter of fact, I think it's
11 been said here in Court that you could actually analyze
12 the --
13
14 THE COURT: Would you mind standing,
15 please, Mr. Mulder?
16 MR. DOUGLAS MULDER: I don't mind a
17 bit, Judge. I have got to bend over to pick this stuff
18 up, unless you would like to have somebody --
19 THE COURT: All right.
20 MR. DOUGLAS MULDER: What's your
21 pleasure? I want to make you happy.

22 THE COURT: Well, I would rather have
23 you stand, if you would. I mean, there are several
24 people who can pick it up for you.
25 MR. DOUGLAS MULDER: All right. I
Sandra M. Halsey, CSR, Official Court Reporter
3192

1 don't mind. If one of y'all will get this for me, but
2 don't bend down when you get it.

3 THE COURT: The sidebar comments are
4 unnecessary.

5 MR. DOUGLAS MULDER: All right.

6 THE COURT: So please stand.

7 MR. DOUGLAS MULDER: All right.

8 THE COURT: Thank you.

9

10 BY MR. DOUGLAS MULDER:

11 Q. You made the selection as to where to
12 make this analysis?

13 A. Actually, the serologist cut those
14 stains out, Kathryn Long.

15 Q. Kathryn Long did?

16 A. That's correct.

17 Q. You testified -- are you saying there
18 isn't any blood on these towels?

19 A. No, I am not.

20 Q. Okay. It appears to have blood on
21 them, doesn't it?

22 A. Yes, it does have blood on them.

23 Q. Okay.

24 A. On the towels, yes.

25 Q. But your analysis was inconclusive?

Sandra M. Halsey, CSR, Official Court Reporter
3193

1 A. There was no amplification product or
2 banding pattern obtained from the stains on those towels.

3 Q. Did you go back to check on other
4 portions of the towels?

5 A. Another stain from the towel itself,
6 each of those towels was not taken, no.

7 Q. Okay. I mean, why was that?

8 A. Well, it just wasn't repeated, that
9 testing.

10 Q. Okay. So you are telling the jury
11 that there is blood on these towels?

12 A. Yes, that's correct.

13 Q. You just don't know whose blood?

14 A. That's correct.

15 Q. Okay. Now, likewise, as I understood
16 your report on direct examination, you said that you
17 found Darlie's blood in the sink and you found, also in
18 the sink, blood consistent with the boys' blood?

19 A. On two areas of the sink, there was

20 primarily her DQ-Alpha type, consistent with Darlie, and
21 a very faint additional type.

22 Q. Okay. And you are telling the jury
23 that you can't tell which of the boys' blood was in the
24 sink?

25 A. That's correct. That faint additional
Sandra M. Halsey, CSR, Official Court Reporter
3194

1 type could have originated from either.

2 Q. All right. It could have been
3 either -- it could have been both, it could have been
4 either one; is that right?

5 A. That's correct.

6 Q. And you can't tell from your testing?

7 A. That's correct.

8 Q. And didn't do any further tests?

9 A. That's correct.

10 Q. Okay. Do you know if they tested, if
11 you received any samples from the counter where the blood
12 was located and the knife was recovered?

13 A. Not to my knowledge, no.

14 Q. That appears to be blood there,
15 doesn't it, on the counter?

16 A. Yes.

17 Q. Okay. But that was not tested, is
18 that what you are telling us?

19 A. To my knowledge, I did not test that,
20 no.

21 Q. Okay. And these particular places in
22 the carpet where blood was detected by you and analyzed
23 by you and determined to be Darlie's or one of the boys
24 or whatever; you are not saying that there was another
25 person's blood in that same vicinity, are you?

Sandra M. Halsey, CSR, Official Court Reporter
3195

1 A. If I understand you correctly --

2 Q. Did you test, excuse me, did you test
3 this particular sample? It's identified as State's
4 Exhibit No. 35-E?

5 A. I can't tell where that is from. Just
6 looking at that, I have no idea where that stain is from.

7 Q. Does it appear that a sample has been
8 taken from that?

9 A. I can't tell by looking at that.

10 Q. Okay. It has not been cut out at
11 least, has it?

12 A. I can't tell by looking at that. It
13 could have been.

14 Q. Okay. So, when we have these
15 references -- here, this is, I mean this is rather broad,
16 is it not?

17 A. Well, what do you mean by that?

18 Q. Well, I mean that this, for example,
19 is the area in which Devon Routier's body was recovered.
20 Is that your understanding or do you even know?

