

Testimony of Charles Linch

DIRECT EXAMINATION

12

13 BY MR. GREG DAVIS:

14 Q. Sir, would you please tell us your
15 full name.

16 A. My name is Charles A. Linch,
17 L-i-n-c-h.

18 Q. Mr. Linch, how are you employed?

19 A. I am currently employed as a trace

20 evidence analyst at the Institute of Forensic Sciences in
21 Dallas.

22 Q. All right. How long have you been
23 with -- can we just shorten that down to SWIFS?

24 A. Yes, sir. That is the abbreviation
25 for the Southwestern Institute of Forensic Sciences.
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1 Q. All right.

2 A. I have been there about 16 years off
3 and on. And, I have worked in trace evidence there for
4 the last nine years except for a year and a half.

5 Q. What do you do in trace evidence?

6 A. Trace evidence, we identify and
7 compare hairs, fibers, gunshot residues and other small
8 evidentiary items. It's very often a microscopic
9 comparison.

10 So I spend a lot of time collecting
11 evidence from articles, and then looking at it under the
12 microscope.

13 Q. And, before you became a trace
14 evidence analyst, did you hold some other position there
15 at SWIFS?

16 A. Yes, I did.

17 Q. What was that?

18 A. I was a field agent or medical
19 examiner investigator from about 1983 to 1986 or '7.

20 Q. What were your duties then as field
21 agent?

22 A. A field agent goes to the scene of an
23 unexpected death, and serves as the eyes and ears of the
24 pathologists.

25 They take photographs, collect
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1 evidence and make a judgment about what may have happened
2 at that crime scene.

3 Q. As a field agent, about how many death
4 scenes did you go to?

5 A. In the four-year period, I went to
6 over 500.

7 Q. All right. As a trace evidence

8 analyst, do you sometimes go to death scenes also?

9 A. Yes, I do.

10 Q. Approximately, how many death scenes
11 have you been to, since becoming a trace evidence
12 analyst?

13 A. I don't know the exact number. As a
14 trace evidence analyst, I very often limit my scene

15 visits, to situations where the body has already been
16 removed, or if it's a vehicle search where we're looking
17 in a vehicle trying to collect evidence.

18 Q. All right. In this case on June 6th
19 of 1996, did you have occasion to go to a death scene at
20 5801 Eagle Drive?

21 A. Yes, sir.

22 Q. How did that come about, that you went
23 out there?

24 A. I was in our autopsy area at the
25 Institute. The Intsitute is two departments of Dallas
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1 County. One department is the office of the Medical
2 Examiner, and the other department is the crime lab,
3 where I work. And so, we're all housed in the same
4 facility.

5 So on that morning, I was in the

6 basement, looking at some of the victims that were being
7 examined that day, and I noticed the two Routier
8 children.

9 Q. Okay. Did you then make the decision
10 on your own to go on out there to Rowlett?

11 A. Yes, sir. I called them and asked
12 them if they needed any assistance.

13 Q. Okay. Did you go out there by
14 yourself or with someone else?

15 A. I went with Kathryn Long, our forensic
16 serologist.

17 Q. Do you remember about what time that
18 you got out there to Eagle Drive?

19 A. About 12:30.

20 Q. When you got out there, did you meet
21 with anybody?
22 A. I met initially Detective Jimmy
23 Patterson and then James Cron.
24 Q. All right. What is the first thing
25 that you did once you met those two gentlemen?
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1 A. The first thing you always do is do
2 what is called a walk-through. You just walk through the
3 house and get a general idea of what is present in each
4 of the rooms.

5 Q. Okay. And after you did this initial
6 walk-through, what is the next thing that you began to
7 do?

8 A. Well, after you have done the
9 walk-through, you make a determination as to what kind of
10 evidence samples to collect.

11 Q. All right. Now, I want to direct your
12 attention to the garage section of the house. Did you
13 and Miss Long make some determination at that point about
14 collecting some stuff there in the garage?

15 A. Yes, sir.

16 Q. Okay. What decision did you make?

17 A. There were stains on the garage floor
18 that had the similar appearance to blood and there was
19 also some more powdered-looking material on a sign in
20 front of a freezer in the garage.

21 We tested the stains on the concrete,
22 and they were negative for the identification of blood.

23 Q. Okay. Was this a large stain?

24 A. Yes, sir.

25 Q. Okay. And, what did it appear to you
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1 to be?

2 A. Some type of syrupy material, maybe
3 soda pop or Kool-Aid.

4 Q. That was negative for blood?

5 A. That's right.

6 Q. Okay. What other areas did you test
7 then?

8 A. We tested the powdered, red material
9 on the sign, approximately in front of the freezer and
10 that was positive for the presumptive presence of blood.

11 Q. Okay. And, did you then have samples
12 of that blood actually taken from the garage?

13 A. Yes, sir. Ms. Long took those.

14 Q. All right. Why did you do that?

15 A. In speaking with Jim Cron, he was

16 aiding us in the walk-through, and he said there was no
17 blood found in the garage. And when we noticed this

18 material, he said, "Well, that wasn't there earlier."

19

20 MR. RICHARD C. MOSTY: I'll object to

21 describing what Mr. Cron said to him.

22 THE COURT: I'll sustain the

23 objection.

24 MR. GREG DAVIS: Okay.

25 THE COURT: Rephrase the question.

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1 BY MR. GREG DAVIS:

2 Q. Well, let me just move on. You then

3 did take the samples, is that right?

4 A. Yes, sir, we did. We took the samples

5 because if we didn't, somebody would say, why didn't you.

6 Q. All right. Did you take any other

7 samples from inside the garage then?

8 A. No, sir.

9 Q. All right. What is the next thing

10 that you all did then?

11 A. Again, we moved back into the house,

12 and as you stand in the front entryway hall, you can

13 evaluate the family room and the kitchen.

14 And, at that time I asked Miss Long to

15 check other bathrooms for occult or latent blood that you

16 cannot see, as if someone had washed up. And then I

17 focused my attention on the kitchen sink.

18 Q. All right. And when you looked at the

19 kitchen sink, what was its appearance?

20 A. It was unusual. It -- the sink

21 portion had been cleaned of blood, and the blood stains

22 on the front of the cabinet, were such that when that

23 blood was being shed, it would also need to be shed into

24 the sinks, which were now clean. So, it was my opinion

25 that the sinks had probably been cleaned of blood.

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1 Q. All right. Did you do any testing,

2 presumptive testing to determine if there was actually

3 blood in the sink or around the sink?

4 A. Miss Long did.

5 Q. All right. And what were the results?
6 A. The faucets were -- showed no blood
7 present, but with our chemicals we got a reaction.
8 Q. All right.
9 A. The -- there were some stains that
10 appeared to be watered down, that had run into the

11 stainless steel areas, that were positive for blood.
12 Kathryn took samples of those. The
13 water faucet, where the water actually comes out, that
14 appeared clean and stainless steel, but that was also
15 reactive for the presence of blood.
16 Q. All right. Now, when you get a
17 reaction for blood, does it range -- is there a certain

18 range of reaction? I mean, does all blood react equally,
19 or do you have a variance there?
20 A. Well, with time you appreciate a
21 difference. With the chemicals we use, if blood is
22 present, or the presumptive presence of blood, it will
23 pop up a green color, kind of a blue-green.
24 If the blood is fresh, it will react
25 very quickly and a very bright blue-green. If the blood
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1 is old, you will get kind of a dull, light-green color to
2 the reaction.

3 And some of the false/positive
4 materials will give the dull, slower, green reaction.

5 Q. What kind of reaction did you get for
6 the samples actually inside the bowl of the sink?

7 A. Those were quickly and darkly
8 reactive.

9 Q. All right. Did you sample anything
10 from the faucet area that appeared to be clean?

11 A. Yes, sir.

12 Q. What kind of reaction did you get up
13 there?

14 A. That was quickly and darkly reactive.

15 Q. Which told you what?

16 A. That there was recent contact with
17 that faucet with blood.

18 Q. All right. Did you have an
19 opportunity to look at the cabinet work that faces right
20 there at the sink area?

21 A. Yes, sir.

22 Q. All right. Was there blood actually
23 visible on the cabinetry?

24 A. Oh, yes, sir.

25 Q. How about on the handles to the
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1 cabinets?

2 A. Yes, sir. There was blood on the

3 knobs to the cabinets below the sink.

4 Q. All right. Now, did you or Miss Long,

5 in your presence, open up the doors to that cabinet?

6 A. Yes, sir.

7 Q. All right. And, did you see anything

8 unusual when you opened up the doors to the cabinet?

9 A. There was blood present inside the

10 cabinet, consistent with the door having to have been

11 opened when the blood was shed.

12 Q. All right. So, in your opinion, was

13 the blood on the facing or the outside of the cabinet,

14 that was consistent with having been deposited when the

15 doors were closed?

16 A. Yes.

17 Q. All right. Was there also blood

18 inside that was consistent with having been dropped while

19 the doors to the cabinet were actually open?

20 A. Yes.

21 Q. Do you remember what was inside that

22 cabinet?

23 A. As I recall, it was the usual under

24 the sink, kitchen-cleaning materials, cleanser and stuff.

25 Q. Now, did you instruct Miss Long to

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1 take actual blood samples from the kitchen sink area?

2 A. Yes, sir.

3 Q. Anything else done there at the sink

4 at that time?

5 A. At that time, no, sir.

6 Q. All right. Then what's the next thing

7 that you actually did there at the residence?

8 A. Then we moved into the family room.

9 And it was explained to me that the body of Devon Routier

10 was found in one particular area, and the blood in that

11 area was consistent with that explanation. And moving

12 into the family area, it was explained that a --

13

14 MR. RICHARD C. MOSTY: Your Honor, we

15 object to what was explained to him. That is hearsay.

16 THE COURT: Well, overruled. Go
17 ahead.

18 THE WITNESS: There was a cut out

19 place in the carpet where a small palm print had been
20 removed.

21 Around behind the couch where the
22 defendant said she was lying, there were, what appeared
23 to be faint shoe impressions.

24 It was my recommendation that that
25 piece of carpet be cut out for further analysis.

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1 BY MR. GREG DAVIS:

2 Q. All right. Now, are you talking about
3 the area that is going to be between the couch and the
4 windows that face out to the back yard?