21 A. Yes, that is my understanding.

22 Q. Okay. And you found his blood there,
23 naturally; is that correct?

24 A. Yes.

25 Q. Okay. And, did you -- was that
Sandra M. Halsey, CSR, Official Court Reporter
3196

1 analyzed from the carpet?

2 A. It was analyzed from the stains that
3 we covered a moment ago.

4 Q. Okay.

5 A. As far as the specific stains that
6 were tested.

7 Q. Okay. Would you refresh my memory
8 then?

9 A. Okay.

10 Q. Were those carpet --

11 A. Devon in particular?

12 Q. Devon, uh-huh. (Nodding head
13 affirmatively.)

14 A. No.

15 Q. Those were not carpet stains?

16 A. Those were not carpet.

17 Q. Where were those stains taken from?

18 A. There were stains taken from a pillow,
19 a pillow case, a blanket.

20 Q. Okay.

21 A. And shorts.

22 Q. All right. And you found his blood on
23 the pillow, right?

24 A. No. The stain that was tested was
25 consistent with Darlie.

1 Q. All right. You found his blood on the
2 pillow case?

3 A. Yes.

4 Q. Was her blood also on the pillow case?

5 A. Yes.

6 Q. Okay. So, what you are telling us --

7 it's your understanding that his body remained there

8 until it was removed by the medical examiner's people.

9 Is that not your understanding? Do you know anything
10 about that?

11 A. I don't know who removed the body.

12 Q. Okay. If Darlie Routier had been

13 injured, if her throat had been cut and she had been

14 stabbed in the right arm, and was in attendance to this

15 youngster, after she had been injured, you would expect

16 to find her blood in about his location, would you not?

17 A. It's possible, sure.

18 Q. But if it's not possible, but it's

19 likely that you would find her blood there if she had

20 been injured; is that not correct?

21 A. It's possible, yes.

22 Q. Okay. When you say it's -- you know,

23 I noticed when you answered Mr. Davis's questions, you

24 would answer that it was consistent.

25 So, let me ask you that. Is that

Sandra M. Halsey, CSR, Official Court Reporter

3198

1 consistent with her being in attendance to him after she

2 had been injured herself?

3 A. If she was actively bleeding at that

4 time, and the blood was dripping, then that is

5 consistent, yes.

6 Q. Okay. And you are telling us that you

7 did not analyze the carpet by him; is that correct?

8 A. No.

9 Q. That is correct?

10 A. That's correct.

11 Q. Thank you. Did you do an analysis

12 along this area?

13 A. What numbers are those? If you could

14 refresh my memory.

15 Q. Okay. Numbers TB-5 of 6. Oh, I

16 can -- maybe you can know better. TB-5 of 6, 5 of 5.

17 A. Those stains, I did not analyze
18 personally, no.
19 Q. Do you know where those stains were,
20 whether they were on the carpet or on the wall?
21 A. No, I do not.
22 Q. Again, you would expect to find Darlie
23 Routier's blood in conjunction with her son's blood if
24 she had rendered him aid after she herself had been
25 injured, would you not?
Sandra M. Halsey, CSR, Official Court Reporter
3199

1 A. Again --
2 Q. That would be consistent?
3 A. If blood was actively dripping from
4 the wound, that would be consistent.
5 Q. Okay. Now, how many of the white
6 towels did you analyze?
7 A. Of the white ones?
8 Q. Uh-huh. (Attorney nodding head
9 affirmatively).
10 A. I don't know right off. As far as for
11 DNA analysis, I believe it was only our item No. 30.
12 Q. Just one white towel?
13 A. For DNA analysis that I did, yes.

14 Q. Okay. And you received some --
15
16
17 (Whereupon, the following
18 mentioned items were
19 marked for
20 identification only

21 after which time the
22 proceedings were
23 resumed on the record
24 in open court, as
25 follows:)
Sandra M. Halsey, CSR, Official Court Reporter
3200

1
2 MR. DOUGLAS MULDER: Judge, some of
3 these are already in evidence, but in the interest of
4 speed, rather than trying to find these, I will just

5 offer these. I will offer into evidence what's been
6 marked for identification and record purposes as
7 Defendant's Exhibits 47, 48, 49, and 50.