5 A. Yes, sir.

6 Q. Okay. So you recommended that part of
7 that carpet be cut out, right?

8 A. Yes.

9 Q. Okay. What's the next thing that you
10 did then?

11 A. I asked where hairs and fibers had
12 been looked for. That is my primary reason for visiting
13 crime scenes. Hairs and fibers are almost never thought
14 about in violent struggles.

15 And David Mayne told me, that he had
16 taken tapings from the carpeting around and near where

17 the body of Devon was found. So then, I decided to take
18 tapings from the glass coffee table area to try to
19 recover any hairs or fibers that may have been in that
20 area.

21 Q. All right. When Officer Mayne told
22 you that he had already started collecting hairs and

23 fibers, did you consider that to be good police practice?

24 A. I was shocked.

25 Q. Why?

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1 A. Usually, police don't think to do
2 that. The hairs and fibers are thought about last
3 usually in collecting evidence.

4 Q. All right. And then you said -- did
5 you turn your attention then to the coffee table itself?

6 A. Yes, sir.

7 Q. All right. Did you start collecting
8 any hairs or fibers from that area?

9 A. I took tapings from the top of the
10 coffee table.

11 Q. Okay. When you say "tapings," what do
12 you mean?

13 A. Use a piece of adhesive tape and you
14 lay down the tape, just as you would use tape to remove
15 animal hairs and lint from your clothing. And that's my
16 preferred method of collecting hairs and fibers.

17 Q. Okay. Were you able to collect any
18 hairs and fibers from that area?

19 A. Yes, sir.

20 Q. Okay. How about when you were at the
21 coffee table, did you have an opportunity to look at the
22 flower arrangement that was sitting on the coffee table?

23 A. Yes, I did.

24 Q. All right. And, when you were looking
25 at that flower arrangement, sir, did you see any blood on
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1 the flower arrangement itself?

2 A. I didn't see any.

3 Q. All right. How about the vase that
4 the flower arrangement was in, did you see any blood on
5 it?

6 A. No, I didn't.

7 Q. Did you have an opportunity to look at
8 the couch that sits between the coffee table and the
9 windows leading to the back yard?

10 A. Yes, I did.

11 Q. All right. Now, did you see any
12 evidence of hair on that couch?

13 A. There were no tears or cuts or defects
14 in the couch that I saw.

15 Q. Okay. So no tears or defects;
16 correct?

17 A. That's right.

18 Q. How about hair, head hair?

19 A. I didn't see any.

20 Q. No blond-haired head hairs?

21 A. No hairs.

22 Q. All right. After you had looked at
23 the couch, you have looked at the coffee table, you have
24 taken your tapings from that area, what is the next thing
25 that you did?

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1 A. I went back into the kitchen. There
2 was -- I forget when exactly in the sequence, there was a
3 hair recovered from the kitchen floor. And again, then I
4 believe we directed our attention to upstairs.
5 Q. Okay. This hair that you collected

6 from the kitchen area, do you remember what part of the
7 kitchen that came from?
8 A. It was down near the kitchen sink

9 area. It would have been between the counter and the
10 kitchen sink.

11 Q. Okay. Any animal hairs that you could
12 see down there in that area?

13 A. Yes.

14 Q. What appeared to be animal hairs?

15 A. Yes, this last hair was, in my
16 opinion, a cat whisker.

17 Q. Okay. So a cat whisker there by the
18 sink. Is that when you directed your attention upstairs?

19 A. That would have been about the time.

20 Q. Okay. Did you ever have occasion to
21 go upstairs into a room that had a bunk bed arrangement?

22 A. Yes, I did.

23 Q. And did you see anything unusual
24 inside that room?

25 A. In this room there were two bunk beds,
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1 and on the both of them, the beds were made. And on the
2 bottom bunk bed, at the feet end, at the very end, there
3 was a circular area of what appeared to be blood, and
4 tested positive for the presence of blood, the
5 presumptive presence of blood.

6 Q. Was that bed actually still made up
7 when you saw it?

8 A. Yes, sir.

9 Q. When you saw what appeared to be
10 blood, what did you do, if anything?

11 A. I advised the police to collect that
12 blanket and submit it as evidence. And I also wanted to
13 see how far the blood had soaked, so I unmade the bed,
14 looking under the top cover and the bed sheets and
15 mattress.

16 Q. All right. When you tore the bed down
17 to look at this comforter, what did you see?
18 A. There was no blood continuing from the
19 top going any further.
20 Q. Okay. So it didn't penetrate through?
21 A. No.
22 Q. Was the blood itself that you saw, was
23 it still wet, dry, what was its appearance?
24 A. It was dry.
25 Q. All right. Did you have any other
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1 items upstairs? Did you recommend that the Rowlett
2 police collect anything else upstairs?
3 A. Well, I collected a hair brush that
4 was -- belonged to the defendant.
5 Q. What was the purpose of getting that?
6 A. Well, when you do your hairs and
7 fibers comparisons, you need to know what everybody's
8 head hair looks like so you know what you are comparing
9 to. So that was the reason for that.
10 It was my understanding that she was
11 injured, and we may not be able to get any head hair from
12 her.
13 Q. Okay. When you finished upstairs, Mr.
14 Linch, did you go back downstairs for a period of time?
15 A. Yes, I did.
16 Q. Okay. What, if anything, did you do
17 once you went down?
18 A. I did another walk-through, just
19 walking through to rethink some things, and think about
20 what we needed to have sent later.
21 Q. All right. Did you ever have an
22 opportunity to go back in the kitchen and start looking
23 for anything?
24 A. Yes.
25 Q. All right. What did you do in there?
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1 A. I -- well, actually, initially, I
2 was -- looked in the trash cans. As a field agent, I
3 learned you often start with trash cans in a crime scene.
4 But, I collected two pairs of scissors
5 from a drawer. I collected the disposal rubber assembly
6 from down in one of the sinks. And, I think that was
7 about it.
8 Q. All right. Let's go to the scissors.

9 Why did you collect the two scissors?

10 A. Well, I knew that the screen had been

11 cut. And, at that time I didn't know, whether it could

12 have been caused by knife or by scissors or what. And so

13 I just took them simply to see if maybe those scissors

14 had caused the defect in the screen to the garage.

15 Q. All right. Any blood on the scissors?

16 A. No, sir.

17 Q. All right. Where exactly did you find

18 them? Were they in a drawer?

19 A. They were in a drawer there in the

20 kitchen.

21 Q. So you collected the two scissors.

22 Now, how about the disposal drain cover, why did you take

23 it?

24 A. There was a strand of material that

25 was hanging in it, and it had also tested positive for

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1 the presumptive presence of blood. And I just wanted to

2 examine it with a microscope.

3 Q. While you were there, did you ever see

4 a butcher block with some knives in it?

5 A. Yes, I did.

6 Q. Okay. What, if anything, did you do

7 with it?

8 A. At that time, nothing. It was eight

9 knives remaining in this block, wooden butcher block.

10 Q. All right. Now, did you also see a

11 knife with blood on it?

12 A. Yes, I did. Not at the time of the --

13 I was shown the knife that had already been packaged by

14 the police.

15 Q. Okay. How long did you and Miss Long

16 stay out there at Eagle Drive on June 6th?

17 A. About three hours.

18 Q. All right. Now, let's go forward to

19 June 11th, 1996. Did you go back out to Eagle Drive on

20 that day?

21 A. Yes, sir, I did.

22 Q. All right. Again, did you go out

23 there with Kathryn Long?

24 A. Yes, I did.

25 Q. When you got out there, were there

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1 certain Rowlett police officers present?

2 A. They were present. I don't recall

3 specifically who was there.

4 Q. Was I there?

5 A. Yes, you were.

6 Q. Okay. And during the time that you

7 were there on June the 11th, did you instruct Kathryn

8 Long to do anything on that date?

9 A. Yes, I did.

10 Q. Okay. What did you ask her to do?

11 A. Well, again, we did a walk-through

12 once again. The -- I focused my attention on the

13 carpeting in the family room. I was learning and finding
14 out what the Rowlett Police Department had collected, and
15 I was making a determination as to what additional blood
16 samples we might want to take.

17 Q. Okay. Did you instruct Miss Long to

18 take some additional blood samples?

19 A. Yes, I did.

20 Q. Did you ever ask her to do anything

21 outside of the residence?

22 A. Yes, I did. And I also did some

23 testing outside.

24 Q. Okay. First of all, what did you ask

25 Miss Long to do?

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1 A. Her first interest was the back wooden

2 gate handle. It had some stains on it that could appear

3 to be old blood; drops of similar appearing material were

4 in the driveway.

5 Q. Okay. And, were the stains on the

6 gate actually tested for blood?

7 A. Yes, they were.

8 Q. What were the results?

9 A. They were negative.

10 Q. No blood?

11 A. No, sir.

12 Q. How about the drops on the driveway,

13 were they tested?

14 A. Yes.

15 Q. What was the result there?

16 A. Negative.

17 Q. All right. Did you, yourself do

18 anything else as far as testing?

19 A. I did some of the swabbing, I did the

20 swabbing on the driveway stains that were negative. We

21 did some more swabbing of stains inside the garage that

22 didn't really look like blood, but we swabbed them

23 anyway. In fact, they tested negative for the presence

24 of blood.

25 Q. Do you remember where they were in the
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1 garage?

2 A. Just different places on the concrete
3 floor.

4 Q. All negative?

5 A. Yes, sir.

6 Q. All right. Anything else that you
7 personally did as far as testing possible sites for
8 blood?

9 A. No, I don't recall any.

10 Q. All right. Rowlett police, do you

11 remember whether or not they actually did anything out
12 there on June the 11th in your presence?

13 A. Well --

14 Q. I guess, at this point, let me just
15 ask you whether or not Rowlett ever went on the roof of
16 that house?

17 A. Oh, I asked them what had been done up
18 to this point and they mentioned a list of things and I
19 said, "Well, have you been on the roof?"

20 And so, they were to go on the roof
21 after we left.

22 Q. All right. Was there also some
23 discussion about actually taking the carpet up from the
24 family room?

25 A. Yes, there was.

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1 Q. Okay. And what was your
2 recommendation regarding that?

3 A. I said it would be a good idea for
4 them to take it and for them to store it. "Don't bring
5 it to me yet."

6 Q. Okay. All right. So, you recommended
7 the taking of the carpet in the family room, Kathryn Long
8 took some blood samples, the testing, the presumptive

9 testing; Rowlett on the roof. Anything else that you
10 recall happening on June 11th out there at the house?

11 A. Well, I went into the Jacuzzi area and
12 looked around.

13 Q. What did you find out there?

14 A. Nothing remarkable.

15 Q. Okay. Anything else?

16 A. Not that I recall.

17 Q. Okay. Let's go forward to November

18 the 21st of 1996, again did go out there to Eagle Drive?

19 A. Yes, sir, I did.

20 Q. Okay. Again, were some Rowlett police

21 officers present, and was I also present at that time?

22 A. Yes, sir.

23 Q. On that date, did have you occasion to

24 look at a section of the hallway wall close to the family

25 room?

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1 A. Yes, I did.

2 Q. All right. And, did there appear to

3 be some blood stains on that part of the wall?

4 A. Yes, sir, there were.

5 Q. Did you collect some blood samples

6 from that area?

7 A. Not at that time, I took the wall

8 itself.

9 Q. Okay. Actually had it cut out of the

10 wall?

11 A. Yes, sir.

12 Q. All right. Did you yourself take any

13 blood samples from the residence on November 21st?

14 A. I took two additional stains that were

15 in the kitchen area. There is the light fixture, which

16 sits on a wall opposite the kitchen sink. That light

17 fixture, on our first visit, we saw smeared blood, and

18 Kathryn took some stains on that wall. On this visit, I

19 took two more stains that were down low on the wall below

20 this light switch.

21 Q. Okay. What was the purpose of taking

22 those?

23 A. Somebody would ask why didn't you if

24 you don't.

25 Q. Okay. So, all right. So beneath the

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1 light switch that had already been tested, you took two

2 more blood samples, right?

3 A. Yes, sir.

4 Q. All right. Any other blood samples

5 that you took on that date?

6 A. May I check my notes?

7 Q. Sure.

8 A. Not on that day, no.

9 Q. Okay. Let me ask you about that

10 section of the wall that was taken from the hallway. At

11 some later date, did you actually take some blood samples

12 from that area?

13 A. Yes, I did.

14 Q. One last thing, on the 21st, did you

15 ever take some wood-chip material from outside the house?

16 A. On November the 21st, and we were at

17 the third crime scene visit by me. Yes, I did. I took

18 wood-chip material from around the front porch and from

19 around the back near the window that was cut and raised.

20 Q. All right. Now, let's move forward

21 now to November 26th, 1996. Again, did you go to 5801

22 Eagle Drive?

23 A. Yes, I did.

24

25 MR. DOUGLAS MULDER: What was that

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1 date?

2 MR. GREG DAVIS: The 26th of November.

3

4 BY MR. GREG DAVIS:

5 Q. Were the Rowlett police officers

6 present on that date, also?

7 A. Yes, sir, there were some.

8 Q. Was I also there out at the house?

9 A. Yes, you were.

10 Q. All right. On that date, did you have

11 occasion to look at a section of the wall in the family

12 room?

13 A. Yes, sir.

14 Q. Would this be up close to the hallway

15 leading out of house, and would it be the wall, I guess,

16 opposite from the windows?

17 A. Yes, sir.

18 Q. So, it's actually going to be part of

19 the wall between the formal living area and the family

20 room, right?

21 A. Yes, sir. We had actually noticed

22 some stains on this wall on the November 21st visit, and

23 we elected to evaluate it further, later.

24 Q. All right. Did you have occasion to

25 take some blood samples from that part of the wall on
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1 November 26th?

2 A. Yes, sir.

3 Q. And, on the 26th was that part of the
4 wall also taken out of the house, actually cut out?

5 A. Yes, sir.

6 Q. So, as I understand it, Mr. Lynch, you
7 have been out at the house one, two, three, four times;
8 is that right?

9 A. That's right.

10 Q. Now, the four times that you have been
11 out there, I guess you have talked with me three of those
12 times, right, out at the house?

13 A. Yes, sir.

14 Q. Okay. In addition to that, would it
15 be fair to say you and I have talked several times about
16 this case, have we not?

17 A. That's right.

18 Q. In person and over the telephone?

19 A. Yes, sir.

20 Q. Since you have been here in Kerrville,
21 have we also met to discuss the case and what you did and
22 your findings?

23 A. Well, we only met Thursday night, and
24 I talked to you by telephone last night.

25 Q. Right.

Sandra M. Halsey, CSR, Official Court Reporter
2817

1 A. But that is about the only contact we
2 have had.

3 Q. Let me ask about your contact with
4 people from the defense side in this case. When is the
5 first time that you met with anybody who was employed by
6 the defense in this case?

7 A. It would have been June 25th, 1996.

8 Q. Okay. And on that date, who did you
9 meet with?

10 A. I met with investigator Cliff Jenkins.

11 Q. All right. So Cliff Jenkins on June
12 25th, correct?

13 A. Yes, sir.

14 Q. How long was that meeting?

15 A. About two hours.

16 Q. All right. When is the next meeting

17 that you had with anyone from the defense?

18 A. That would have been July 16th, 1996.

19 Q. July 16th. Who did you meet with on
20 that day?

21 A. The attorneys were -- well, two
22 attorneys and their investigator again for three hours.

23 Q. Okay. Was it any of the attorneys
24 seated over here presently in the courtroom?

25 A. No, sir.

Sandra M. Halsey, CSR, Official Court Reporter
2818

1 Q. Okay. What were the names of the
2 attorneys that you met with from Dallas on July the 16th?

3 A. Mr. Wayne Huff and Mr. Doug Parks.

4 Q. And was Cliff Jenkins again also
5 present?

6 A. Yes, sir.

7 Q. Did you have discussions with those
8 three people on that date?

9 A. There was some discussion but their
10 primary reason to visit was to photograph all of the
11 evidence that we had in this case.

12 Q. Okay. Did they do that?

13 A. Yes, sir.

14 Q. About how long were those three
15 gentlemen out there on July 16th?

16 A. About three hours.

17 Q. When is the next time that anybody
18 came out and talked with you from the defense?

19 A. August 23rd of 1996.

20 Q. All right. August 23rd. Who came out
21 on that date?

22 A. Again, the attorneys, Wayne Huff, Doug
23 Parks, Investigator Cliff Jenkins and two forensic
24 scientists came out to my laboratory.

25 Q. What were their names?

Sandra M. Halsey, CSR, Official Court Reporter
2819

1 A. Terry Labor and Bart Epstein.

2 Q. Okay. Had you ever met either of
3 those two fellows before?

4 A. I had never met either one. I had
5 talked to Terry Labor on the phone a number of years ago.

6 Q. All right. On that date, did you
7 actually talk with the people who came out there to visit
8 with you?

9 A. Oh, yeah.

10 Q. Okay. How long did they stay out

11 there with you?

12 A. It would be a minimum of three hours.

13 Q. Okay. Did they ask you questions?

14 A. Sure.

15 Q. Okay. Did they view any of the

16 evidence in this case that you had in your possession?

17 A. Yes, they did.

18 Q. Do you remember what they looked at

19 that day?

20 A. Mr. Epstein reviewed my microscopic

21 evidence using my microscope, all of the microscope

22 slides that I had prepared.

23 Q. Of what?

24 A. Screen material, hairs, fibers, glass

25 material.

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1 Q. All right. So that is what Mr.

2 Epstein did. What about Mr. Labor?

3 A. Mr. Labor's focus was more on the

4 blood evidence, the defendant's T-shirt, the Hoover

5 vacuum cleaner, and a maroon -- large maroon pillow.

6 Q. Okay. Did you make these items

7 available for their testing or for them to take samples

8 for their own testing?

9 A. Yes, sir.

10 Q. Okay. Did you in any way limit the

11 number of samples that those men could take from your

12 lab?

13 A. Oh, no.

14 Q. All right. That was just up to them

15 as to how much and from what they wanted to take a

16 sample; right?

17 A. Well, actually, they had first shot at

18 the T-shirt.

19 Q. Okay. What you do you mean?

20 A. In terms of the type of evidence they

21 were evaluating, we had not gotten to that step of our

22 evaluation yet. Do you want me to be more specific?

23 Q. Well, I guess. Had anybody from your

24 lab taken any samples from the T-shirt?

25 A. We had taken some but not in the areas

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1 of what is considered the area of expertise of blood

2 spatter analysis.

3 Q. Do you remember how many samples that
4 they took from the T-shirt?

5 A. At least four. I can tell you

6 specifically if you want me to look at my notes.

7 Q. Do you recall whether or not Mr. Labor

8 made a diagram of the T-shirt and samples that he took?

9 A. Yes, he did.

10 Q. Okay. So Terry Labor actually took

11 samples from the T-shirt. How about from the other

12 items? Do you recall whether or not they took blood

13 samples or cross-samples from any of the other items that

14 you had out there available for them?

15 A. They may have taken some from the

16 pillow, but I was not watching Mr. Labor as much as I was

17 watching Mr. Epstein and helping him with the microscopy

18 comparison. I had my hands full.

19 Q. All right. That meeting lasted what,

20 about three hours?

21 A. As I recall, they arrived about 9 and

22 left about 11:30 or 12.

23 Q. Okay. By the way, has anybody, Terry

24 Labor, Bart Epstein, or anybody ever called you to give

25 you the results of testing that they have done on those

Sandra M. Halsey, CSR, Official Court Reporter

2822

1 samples?

2 A. No, sir.

3 Q. Do you know whether or not they have

4 actually even tested any of the samples that they took

5 from you?

6 A. I don't know. I know that, well, Mr.

7 Epstein, when you sit on the microscope and you are

8 actually looking at things, you are doing a test, but he

9 didn't really tell me what his opinion was.

10 Q. Okay. When is the next time that you

11 met with anyone from the defense?

12 A. I believe that would have been on

13 November 20th, 1996.

14 Q. Okay. November 20th. Who did you

15 meet with on that day?

16 A. The attorneys, Mr. Doug Mulder,

17 Richard Mosty, Lloyd Harrell and the attorney who is

18 seated, I don't recall his name.

19 Q. Okay. Curtis Glover, back here?

20 A. Blue tie?

21 Q. The distinguished looking gentlemen

22 back here?

23 A. No, the tall one here.

24 Q. Oh, are you talking about Preston?

25 A. That man, yes.

Sandra M. Halsey, CSR, Official Court Reporter
2823

1 Q. Okay. And, that meeting take place

2 out there at your lab again?