8 MR. GREG DAVIS: No objection.
9 THE COURT: Defendant's Exhibits 47,
10 48, 49 and 50 are admitted.
11
12 (Whereupon, the above

13 Mentioned items were
14 Received in evidence
15 As Defendant's Exhibit

16 Numbers 47, 48, 49 and 50,
17 For all purposes, after
18 Which time, the

19 Proceedings were
20 Resumed on the record,
21 In open court,

22 As follows:)
23

24 BY MR. DOUGLAS MULDER:
25 Q. You will notice that, Ms. Van Winkle,
Sandra M. Halsey, CSR, Official Court Reporter
3201

1 in Defendant's Exhibit No. 48, Defendant's Exhibit No.
2 49, and Defendant's Exhibit No. 47, there are three white
3 towels. Do you see those?

4 A. Yes, sir.

5 Q. Okay. Do you know which one you
6 analyzed?

7 A. No.

8 Q. Okay.

9 A. Right off I do not.

10 Q. Okay. Is there some reason that you
11 didn't analyze -- I know you did 100 analyses, and I
12 realize you have got to draw the line someplace.

13 A. Right.

14 Q. But any reason you didn't analyze the
15 other towels?

16 A. It wasn't specifically requested and
17 it wasn't initially analyzed.

18 Q. Okay. Who makes that determination as
19 to what is to be analyzed and what is not to be analyzed?

20 A. It's usually a joint effort, based on
21 experience and different requests.

22 Q. Between you and the district
23 attorney's office?

24 A. Or the investigators or the medical
25 examiners.

Sandra M. Halsey, CSR, Official Court Reporter
3202

1 Q. So, you, working in conjunction with
2 the police agencies, decide what is to be analyzed and
3 what isn't to be analyzed, basically, is that it?

4 A. Well, that is always part of the
5 decision-making process, yes.

6 Q. Could I see a copy of your notes, the
7 report that you generated?

8 A. The whole file?

9 Q. Yes.

10 A. This is just a copy of that.

11 Q. I don't know what I'm going to do with
12 the whole file.

13 A. This is just a copy of the report that
14 you have.

15 Q. Let me just see the whole file.

16 A. All right.

17 Q. I think we have this. Let me look at
18 it. Yeah, let me make sure we have it.

19 A. Okay.

20 Q. If we get to a point where you can't
21 answer and you need your notes, just let me know and I
22 will get them for you.

23 As I recall, you said the blue blanket
24 was analyzed and on the blue blanket you found Darlie's
25 blood; is that right?

Sandra M. Halsey, CSR, Official Court Reporter
3203

1 A. I would like my notes to refer to,
2 please.

3 Q. All right. Can you do it with this?

4 A. Sure.

5 Q. Okay.

6 A. Yes, that's correct.

7 Q. Okay. And, the white towel that you
8 analyzed, what number was that?

9 A. It was item No. 30.

10 Q. Okay. That would appear to be a very
11 bloody item. This is 30, is it not?

12 A. That's correct.

13 Q. Okay. And, more consistent perhaps
14 with the exhibit -- it's not consistent with what is
15 portrayed in Defendant Exhibit No. 49, is it?

16 A. Well, perhaps if I could -- well, let
17 me look at my file here, and see if it has any clue about
18 where it was from.

19 Q. Okay.

20

21 THE COURT: We will now take a 10
22 minute break. During the break, please get everything
23 out you need to cross examine this witness.

24

25 (Whereupon, a short
Sandra M. Halsey, CSR, Official Court Reporter
3204

1 Recess was taken,

2 After which time,

3 The proceedings were
4 Resumed on the record,
5 In the presence and
6 Hearing of the defendant
7 And the jury, as follows:)

8

9 MR. DOUGLAS MULDER: Judge, I don't
10 know who the witnesses are, so I can't prepare in
11 advance.

12 THE COURT: I said this witness.

13 MR. DOUGLAS MULDER: I understand.

14 Well, if I knew who the witnesses were.

15 THE COURT: All right. Well, you know
16 that.

17

18 (Whereupon, a short
19 recess was taken, after
20 which time, the

21 proceedings were
22 resumed in open court,
23 in the presence and
24 hearing of the

25 Defendant, being
Sandra M. Halsey, CSR, Official Court Reporter
3205

1 represented by her
2 Attorney, in the presence
3 Of the jury as follows:)