3 A. Yes, it did.

4 Q. All right. How long for this meeting?

5 A. It was about three hours.

6 Q. Okay. Discussions that day?

7 A. Sure.

8 Q. Questions that day?

9 A. Sure.

10 Q. Okay. Did you have any evidence out

11 there for them to look at that day?

12 A. I don't think we looked at any actual
13 evidence items. I did some drawings on the chalk board.

14 Q. Did some drawings?

15 A. At the chalk board in our conference
16 room.

17 Q. Okay. Who was making the drawings?

18 You?

19 A. Yes, sir.

20 Q. What were you drawing?

21 A. I was drawing window screens and how
22 they are made, outlines of the interior of the house, and
23 the defendant's T-shirt.

24 Q. Okay. All right. So three hours on

25 November 20th. When was the next time that you met with
Sandra M. Halsey, CSR, Official Court Reporter
2824

1 anyone from the defense?

2 A. That would have been December 19th,
3 1996.

4 Q. Who did you meet with on December 19?

5 A. That was Lloyd Harrell.

6 Q. Okay. The gentleman back here in the
7 corner; is that right?

8 A. Yes, sir.

9 Q. Okay. And where did that meeting take
10 place?

11 A. That took place at my laboratory,
12 upstairs in the conference room.

13 Q. How long was that meeting?

14 A. Two to three hours, I don't recall
15 exactly.

16 Q. All right. Do you remember what
17 subjects were covered during that meeting?
18 A. His primary interest was to try to
19 learn how our evidence numbers translate to other
20 laboratory evidence numbers and exactly what number
21 corresponded to what item.
22 Q. Okay. Anything else occur during that
23 meeting?
24 A. I showed him the defendant's T-shirt.
25 Q. All right. Any discussion about the
Sandra M. Halsey, CSR, Official Court Reporter
2825

1 T-shirt once you brought it out?
2 A. Yes.
3 Q. Questions asked?
4 A. Yes.
5 Q. Did you answer questions?
6 A. Yes.
7 Q. That meeting took how long?
8 A. About two to three hours.
9 Q. Did you have any more meetings with
10 anyone from the defense after December 19th?
11 A. New Year's Eve, December 31st.
12 Q. All right. New Year's Eve. Again, in
13 your lab in Dallas?
14 A. Yes, sir.
15 Q. Who met with you on New Year's Eve?
16 A. Mr. Mulder, Mr. Mosty and Mr. Harrell.
17 Q. All right. How long was this meeting?
18 A. That went from about 2:30 until about
19 6:00 P.M.
20 Q. Okay. What subjects were covered
21 during that three to three-and-a-half-hour meeting?
22 A. Defendant's T-shirt, screens, window
23 screens, just the whole gamut of -- you know, the
24 questions come so fast, it's hard to stay oriented about
25 it. A little bit about everything about the case.
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1 Q. During that meeting on December 31st,
2 did you have any discussions with any of the attorneys,
3 either Mr. Mulder or Mr. Mosty or the investigator, Mr.
4 Harrell concerning additional physical evidence to be
5 tested in this case?
6 A. I'm sorry. Could you repeat that?
7 Q. Yes. During that meeting on New
8 Year's Eve, did you have any discussions with them about
9 possible testing of additional physical evidence?

10 A. Oh, yeah.

11 Q. Okay. What was that discussion?

12 A. Well, toward the end of our meeting I

13 asked them if they felt like there was additional

14 physical evidence in this case that had not been examined

15 or that I was not aware of.

16 Q. What did they say?

17

18 MR. JOHN HAGLER: Excuse me, your

19 Honor, I'll object to hearsay.

20 THE COURT: Overruled. Go ahead.

21 THE WITNESS: There was no answer.

22

23 BY MR. GREG DAVIS:

24 Q. No answer?

25 A. That's right.

Sandra M. Halsey, CSR, Official Court Reporter

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1 Q. Okay. After New Year's Eve, had you

2 had any other conversations with any of the attorneys or

3 investigators representing the defendant in this case?

4 A. Yes, sir.

5 Q. Okay. When was that?

6 A. Last Thursday night I received a call

7 from Mr. Mosty.

8 Q. Okay. And, was that down here while

9 you were in Kerrville?

10 A. Yes, sir.

11 Q. Last Thursday night?

12 A. Right.

13 Q. What was that phone call about?

14 A. He wanted to make clear --

15

16 MR. JOHN HAGLER: Your Honor, we will

17 object to any testimony from this witness. It's clearly

18 hearsay under Rule 802, your Honor.

19 THE COURT: Overruled. He can

20 rephrase the question if he wants to. Go ahead.

21

22 BY MR. GREG DAVIS:

23 Q. Well, let me just ask you: You had a

24 conversation with Mr. Mosty on the phone, correct?

25 A. That's right.

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1 Q. Did it concern reports in this case?
2 A. Not material in a report but my
3 findings from some testing I had done.
4 Q. Okay. What type of testing?
5 A. I did some testing of cutting window
6 screens with knives and the occurrence of material on the
7 knife was the point of his questions.
8 Q. All right. Okay. Any other
9 additional contact from anybody from the defense since
10 last Thursday?
11 A. No, sir.
12 Q. Now, have you ever received any
13 physical evidence from anyone representing the defendant?
14 I'm talking about attorneys, investigators, anybody,
15 whether you met with them or not, have you received any
16 physical evidence that they have asked you to test or to
17 analyze or to look at?
18 A. No, sir.
19 Q. Now, Mr. Linch, in this case, in
20 addition to your trips out there to Eagle Drive, have you
21 also received certain items from other agencies for
22 analysis and testing?
23 A. Yes, sir, from the Rowlett Police
24 Department.
25 Q. All right.
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1 A. And from our medical examiner's staff.
2 Q. Okay. For instance, have you received
3 head hair belonging to the defendant, Darlie Routier, to
4 Darin Routier, Devon Routier and Damon Routier?
5 A. Yes, sir.
6 Q. By the way, have you ever met with the
7 defendant in this case?
8 A. Yes, I have.
9 Q. Okay. When did you meet with her?
10 A. She came to the Institute with her
11 husband and infant, Drake, on June 11th, 1996.
12 Q. Okay. Do you see the defendant in the
13 courtroom this morning?
14 A. Yes, I do.
15 Q. Okay. Could you please point her out?
16 A. She is seated in the green dress with
17 the gold buttons.
18
19 MR. GREG DAVIS: Your Honor, may the
20 record please reflect this witness is identifying the
21 defendant in open court.
22 THE COURT: Yes, sir.

23 MR. GREG DAVIS: Thank you.

24

25

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1 BY MR. GREG DAVIS:

2 Q. All right. So you got the head hair

3 from these four individuals. You have also received

4 certain evidence from Rowlett PD, correct?

5 A. That's right.

6 Q. And you yourself have actually taken

7 samples or evidence from 5801 Eagle Drive back to your

8 lab for your own analysis; is that right?

9 A. Yes, sir.

10 Q. Okay. Mr. Lynch, let me show you

11 State's Exhibit No. 122. That would be a diagram of 5801

12 Eagle Drive.

13

14 (Whereupon, the following

15 mentioned items were

16 marked for

17 identification only

18 as State's 111-A,B,C & D,

19 after which time the

20 proceedings were

21 resumed on the record

22 in open court, as

23 follows:)

24

25

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1 BY MR. GREG DAVIS:

2 Q. Now, sir, let me direct your attention

3 to certain blood samples here, labeled No. 110 and 111.

4 Are those blood samples that you took from underneath the

5 light switch in the kitchen on November 21st, 1996?

6 A. Yes, they are.

7 Q. Do you see certain blood samples here

8 on a wall that have been labeled as TB's. I believe

9 there's 5 of them. Are those samples that you took from

10 the wallpaper on the wall in the family room?

11 A. Yes, they are.

12 Q. Okay. There are three other

13 additional samples that are label TBCL. Are those blood

14 samples that you took from the section of the wall that

15 was removed from the hallway?

16 A. Yes, they are.
17 Q. Okay. Did you take any other blood
18 samples shown here?
19
20
21 (Whereupon, the following
22 mentioned item was
23 marked for
24 identification only
25 after which time the
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1 proceedings were
2 resumed on the record
3 in open court, as
4 follows:)
5
6 BY MR. GREG DAVIS:
7 Q. Let me direct your attention to the
8 two blood samples that are listed as 105. Do you
9 recognize those?

10 A. Yes, I do.
11 Q. Okay. Did you take those from a part
12 of the carpet in the family room?
13 A. Yes, I did.
14 Q. There is one additional, and we will
15 talk about this a little bit later, but did you also take
16 a blood sample from a vacuum cleaner in this case?

17 A. I never removed any blood from a
18 vacuum cleaner.
19 Q. Okay. Did Kathryn Long then take all
20 of the blood samples that would have been removed from
21 that vacuum cleaner?
22 A. Yes, sir.

23 Q. Okay. Any other blood samples on this
24 diagram that you took?
25 A. Not that I physically took. There's
Sandra M. Halsey, CSR, Official Court Reporter
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1 some that I asked to be taken.
2 Q. Right. By Kathryn long?
3 A. Kathryn Long and Rowlett Police
4 Department.
5 Q. Okay. Let's talk about some of the
6 evidence that you received in this case, had a chance to
7 look at. For instance, have you had an opportunity to

8 examine State's Exhibit No. 93, the vacuum cleaner?

9 A. Yes, I have.

10 Q. Okay. And, did you have an

11 opportunity to examine it for evidence of blood?

12 A. Yes, I was present when that was done.

13 Q. All right. And what was the result of

14 your inspection?

15 A. Well, the swabbing and testing that,

16 starting from the bottom up, the wheels of the vacuum

17 cleaner did not appear to have blood present, but when

18 you swab them and do a presumptive test, you get a

19 reaction for presumptive blood presence. There are a

20 number of blood drops on the vacuum cleaner, that were

21 further tested for genetic markers.

22 Q. All right. Let me just stop you there

23 then. Okay. Let's talk about the rollers to the vacuum

24 cleaner.

25 A. Yes, sir.

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1 Q. On this date, the back ones have been

2 taped; is that right?

3 A. That's right.

4 Q. When you looked at them, was there any

5 tape on the rollers?

6 A. No.

7 Q. Okay. Four rollers on this vacuum

8 cleaner, right?

9 A. That's right.

10 Q. As we look at the rollers, is it your

11 testimony that when you looked at them you couldn't see

12 any blood?