4

5 THE COURT: All right. Are both sides
6 ready to bring the jury back in and continue with this
7 witness?

8 MR. GREG DAVIS: Yes, your Honor, the
9 State is ready.

10 MR. DOUGLAS MULDER: Yes, sir, the
11 Defense is ready now.

12 THE COURT: All right. Bring the jury
13 back.

14

15 (Whereupon, the jury

16 Was returned to the
17 Courtroom, and the
18 Proceedings were

19 Resumed on the record,
20 In open court, in the
21 Presence and hearing
22 Of the defendant,
23 As follows:)
24

25 THE COURT: All right. Let the record
Sandra M. Halsey, CSR, Official Court Reporter
3206

1 reflect that all parties in the trial are present. The
2 jury is seated. Mr. Mulder, you may continue.
3

4 (Whereupon, the following
5 mentioned items were
6 marked for
7 identification only
8 after which time the
9 proceedings were
10 resumed on the record
11 in open court, as
12 follows:)

13

14 MR. DOUGLAS MULDER: Well, we will
15 offer into evidence what has been made for
16 identification and record purposes as Defendant's
17 Exhibits 50, 51, and 52.

18 MR. GREG DAVIS: No objection.

19 THE COURT: Defendant's Exhibits 50,
20 51 and 52 are admitted.

21

22 (Whereupon, the items

23 Heretofore mentioned
24 Were received in evidence
25 As Defendant's Exhibit
Sandra M. Halsey, CSR, Official Court Reporter
3207

1 Nos. 50, 51, and 52
2 For all purposes,
3 After which time, the
4 Proceedings were resumed
5 As follows:)
6
7
8 CROSS EXAMINATION (RESUMED)

9
10 BY MR. DOUGLAS MULDER:
11 Q. Did you analyze these Reebok shoes?
12 A. No, I did not.
13 Q. Okay. If there was blood on them you
14 don't know where it was, obviously?
15 A. I have no knowledge, no.
16 Q. Would you expect or would it be

17 consistent, if someone went to that light switch and
18 those are the shoes that we have here, would it be

19 consistent, if they were bleeding, that blood might get
20 on those shoes, given their relative position to the
21 light switch?

22 A. Well, bleeding, they would have to be
23 dripping blood.
24 Q. Do you see --

25 A. Quite a bit.
Sandra M. Halsey, CSR, Official Court Reporter
3208

1 Q. -- any evidence in Defendant's Exhibit
2 No. 52 of blood being dripped?
3 A. It's hard to say looking at the
4 photographs, on testing perhaps that is blood.
5 Q. Okay. You see some red, looks like a
6 red liquid there in the vicinity of the shoes, do you
7 not? Can you see it on the carpet?
8 A. Yes, I do.
9 Q. You see it on the wood?
10 A. Yes.
11 Q. Okay. So, if someone were dripping

12 blood in that fashion it would be consistent, would it
13 not that they might drip blood on those shoes?

14 A. It's possible, sure.

15 Q. Sure.

16

17

18

19 (Whereupon, the following

20 mentioned item was

21 marked for

22 identification only

23 after which time the

24 proceedings were

25 resumed on the record

Sandra M. Halsey, CSR, Official Court Reporter

3209

1 in open court, as

2 follows:)

3

4 BY MR. DOUGLAS MULDER:

5 Q. Now, the maroon pillow that has been

6 marked for identification for record purposes as

7 Defendant's Exhibit 53; let me show that exhibit to you

8 and ask you whether or not you had had that in your

9 possession at some time?

10 A. I have seen the pillow, yes.

11 Q. Did you do a test on this pillow?

12 A. No, I personally did not. Well, let

13 me rephrase that. I did not cut out the stains on the

14 pillow.

15 Q. Okay. Did you test -- do the testing

16 on the stains?

17 A. Initially, I started testing on the

18 stains, but I did not finish it.

19 Q. All right. But somebody did test

20 them?

21 A. Yes, that's correct.

22 Q. Okay.

23

24 MR. DOUGLAS MULDER: We will offer

25 into evidence what has been marked for identification

Sandra M. Halsey, CSR, Official Court Reporter

3210

1 purposes as Defendant's Exhibit No. 53.

2 MR. GREG DAVIS: No objection.

3 THE COURT: Defendant's Exhibit 53 is

4 admitted.

5

6 (Whereupon, the above

7 mentioned item was

8 received in evidence

9 as Defendant's Exhibit

10 No. 53, for all

11 Purposes, after

12 which time, the

13 proceedings were

14 resumed on the record,

15 in open court,

16 as follows:)

17

18 MR. DOUGLAS MULDER: It was also

19 marked as State's Exhibit No. 92?

20 MR. GREG DAVIS: That is a label that

21 I put on, and you can remove that if you would like. Are

22 you labeling another one as 53-A?

23

24

25 (Whereupon, the following

Sandra M. Halsey, CSR, Official Court Reporter

3211

1 mentioned item was

2 marked for

3 identification only

4 after which time the

5 proceedings were

6 resumed on the record

7 in open court, as

8 follows:)

9

10

11 MR. MULDER: 53-A, right.

12 MR. GREG DAVIS: Yeah. I've got no

13 objection to that either.

14 THE COURT: All right. Defendant's

15 Exhibit 53-A is admitted.

16

17 (Whereupon, the above

18 mentioned items were

19 received in evidence

20 as Defendant's Exhibit
21 No. 53-A, for all

22 Purposes, after
23 which time, the
24 proceedings were

25 resumed on the record,
Sandra M. Halsey, CSR, Official Court Reporter
3212

1 in open court,
2 as follows:)
3

4 BY MR. DOUGLAS MULDER:

5 Q. The rug that you were telling us about
6 that you analyzed, do you know where that was?

7 A. Yes.

8 Q. Okay. Where was that?

9 A. It's reflected in the bottom picture
10 there under the sink.

11 Q. Is that the --

12

13 THE COURT: When you turn them that
14 way they break, kindly stop that. That's the second one
15 that's happened to.

16 MR. DOUGLAS MULDER: Well, this is the
17 first one for me, Judge.

18 THE COURT: All right.

19 MR. DOUGLAS MULDER: I beg the Court's
20 pardon.

21 THE COURT: Thank you.

22 MR. DOUGLAS MULDER: Would you be so
23 kind as to assist me, Mr. Mosty? We will pick this up
24 together.

25 MR. RICHARD MOSTY: Yes.

Sandra M. Halsey, CSR, Official Court Reporter
3213

1 THE COURT: All right. Be careful.

2 All right.

3

4 BY MR. DOUGLAS MULDER:

5 Q. Are you saying that it is this
6 flowered rug right here?

7 A. That's correct.

8 Q. Okay. And that is the rug that I am
9 holding up?

10 A. If I could look at the markings,

11 please?

12 Q. Sure. You want to look at the paper
13 sack that it was in?

14 A. Yes, our number.

15 Q. Does that help?

16 A. Yes, that's correct.

17 Q. This is the rug?

18 A. Yes, it is.

19 Q. And again, you just sampled the
20 portions that are indicated in the rug, the defects
21 there?

22 A. Yes.

23 Q. You can see there's more blood there?

24 A. I personally didn't cut those out.

25 Those are the areas that were tested, yes.

Sandra M. Halsey, CSR, Official Court Reporter
3214

1 Q. I understand. But there is a

2 considerable blood shown here that is not -- has not been
3 tested?

4 A. There is.

5 Q. Okay. Now, there was another rug
6 similar, back here, correct?

7 A. Yes.

8 Q. This is the rug that you tested?

9 A. Yes.

10 Q. This is -- have you tested this rug?

11 A. I have no knowledge of that rug but --
12 no, I have not.

13 Q. Okay. There was another rug right
14 here. Have you tested that rug?

15 A. No, I have not.

16 Q. Okay. Just weren't asked to, I guess?

17 A. That's correct.

18 Q. Okay. What do you -- I think that is

19 it. When evidence is gathered, you recommend that it be
20 separated as it's gathered? I mean, if you gather one
21 bloody thing here and another bloody thing someplace
22 else?

23 A. Yes, that's correct.

24 Q. Okay. And why is that?

25 A. To maintain the integrity of the
Sandra M. Halsey, CSR, Official Court Reporter
3215

1 evidence on that item.

2 Q. Is that so that it doesn't -- if you

3 put two bloody items together, if they are wet, they can

4 bleed one into the other, can't they?
5 A. If there is a lot of soaked through
6 blood, yes, that can happen.
7 Q. Well, there really doesn't have to be
8 a great deal of soaked through blood, does there?
9 A. Well --

10 Q. Any more than if you took blood on two
11 pieces of paper and put it together and it would
12 immediately combine and mix, wouldn't it? I mean, we
13 know that from common knowledge, don't we?
14 A. There has to be enough to mix, yes.
15 Q. Sure. Just like we know from common
16 knowledge that if we, for example, if things are -- water
17 dilutes, doesn't it?

18 A. Yes.
19 Q. Okay. And if we -- if we were to wet
20 down some towels with blood, the water would have a
21 diluting effect to the blood, would it not?