13 A. Wasn't really visible, it didn't jump

14 out and say, "Here's blood."

15 Q. So what did you do with the four

16 rollers?

17 A. They were swabbed and tested with our

18 chemical for presumptive blood.

19 Q. Okay. What was the result of the

20 presumptive test for blood on these four rollers?

21 A. They were positive.

22 Q. Okay. Was the blood just present on a

23 part of the rollers? Or tell me about the blood, the

24 presumptive tests.

25 A. Well, when you do the swabbing, you

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1 are swabbing the entire item so you don't know if it's
2 just in a focal area or the whole thing is smeared. If

3 you sat there and dabbed each square centimeter of it, we
4 would still be sitting there dabbing it. So, I can't
5 tell you exactly what was positive.

6 Q. Okay. The whole surface though --
7 basically, did you take the whole outside of each roller?

8 A. Yes.

9 Q. All right. Was there blood found
10 along the entire path of the rollers?

11 A. Well, the rollers that were positive
12 were the two in the back, the larger wheels.

13 Q. Okay. Was blood around those?

14 A. Yes, sir.

15 Q. Okay. Would the presumptive
16 locations, would they be consistent with this vacuum
17 cleaner having been rolled through blood?

18 A. Sure.

19 Q. Next, let's talk about a baseball cap.

20 Did you receive a black, child's baseball cap with the
21 logo, Planet Hollywood?

22 A. Yes, sir, I did.

23 Q. Okay. And what did do you with that
24 cap once you received that from Rowlett Police
25 Department?

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1 A. I examined it for hairs and fibers.

2 Q. Okay. Did you find any hairs or
3 fibers either on the outside of the cap or on the inside
4 of the cap?

5 A. Yes, sir, both actually.

6 Q. Okay. What did you find on the
7 outside of the cap?

8 A. On the outside there were numerous
9 domestic animal hairs. By that, I mean dog or cat. I'm
10 finished. I'm just looking.

11 Q. Okay. I'm sorry. All right. Well,
12 let's go on to the inside of the cap then. Did you see
13 anything in there?

14 A. Yes, sir.

15 Q. Recover anything?

16 A. Yes, sir.

17 Q. What did you see and recover there?

18 A. There were two head hairs that were

19 microscopically similar to Devon Routier.

20 Q. Okay. So, two head hairs and you

21 compared them to the known head hair of Devon Routier; is

22 that right?

23 A. Yes, sir.

24 Q. And they were microscopically

25 consistent with being that of Devon Routier; is that

Sandra M. Halsey, CSR, Official Court Reporter

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1 right?

2 A. That's right.

3 Q. Did you do anything else with the

4 baseball cap?

5 A. It was then transferred to the

6 serology unit to be tested for blood.

7 Q. Okay. That would be something Kathryn

8 Long would do, for samples?

9 A. Yes, sir.

10 Q. All right. Now, let's go to a sock.

11 Were you given a white, adult size tube sock by the

12 Rowlett Police Department?

13 A. Yes, I was.

14 Q. Okay. And, did you do the same thing

15 with the sock that you had done with the cap, did you

16 look for hairs and fibers?

17 A. Yes, I did.

18 Q. Okay. Can you tell us what you found,

19 if anything, on the sock?

20 A. There was a variable accumulation of

21 hairs and fibers on the sock.

22 Q. Okay. What kind of hairs did you find

23 on the sock?

24 A. There were Caucasian limb hairs. By

25 that, I mean leg or arm. Really, when you find a hair

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1 you can't tell if it came from the leg or arm, but in a

2 sock you would be thinking leg.

3 There was a deer family hair and by

4 that, a deer family includes deer, antelope, elk. Their

5 hairs microscopically look very, very similar to each

6 other so you can only say deer family instead of white

7 tail deer versus antelope.

8 There were synthetic fibers. There

9 was one polyester type that was the same as a particular

10 shoe insole. There were dark synthetic fibers that were

11 microscopically the same as a particular shoe interior.

12 Q. Okay. Any domestic animal hairs?

13 A. Yes, sir.

14 Q. All right. Again, would they be

15 consistent with a cat or a dog?

16 A. Right.

17 Q. By the way, when you looked inside the

18 Routier home, did you see evidence of domestic animal

19 hairs on the floor?

20 A. Oh, yeah.

21 Q. Okay. A little bit, a lot, how would

22 you categorize it?

23 A. A lot.

24 Q. Okay. All right. Now, let me go back

25 to this limb hair. Is there a difference microscopically

Sandra M. Halsey, CSR, Official Court Reporter

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1 between head hair and limb hair?

2 A. Oh, yes.

3 Q. Okay. I take it, you can do a

4 microscopic comparison between head hairs, can't you?

5 A. In forensics, microscopy, we only

6 compare head hair to head hair and pubic hair to pubic

7 hair.

8 Q. Why not limb hair?

9 A. There is simply not enough variation

10 to come to a meaningful conclusion. It's very likely

11 that my arm hairs under a microscope look like your arm

12 hairs under a microscope. So, other than making a

13 determination about racial origin, it's not a productive

14 thing to do.

15 Q. Okay. So on this one, did you do any

16 microscopic comparisons with the Caucasian limb hair that

17 you had seen?

18 A. Yes, I took a look.

19 Q. All right. What did you see?

20 A. Limb hair, Caucasian.

21 Q. Okay. I guess that was a stupid

22 question. Let me try again. How about the deer hair,

23 did you do any microscopic comparisons with it?

24 A. Yes, I did.

25 Q. And the result, deer hair?

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1 A. Well, it's not a fully intact deer

2 family hair. The root is missing. It's been broken off

3 down near the root.

4 Q. Okay. Now, you had also mentioned
5 that you found certain fibers; is that right?

6 A. Yes, sir.

7 Q. And, did you have occasion to receive
8 two Reebok tennis shoes from the Rowlett Police
9 Department?

10 A. Yes, I did.

11 Q. And, did you have occasion to examine
12 them for fiber materials?

13 A. Yes, sir.

14 Q. Okay. What types of fiber materials
15 do you find inside those two Reeboks that you got from
16 the Rowlett Police Department?

17 A. Inside these two black Reebok shoes,
18 matching pair, there were a large number of Caucasian
19 limb hairs in the shoe. The insole, the white insole of
20 the shoe was the same fiber type as the fiber type found
21 on the sock.

22 The interior black construction of

23 these Reebok shoes was the same fiber type as found on
24 the sock. And there were some domestic animal hairs on
25 the Reebok shoes.

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2841

1 Q. So you had both white and black
2 colored fibers; is that right, out of the Reeboks?

3 A. That's right.

4 Q. What color fibers had you found on the
5 sock?

6 A. They were very dark, to the naked eye,
7 they looked black, under the microscope they looked kind
8 of like a blue-black-gray.

9

10

11 (Whereupon, the following

12 mentioned item was

13 marked for

14 identification only

15 after which time the

16 proceedings were

17 resumed on the record

18 in open court, as

19 follows:)

20

21 BY MR. GREG DAVIS:

22 Q. Okay. Mr. Lynch, let me show you

23 State's Exhibit 113. Do you recognize the photographs on
24 State's Exhibit 113?

25 A. Yes, sir.

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1 Q. Is this actually an exhibit that you
2 made up?

3 A. Yes, it is.

4 Q. Does it show a photograph of the sock
5 that you examined in this case?

6 A. On the left of State's 113 is the sock
7 that I have been testifying about.

8 Q. On the right, do we see a true and
9 accurate photograph of the Reebok shoe that you tested?

10 A. Yes, sir, that's one of the shoes.

11 Q. And in the middle and on the lower
12 left-hand side, do we see certain photographs of
13 microscopic slides that you looked at in relationship to
14 the sock and to the Reebok?

15 A. Yes, sir. Those are pictures taken
16 through the comparison microscope and the four in the

17 center is one fiber compared to another, and down in the
18 lower left-hand corner is a single microscopic photograph
19 of the deer family hair.

20 Q. Okay.

21

22 MR. GREG DAVIS: Your Honor, at this
23 time we will offer State's Exhibit 113.

24 THE COURT: Any objection?

25 MR. RICHARD C. MOSTY: No objection.
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1 THE COURT: State's Exhibit 113 is
2 admitted.

3

4 (Whereupon, the item

5 Heretofore mentioned

6 Was received in evidence

7 As State's Exhibit No. 113

8 For all purposes,

9 After which time, the

10 Proceedings were resumed

11 As follows:)

12

13 BY MR. GREG DAVIS:

14 Q. Can everybody see that okay? Mr.

15 Linch, let me point to some certain areas here on the

16 board and have you talk about them.

17 All right. Let's talk about, first of

18 all -- first of all, looking at the sock here on the

19 left, again, is this the tube sock that you were given by

20 the Rowlett Police Department?

21 A. Yes, sir, it is.

22 Q. On the right, is that a picture of the

23 Reebok that you were given by the Rowlett Police

24 Department?

25 A. Yes, it's the shoe that I saw at the

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1 crime scene and they subsequently brought to me.

2 Q. All right. Now, let's start with the

3 first two photographs here. In the middle, we have got a

4 microscopic photograph of what, a fiber from the sock

5 itself; is that right?

6 A. That's right.

7 Q. And you have got one -- corresponding

8 to the right, the insole construction fibers from the

9 Reebok; is that right?

10 A. That's right.

11 Q. Okay. And you have now compared those

12 two microscopically; is that right?

13 A. That's right.

14 Q. And what was your conclusion, looking

15 at these two fibers, the one from the sock and the one

16 from the insole of the Reebok?

17 A. My conclusion was that either that

18 fiber from the sock had originated from that shoe insole or

19 a shoe with the insole exactly like it.

20 Q. Okay.

21 A. Or some other fiber source that used

22 exactly the same type of fiber.

23 Q. Okay. So consistent with each other?

24 A. Yes.

25 Q. Let's look at the second fibers here.

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1 Fiber from the sock, shoe interior construction fiber,

2 the sock fiber on the left, correct?

3 A. Yes, sir.

4 Q. And the shoe fiber on the right; is

5 that right?

6 A. That's right.

7 Q. Again, you microscopically compared
8 them; is that right?

9 A. Yes, sir.

10 Q. What was the result of your

11 microscopic comparison between these two fibers?

12 A. Well, again, the dark, polyester-type

13 fibers recovered from the sock could have had an origin

14 from the interior of that shoe, interior, the black part,

15 or a shoe exactly like it, perhaps Reebok.