22 A. Yes.
23 Q. Okay. Now, if we wanted to find
24 out -- the pubic hair that was submitted to Gene Screen
25 and where that was recovered from the den of the Routier
Sandra M. Halsey, CSR, Official Court Reporter
3216

1 residence, who would we talk to?
2 A. I don't have any knowledge of that. I
3 don't know.
4 Q. Okay. I mean, who would it be in your
5 facility who would have access to that sort of
6 information?

7 A. Normally, hair analyses would come in
8 through trace evidence.

9 Q. Okay. That would be Dr. Irving Stone
10 is the head of trace evidence, is he not?

11 A. Yes, that's correct.

12 Q. And Mr. Linch works for Dr. Stone,
13 doesn't he?

14 A. That's correct.

15 Q. Did you -- in your DNA analysis, you
16 can do hair, can't you?

17 A. If there is a root or tissue adhered
18 to the hair, yes, we are able to get a type on hair.

19 Q. If there is a root or tissue to it?

20 A. Yes.

21 Q. Okay. And did you have a facial hair
22 submitted to you?

23 A. No.

24 Q. You did not?

25 A. No.

Sandra M. Halsey, CSR, Official Court Reporter
3217

1 Q. You all have had DNA capability there
2 at SWIFS for 10 years?

3 A. Since 1991.

4 Q. Okay. All right. You can analyze
5 saliva, can't you?

6 A. Well, if the analysis is actually on
7 some cells, in the saliva.

8 Q. Right. But saliva has cells, doesn't
9 it?

10 A. Oftentimes, yes.

11 Q. Just like you can do -- what do you
12 do, you do the white blood cells?

13 A. From a blood sample?

14 Q. Yes.

15 A. Yes. The DNA is in the nucleated
16 cells, which is normally the white blood cells.

17 Q. Traditionally, the red ones don't
18 have?

19 A. Mature red cells are non-nucleated,
20 that's correct.

21 Q. But at any rate, it doesn't take a

22 great deal of saliva to give you a reaction, does it?

23 Matter of fact, you do cigarette filters, don't you?

24 A. We do the cigarette filters and it's

25 from the cells that are on those filters. Normally, that
Sandra M. Halsey, CSR, Official Court Reporter
3218

1 would be transferred from the mouth.

2 Q. Okay. But, I mean, ordinarily you
3 don't soak down -- I don't know whether you smoke or not,
4 or if you smoked filter cigarettes, but ordinarily, you
5 don't get that part of the tobacco that wet, but it's so
6 sensitive, that it can pick that up, can't it? The DNA?

7 A. I'm not quite sure what you are
8 asking, but yes, we can get DNA off of cigarette filters.

9 Q. They don't have to be soaked with
10 saliva either, do they?

11 A. Again, it is not the saliva we are
12 looking at. It's the cellular transfer that occurs on
13 that filter.

14 Q. I understand. The cells are

15 transferred in the saliva, are they not?

16 A. Well, not necessarily, it may be from
17 the lips themselves.

18 Q. Okay. All right. Well, I guess they

19 could be blown through from the cells inside the mouth.

20 A. Right.

21 Q. That we slough all the time, don't we?

22 A. That's correct.

23 Q. Okay.

24

25 MR. DOUGLAS MULDER: I think that's
Sandra M. Halsey, CSR, Official Court Reporter
3219

1 all. Thank you, Ms. Van Winkle.

2

3 REDIRECT EXAMINATION

4

5 BY MR. GREG DAVIS:

6 Q. Ms. Van Winkle, I just have one

7 question about the sample retrieved near where the knife

8 had been. Did you receive an item No. 33-F in a film

9 canister labeled kitchen bar?

10 A. Yes, I did. That was near that area.

11 Q. Okay.

12 A. I'm not sure if it's that same

13 location or not.

14 Q. You were not there, so you don't know

15 where the knife was; is that right?

16 A. That's correct.

17 Q. 33-F, would that be where I am holding

18 my finger there?

19 A. It is.

20 Q. Okay.

21

22 MR. DOUGLAS MULDER: Could I see that?

23 MR. GREG DAVIS: Yeah.

24

25

Sandra M. Halsey, CSR, Official Court Reporter
3220

1 BY MR. GREG DAVIS:

2 Q. And that one is one of them that

3 indicated back to Darlie Routier, right?

4 A. It did.

5 Q. All right.

6

7 MR. GREG DAVIS: No further questions.

8 MR. DOUGLAS MULDER: I think that's
9 all.

10 THE COURT: Thank you, ma'am. You may
11 be excused. Your next witness, please.