16 Q. Okay. So, again, consistent with

17 having come from a Reebok?

18 A. Yes.

19 Q. The third photographs down, are those

20 the limb hairs?

21 A. That is on the left is a

22 representation of one of the limb hairs recovered from

23 the sock, and it's next to a limb hair recovered from

24 inside the shoe. Again, it's just a microscopic

25 representation of what you expect to see when you put a

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1 limb hair under a microscope, Caucasian limb hair.

2 Q. All right. Caucasian limb hair from

3 the Reebok. How about the limb hair from the sock,

4 Caucasian?

5 A. Yes.

6 Q. Beyond that, can you say anything else

7 about these two in comparison to each other, both limb

8 hair, both Caucasian, right?

9 A. Right.

10 Q. Okay. Anything else that you can say?

11 A. Not that I would say.

12 Q. Okay. All right. Lastly, do we have

13 a hair from the sock on the left and we have a domestic

14 animal hair from the Reebok on the right, correct?

15 A. That's right.

16 Q. The hair from the sock, is that also

17 domestic animal hair?

18 A. Yes, sir.

19 Q. Consistent with what you found inside

20 the Reebok?

21 A. That's right.

22 Q. Okay. Anything else that you can say

23 regarding those two animal hairs?

24 A. You can probably say less about those

25 than you can the limb hairs.

1 Q. Just domestic animal hairs, right?

2 A. That's right.

3 Q. Then lastly, you have got down here on

4 the lower left-hand side, you have got deer family hair

5 from the sock. Is that just to show us what the deer

6 family hair looks like under the microscope?

7 A. Yes, sir, that is why that is there.

8 Q. All right. Okay. Now, did you also,

9 in this case, in the course of your work out there, did

10 you also receive a window from the Rowlett Police

11 Department?

12 A. A window?

13 Q. Yes, sir.

14 A. Yes, sir, we did.

15 Q. All right. Did you look at the window

16 for evidence of any fibers or hairs?

17 A. Yes, sir.

18 Q. All right. And, during the course of

19 your work, did you retrieve a hair from the framed

20 portion of that window?

21 A. Yes, I did.

22 Q. All right. And did you, at one point,

23 compare that hair microscopically to known head hairs of

24 Devon, Damon, Darin and Darlie Routier?

25 A. Yes, I did.

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1 Q. All right. And what were the results

2 of your microscopic comparison?

3 A. Microscopically, the hair recovered

4 from this window was similar to the defendant's head

5 hair. It was naturally brown down toward the root end

6 and the distal portion of the hair had been bleached.

7 By bleaching, I mean that there was

8 chemical treatment that removes the pigment grains, and

9 that sort of handicaps the examiner because in doing a

10 hair comparison under the microscope the examiner is

11 looking for pigment grain pattern.

12 And so, the hair comparison becomes a

13 matter of pigment grain comparison. In this particular

14 hair, there was no pigment grain to compare, so all you

15 had was the bleached to compare.

16 And so microscopically, the hair from
17 the window did look like the hair that I had gotten from
18 the defendant.

19 Q. Well, did you just leave it at that,
20 or did we have additional testing done on that head hair?

21 A. In doing forensic hair comparison, the
22 first step is, and always will be, microscopic
23 comparison. But now in 1997, we're able to go further,
24 if there is root tissue present to attempt genetic marker
25 typing. And, in addition to that, even the absence of
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1 root tissue, perhaps the newest technology, mitochondrial
2 DNA, that you can do on just a dry hair shaft. The only
3 people in the country doing that now is the FBI, but we
4 plan to implement it.

5 Q. Now, on this head hair then, was there
6 enough root material that you could actually do DNA?

7 A. There was enough to attempt. You
8 never know until you try the test.

9 Q. All right. When the testing was done,
10 did the head hair actually come back to belonging to
11 Officer Sarah Jones of the Rowlett Police Department?

12 A. The genetic typing from this hair from
13 the window was consistent with Officer Sarah Jones with
14 the Rowlett Police Department.

15 Q. All right. Now, if you had that head
16 hair today, and you were asked to do a microscopic

17 comparison between that head hair and that of Darlie
18 Routier over here, would your microscopic comparison
19 results be any different than they were before the DNA
20 testing?

21 A. No. Microscopically, the hairs that I
22 got from the defendant and the hairs that I got from the
23 Sarah Jones are microscopically identical.

24 Again, they are hairs that are
25 naturally brown, that have been bleached, and bleaching
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1 removes the comparison feature from the microscopy, so I
2 would have the same conclusion.

3 Q. Okay. But we have the benefit of the
4 DNA here?

5 A. That's right.

6 Q. You said that there was some head hair
7 though, that you cannot do the DNA testing on, right?

8 Right now, I mean besides what the FBI is able to do?

9 A. To do what we call nuclear DNA, you

10 need root tissue, and it varies on how much root tissue,

11 and how long it's been there.

12 Q. All right. Now, let me also -- let's

13 talk about the carpet from the family room. Was that

14 carpet in fact actually removed from the family room?

15 A. Yes, it was.

16 Q. And, since its removal, have you had

17 an opportunity to look at it?

18 A. Yes, I have.

19 Q. And, was that carpet actually cut into

20 two halves?

21 A. Yes, sir.

22

23 (Whereupon, the following

24 mentioned items were

25 marked for

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1 identification only

2 after which time the

3 proceedings were

4 resumed on the record

5 in open court, as

6 follows:)

7

8 BY MR. GREG DAVIS:

9 Q. Okay. State's Exhibits 33-A and 33-B,

10 are they in fact the two halves of the carpet that came

11 out of the family room?

12 A. That I saw -- being stored?

13 Q. Yes, sir.

14 A. 33-A and 33-B, yes, sir.

15 Q. All right. And, is there some

16 markings, some actual black spray paint markings on the

17 carpet?

18 A. Yes, there are. The police officers

19 outlined areas where furniture was on this carpeting.

20 Q. Okay. And do those markings

21 accurately reflect where the furniture was in the family

22 room on June 6th, 1996?

23 A. Yes, sir.

24

25 MR. GREG DAVIS: Your Honor, could I

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1 confer with the defense for just a moment?
2 THE COURT: Yes, sir.
3 MR. GREG DAVIS: Your Honor, at this
4 time, the State will offer State's Exhibit 33-A and 33-B.
5 MR. RICHARD C. MOSTY: Your Honor, we
6 have no objection. We have an understanding with the
7 district attorney that this carpet is going to be rolled
8 out in an area in the old jail where we can look at it.
9 MR. GREG DAVIS: Right.
10 MR. RICHARD C. MOSTY: It's impossible
11 to bring it in apparently.
12 THE COURT: Very well. State's
13 Exhibit 33-A and B are admitted.
14 MR. GREG DAVIS: Thank you.
15 THE COURT: All right.
16
17 (Whereupon, the items

18 Heretofore mentioned
19 Were received in evidence
20 As State's Exhibit No. 33-A
21 And 33-B for all purposes,
22 After which time, the
23 Proceedings were resumed
24 As follows:)
25

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1
2 BY MR. GREG DAVIS:
3 Q. Mr. Linch, when you went back to look
4 at the carpet, were you able to see any patterns that you
5 thought to be unusual?
6 A. On that, I believe it was September
7 the 12th, when we went out to the Rowlett -- yes, it was
8 September 12th. We went to the Rowlett Police Department
9 and we looked at the family room carpet that had been
10 rolled out. And after familiarizing myself with the
11 stains that I recognized that I had seen out at the
12 house, there was an additional stain imprint that caught
13 my attention.
14 Q. Did you have certain photographs taken
15 of that stain pattern?
16 A. Yes, sir.
17 Q. Mr. Linch, let me show you State's

18 Exhibit 111-A. And ask you whether or not that truly and
19 accurately depicts the portion of the carpet where you
20 saw this stain pattern?

21 A. Yes, sir, it does.

22 Q. State's Exhibit 111-B and 111-C, are
23 those photographs that you had taken on September 12th,
24 1996, of the stain pattern and the knife that had been
25 supplied to you by the Rowlett Police Department?

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1 A. Yes, sir.

2 Q. Okay.

3

4 MR. GREG DAVIS: Your Honor, at this
5 time we will offer State's Exhibit 111-A, 111-B and
6 111-C.

7 MR. RICHARD C. MOSTY: No objection.

8 THE COURT: State's Exhibit 111-A, B,
9 C are admitted.

10

11 (Whereupon, the above

12 mentioned items were
13 received in evidence
14 as State's Exhibit

15 Nos. 111-A, 111-B, and
16 111-C,
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. GREG DAVIS:

25 Q. Let me just ask you, look at
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1 photographs first. At break I'm going to have an
2 opportunity to pull out a knife and show that to you.
3 Just looking here at State's Exhibit 111 A, B, and C.

4 MR. GREG DAVIS: Could the witness
5 please step down for a moment?

6 THE COURT: Step down, sir.

7 MR. GREG DAVIS: Thank you.

8 THE COURT: All right.

9

10 (Whereupon, the witness

11 Stepped down from the

12 Witness stand, and

13 Approached the jury rail

14 And the proceedings were

15 Resumed as follows:)

16

17 BY MR. GREG DAVIS:

18 Q. Okay. If you would step over here.

19 State's Exhibit 111-A. What part of the family room are

20 we looking at there?

21 A. The top photograph of State's Exhibit

22 111-A is, I don't know north, south, east or west, but if

23 I can kind of orient you, this is the glass coffee table,

24 this would be the TV set, it's a rather large TV set.

25

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1 MR. DOUGLAS MULDER: Would you hold it

2 up?

3 MR. GREG DAVIS: I'll do that right

4 there. I'll tell you what.

5 MR. DOUGLAS MULDER: Now we can't see

6 it over the other. If you could back it up a little bit.

7 All right.

8 MR. GREG DAVIS: You can see it now,

9 all right? Okay.

10 THE WITNESS: The flower arrangement

11 on top of the glass coffee table. This is a chair

12 sitting back next to a wall with wallpaper.

13 And this is the fireplace sitting in

14 the corner. This is the area where the body of Devon

15 Routier was found. If I can come over here?

16 MR. GREG DAVIS: Sure.

17 THE WITNESS: This area is the couch,

18 the longest couch. Over here is a shorter couch. The

19 kitchen is back this way. So we have probably gotten too

20 far out of the photograph to make sense.

21

22 BY MR. GREG DAVIS:

23 Q. This is a chair right here?

24 A. A single person chair back next to the
25 wall.
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1 Q. That would be actually facing the
2 other couch, one of the other couches, right?
3 A. That's right.
4 Q. Where on this photograph do we see
5 that impression that you saw on the carpet? Is that what
6 we have highlighted here at the end of the red tape?
7 A. Yes.

8
9 THE COURT: Please make sure the end
10 jurors can see.

11 MR. GREG DAVIS: Yes, sir. I'm going
12 to take that through to them. Okay?

13

14 BY MR. GREG DAVIS:

15 Q. So in State's Exhibit 111-A, the red
16 tape will end where you saw the imprint on that carpet;
17 is that right?

18 A. That's right.

19 Q. And in the middle picture --

20

21 THE COURT: Mr. Davis, at this time,
22 let's go ahead and take a 15 minute break now. Thank
23 you.

24 MR. GREG DAVIS: Yes, sir, all right.

25 THE COURT: Thank you.

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1

2 (Whereupon, a short

3 Recess was taken,

4 After which time,

5 The proceedings were

6 Resumed on the record,

7 In the presence and

8 Hearing of the defendant

9 And the jury, as follows:)

10

11 THE COURT: Are both sides ready to
12 bring the jury in and continue with this witness?

13 MR. RICHARD MOSTY: Yes, your Honor,

14 we are ready.

15 MR. GREG DAVIS: Yes, your Honor, the

16 State is ready.

17 THE COURT: All right. Bring the jury
18 back.

19

20 (Whereupon, the jury

21 Was returned to the
22 Courtroom, and the
23 Proceedings were

24 Resumed on the record,
25 In open court, in the
Sandra M. Halsey, CSR, Official Court Reporter
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1 Presence and hearing

2 Of the defendant,

3 As follows:)

4

5 THE COURT: Let the record reflect
6 that all parties in the trial are present and the jury is
7 seated. Mr. Davis.

8 MR. GREG DAVIS: Yes, sir.

9

10 BY MR. GREG DAVIS:

11 Q. Mr. Linch, the knife that we see here

12 in State's Exhibit 111-B and 111-C, is that in fact

13 State's Exhibit No. 67?

14 A. Yes, sir, it is.

15 Q. All right. And, in State's Exhibit

16 111-B, do we see the imprint that you noticed there on
17 the carpet above the knife?

18 A. Yes, sir.

19 Q. Then in State's Exhibit 111-C, what

20 did you do with that knife, State's Exhibit 67?

21 A. The knife was then put into the

22 imprint of blood on the carpet to see if it would fit.

23 Q. Did it fit?

24 A. Yes, sir.

25 Q. Did you take any blood samples from
Sandra M. Halsey, CSR, Official Court Reporter
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1 this imprint?

2 A. Yes, I did.

3 Q. Okay. Did you -- you see this little,

4 it almost looks like a little tail or something coming
5 off the tip of the knife?

6 A. Yes, sir.

7 Q. Did you take a blood sample from that
8 area?
9 A. Yes, sir, I did.
10 Q. Did you also take another blood sample
11 along the edge that is matching the edge of the knife?
12 A. Yes, I did.
13 Q. So you took two blood samples from
14 this area, correct?
15 A. Yes, sir.
16 Q. And I believe on the diagram then that
17 would be, what, samples 105, right?
18 A. Let me look. You asked on the
19 diagram?
20 Q. Yes, sir.
21 A. Samples 105?
22 Q. Yes, sir.
23 A. That's right, that's our SWIFS number.
24 Q. Right. Okay. This imprint shown in
25 State's Exhibit 111-B, how far away from this area of
Sandra M. Halsey, CSR, Official Court Reporter
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1 blood where the body of Devon Routier had been is this
2 imprint, approximately?
3 A. Oh, step and a half at the most, maybe
4 a couple of steps.
5 Q. All right. Mr. Linch, looking at
6 State's Exhibit No. 67, in addition to laying this weapon
7 on the carpet with that imprint, did you have an
8 opportunity to examine this knife when it came in from
9 the Rowlett Police Department?
10 A. Yes, sir, I did.
11 Q. When did you receive this knife?
12 A. That was on June 6th, the date that I
13 was at the crime scene.
14 Q. Okay. At the time that you got it,
15 was there still blood on the knife blade?
16 A. Yes, sir.
17 Q. On both sides or just one side?
18 A. Both sides.
19 Q. Okay. Did you then take this to your
20 laboratory to see whether or not there were any hairs or
21 fibers on the knife blade?
22 A. Yes, sir, that is the ordinary
23 procedure, that you want to remove any present hairs or
24 fibers prior to blood testing being done.
25 Q. Okay. Did you find hair and fibers on
Sandra M. Halsey, CSR, Official Court Reporter
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1 the knife blade?

2 A. Yes, I did.

3 Q. Okay. And when you did that, did you
4 then compare those hairs and fibers to hair samples and
5 fibers from certain clothing?

6 A. Yes, sir.

7

8

9 (Whereupon, the following
10 mentioned item was
11 marked for
12 identification only

13 after which time the
14 proceedings were
15 resumed on the record
16 in open court, as
17 follows:)

18

19 BY MR. GREG DAVIS:

20 Q. Okay. Mr. Linch, if you would, if you
21 will take a look at State's Exhibit No. 114. First of
22 all, do we see a photograph of State's Exhibit No. 67 as
23 it appeared there at the scene on June 6th, 1996?

24 A. Yes, sir.

25 Q. Do we also see another photograph of
Sandra M. Halsey, CSR, Official Court Reporter
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1 State's Exhibit 67, a photograph that was taken there at
2 SWIFS?

3 A. Yes, sir.

4 Q. Do we also see a photograph of
5 clothing of Damon Routier, a T-shirt and some blue jeans
6 that were received by you?

7 A. Yes, sir. The clothing is the back
8 view of the T-shirt and blue jeans.

9 Q. All right. I guess you obtained those
10 from the medical examiner; is that right?

11 A. That's right.

12 Q. Do we also see a photograph, clothing
13 of Darlie Routier, the front portion of a T-shirt?

14 A. Yes, sir.

15 Q. Is that right?

16 A. Yes, sir.

17 Q. Did you receive that T-shirt from
18 Rowlett PD also?

19 A. Yes, sir.

20 Q. In the middle do we certain

21 microscopic comparisons again regarding things that you
22 found on the knife and things that you found on the
23 clothing of Damon Routier and Darlie Routier?
24 A. Yes, sir. The three photographs in
25 the middle are, again, comparison microscope photos. On
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1 the left side is the fiber recovered from the knife, and
2 on the right side is the fiber content of the clothing
3 articles.

4

5 MR. GREG DAVIS: Your Honor, at this
6 time we will offer State's Exhibit No. 114.

7 THE COURT: Any objection?

8 MR. RICHARD C. MOSTY: No objection.

9 THE COURT: State's Exhibit 114 is
10 admitted.

11

12 (Whereupon, the item

13 Heretofore mentioned

14 Was received in evidence

15 As State's Exhibit No. 114

16 For all purposes,

17 After which time, the

18 Proceedings were resumed

19 As follows:)

20

21 THE COURT: Can the end juror see this
22 one?

23 MR. GREG DAVIS: Is everyone going to
24 be able to see the board here?

25 Okay.

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1

2 BY MR. GREG DAVIS:

3 Q. Mr. Lynch, again, on the left-hand
4 portion of the board, we see first the knife at the
5 scene, right?

6 A. Right.

7 Q. We also see a photograph of the knife
8 that was taken by personnel at SWIFS; is that correct?

9 A. Right.

10 Q. On the right-hand portion, clothing of
11 Damon Routier, do we see the back portion of a black

12 T-shirt as well as the back portion of a pair of blue
13 jeans?

14 A. Yes, sir.

15 Q. Underneath that, do we have two

16 photographs showing the same thing, essentially, the
17 front portion of a T-shirt belonging to Darlie Routier?

18 A. Yes, sir.

19 Q. The bottom photograph being just

20 simply a closer shot of the same area around the left

21 collar, left sleeve area; is that right?

22 A. That's right.

23 Q. Now, let's look at photograph -- first

24 one, this is a series of photographs in the middle of the

25 board, the top two photographs. Let's look at the right

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1 photograph here that I am pointing to. What do we see

2 here?

3 A. Those are cotton fibers that have been

4 dyed dark, in this instance to make the garment look

5 black.

6 Q. And, what do we see on the photograph

7 adjoining that with an arrow pointing to the knife?

8 A. Those are dark, cotton fibers that

9 have the same color content as the cotton fibers from the

10 T-shirt.

11 Q. What was the result of your comparison

12 between these two cloth fiber items, sir?

13 A. In using five microscopic methods, I

14 couldn't tell a difference in fibers from the knife and

15 the fibers from Damon's shirt.

16 Q. Okay. You say that you used five

17 microscopic techniques?

18 A. Yes, sir.

19 Q. Okay. And just briefly, can you give

20 us an overview of the types of techniques that you were

21 using to compare these two items?

22 A. In one is the comparison microscope

23 where you get that view as you sit on the dual

24 microscope. You use a polarizing microscope to determine

25 polymer type. You use a microspectrophotometer to get an

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1 instrumental comparison of the colors present. And then

2 you use a fluorescence microscope to look for any dye

3 differences that might be present.

4 Q. Okay. Using all 5 of those, did you
5 see any difference at all between the cloth fiber from

6 the knife and the cloth fiber coming from the T-shirt of
7 Damon Routier?

8 A. Well, the -- there was no differences
9 in the physical properties of the fibers. But the fibers
10 from the knife were very short segments, that would be
11 consistent with the damage done by a serrated-type knife.

12 Q. Okay. So, again, the fibers here on
13 the left, are they consistent with having been cut by a
14 knife?

15 A. Yes.

16 Q. Are they consistent with having been
17 cut by a serrated edge knife, such as State's Exhibit No.
18 67?

19 A. Yes.

20 Q. The fibers that you found on this
21 knife, are they consistent in all ways with having come
22 from the T-shirt belonging to Damon Routier?

23 A. Yes.

24 Q. Let's look at the next series of
25 photographs here. Let's start with the photograph on the
Sandra M. Halsey, CSR, Official Court Reporter
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1 right, in the middle. What do we see in this photograph,
2 sir?

3 A. Those are probably the most common
4 fiber that we know, white cottons. On the right are the
5 known white cottons from the defendant's T-shirt; and on
6 the left side are white cottons removed from the knife
7 blade.

8 Q. All right. Now, on the white cotton

9 fibers on the right, you have an arrow pointing to the
10 left, what I call the left shoulder area of the T-shirt
11 area; is that correct?

12 A. Yes, sir.

13 Q. Did you notice a defect at that point
14 of the T-shirt?

15 A. There is a puncture defect at that
16 point.

17 Q. This portion of the T-shirt around
18 that defect, would this actually be cotton fibers?

19 A. The entire T-shirt is a hundred
20 percent cotton with the exception of some collar
21 stitching.

22 Q. All right. Now, the photograph that
23 abuts up next to that, what do we see here?

24 A. Those are the white cotton fibers from
25 the knife blade.

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1 Q. Okay. Did you use the same five
2 techniques to compare these two cotton fibers, sir?

3 A. No.

4 Q. Okay. What did you use here?

5 A. I did not use methods that investigate
6 dye similarities because those fibers are not dyed, so I
7 used the stereo microscope, the comparison microscope and
8 the polarized light microscope.

9 Q. All right. Using the four methods
10 there for the cotton fibers, sir, did you see any
11 difference at all microscopically or otherwise between
12 the cotton fiber that came from the knife blade, in
13 State's Exhibit 67, and the white cotton fiber that came
14 from the T-shirt?

15 A. No. In the photograph the fibers from
16 the knife appear bloodier, and the reason is, I picked
17 fibers from the shirt from a clean area.

18 Q. All right. The cotton fibers that you
19 found on the knife blade, were they consistent with
20 having been cut by a knife?

21 A. Yes.

22 Q. Having been cut by a serrated edged
23 knife?

24 A. Yes.

25 Q. The cotton fibers that you found on
Sandra M. Halsey, CSR, Official Court Reporter
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1 the knife then, are they consistent in all ways with
2 having come from the T-shirt shown here belonging to
3 Darlie Routier?

4 A. Yes, sir.

5 Q. Lastly, the two sets of photographs on
6 the bottom, let's start off with the one on the right
7 again. What do we see here?

8 A. Those are what we term, tri-lobal
9 polyester type fibers, the cross-sectional shape is very
10 much like a carpet fiber, but that fiber is much thinner
11 than carpet, and it's a different polymer than carpet.
12 It is a polyester from the stitching material of the
13 T-shirt.

14 Q. Okay. And you are indicating here on
15 this photograph the T-shirt, the stitching around the
16 collar of the T-shirt; is that right?

17 A. Yes.

18 Q. The photograph adjoining that on the
19 left, with the arrow pointing to the knife, what is that?

20 A. Those are the same type of tri-lobal,
21 colorless, polyester fibers that were found on the knife.

22 Q. All right. Did you say -- what kind
23 of testing did you subject these fibers to, the
24 comparison of the two?

25 A. In addition to doing polarized light,
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1 comparison light, stereo microscopic, I also did FTIR,
2 what's known as, Fourier transform infrared and that will
3 give you the polymer type. So the polymer was identified
4 as polyester.

5 Q. Okay. The result of your comparison,
6 sir, did you see any differences between the polyester
7 fibers that came from the T-shirt and the polyester
8 fibers that you found on the knife blade?

9 A. No.

10 Q. Were the polyester fibers consistent
11 with having been cut by a serrated edged knife?

12 A. Yes, sir.

13 Q. Were the fibers that you found on the
14 knife consistent with having come then from the T-shirt
15 belonging to Darlie Routier?

16 A. Yes, sir.

17 Q. Now, Mr. Linch, how many years have
18 you been doing fiber comparison work?

19 A. Nine.

20 Q. All right. What sort of training or
21 schooling have you had in order to do these kind of
22 comparisons?

23 A. Just limited to fibers?

24 Q. Yes, sir, fibers.

25 A. I went to the FBI hair and fiber
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1 school. I interned for about a year under an experienced
2 examiner, and like with most things, doing it every day,
3 is the best way to learn it.

4 Q. Okay. You have been doing that for
5 nine years, right?

6 A. Yes, sir.

7 Q. Now, Mr. Linch, in addition to the

8 knife labeled as State's Exhibit No. 67, I'm going to
9 hand you a bag, that contains a butcher block, and

10 several knives and they all begin with Exhibit No. 68
11 with a letter afterwards. There should be eight knives
12 in this bag.

13 Can you look through those and tell me
14 whether or not you had an opportunity to examine those at
15 some point also?

16 A. Yes, sir, I did.

17 Q. All right. When did those items come
18 to you?

19 A. Those were received on June 8th, 1996.

20 Q. Let me show you State's Exhibit No.

21 25, Mr. Linch. Have you had an opportunity to inspect
22 that at your office also?

23 A. Yes, I have, many times.

24 Q. Did you in fact -- when is the first
25 time that you had an opportunity to look at this in your
Sandra M. Halsey, CSR, Official Court Reporter
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1 lab? Do you recall?

2 A. We received it on June the 8th, 1996.

3 I would have to look at my notes, but it would have been
4 shortly thereafter or on that day. May I look at the
5 back of it?

6 Q. Sure.

7 A. My initials here with June the 10th

8 are on it, so that would be my first examination date.

9 Q. And, what was the appearance of the
10 T-shirt when you received it?

11 A. It was cut away. By that I mean,
12 there were defects in it consistent with paramedic

13 removal. When the paramedics treat a patient, one of the
14 first things they do is cut away their clothing. This

15 was cut down the middle and down each sleeve from the
16 collar area.

17 Q. Okay. Since that date, have you
18 actually stitched these cuts back up yourself?

19 A. Yes, sir.

20 Q. All right. Now, when you saw it, for
21 the first time on June 10th, were there in fact any

22 defects that you could see in the T-shirt besides the
23 cuts along the sleeves and the middle portion of the
24 front of this T shirt?

25 A. Yes, sir.
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1 Q. Okay. Were there any defects here on
2 the left shoulder area of the T-shirt?

3 A. Yes, sir.

4 Q. Let me ask you, whether or not at some
5 point, Mr. Lynch, whether or not Kathryn Long, under your
6 direction or the DNA analyst's direction, actually took
7 samples from this T-shirt?

8 A. Her initial sampling was under the DNA
9 analyst instruction.

10 Q. Okay. At a later date, did you go
11 back and look at the T-shirt again?

12 A. Yes, in the company of another
13 individual.

14 Q. Okay. Who was that individual?

15 A. That was retired Captain Tom Bevel,
16 formerly with the Oklahoma Police Department.

17 Q. All right. Did you and Mr. Bevel
18 then, identify other areas of the T-shirt to be sampled?

19 A. Yes, sir.

20 Q. Did you then take those samples?

21 A. Kathryn Long removed those samples
22 that Mr. Bevel identified.

23 Q. All right. Now, do you remember when
24 that was, that you and Mr. Bevel actually looked at the
25 T-shirt, picked out some additional sampling areas?

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1 A. That was September the 12th.

2 Q. Okay.

3 A. 1996.

4 Q. All right. After September the 12th,
5 did you go back and look at the T-shirt again and
6 identify additional areas that you thought might be
7 beneficial for testing?

8 A. Yes, I did, in the right shoulder
9 sleeve area.

10 Q. When did you do that?

11 A. It would have been a couple of days
12 after Mr. Bevel's visit.

13 Q. Okay. And at a later date, did you go
14 back again and identify additional areas for DNA testing?

15 A. Yes, on the left sleeve. Again, that
16 was in the presence of Mr. Bevel.

17 Q. Okay. Were any samples ever taken

18 from the middle portion of the T-shirt?

19 A. Yes, they were.

20 Q. Okay. And who took those samples?

21 A. I took them.

22 Q. When did you take those?

23 A. December 20th, 1996.

24

25

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1 (Whereupon, the following

2 mentioned items were

3 marked for

4 identification only

5 after which time the

6 proceedings were

7 resumed on the record

8 in open court, as

9 follows:)

10

11 BY MR. GREG DAVIS:

12 Q. Okay. Mr. Lynch, let me -- if you

13 would, please look at State's Exhibits 120 and 121. Have

14 you had an opportunity to -- I guess this morning,

15 earlier, to look at this to determine whether or not it

16 reflected the areas where you took blood samples?

17 A. Yes, sir, I first saw this last

18 Friday.

19 Q. All right. Let's start off with the

20 samples that have been marked with a D. Do you see 14

21 samples, D-1 through 14 here on the T-shirt, on the front

22 and the back?

23 A. Front and back, yes, sir, I do.

24 Q. Are those samples that you took during

25 December of 1996?

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1 A. Yes, sir, they are.

2 Q. All right. Do we see three samples

3 that have been designated with an LS?

4 A. Yes, sir.

5 Q. Okay. Are those samples that you also

6 took?

7 A. That's right.

8 Q. Do we see a sample that has been

9 marked as TB3-1; is that a sample that you took?

10 A. No, that is a sample that Kathryn Long
11 took.

12 Q. All right. Kathryn Long would have

13 taken that one. Samples marked with an L, do you see

14 those samples on the T-shirt, sir?

15 A. Yes, sir, I do.

16 Q. Are those samples that you took?

17 A. I took those samples, yes, sir.

18 Q. Do those represent the samples, the

19 blood samples that you took from the front and the back

20 portion of the T-shirt that is shown in State's Exhibits

21 120 and 121?

22 A. Yes, sir, they do.

23

24

25 (Whereupon, the following

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1 mentioned items were

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 BY MR. GREG DAVIS:

11 Q. Okay. Photographs, State's Exhibits

12 120-A, 120-B, 120-C and 121-A, do they truly and

13 accurately depict portions of the T-shirt shown in 120

14 and 121? Do they truly and accurately depict those?

15 A. 120-A represents a close-up of the

16 right front shoulder, 120-B is another close-up of the

17 right front area, and 120-C is a closer view of the left

18 part of the T-shirt.

19 Q. And 121-A?

20 A. 121-A is a representation of a stain

21 from the back right of the T-shirt.

22 Q. Now, you yourself, you didn't do any

23 DNA analysis or testing on those blood samples, did you?

24 A. No, sir, I did not.

25 Q. Now, I was asking you, Mr. Linch,
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1 about the defects that you had seen in this T-shirt when
2 you first saw it back in June.
3 You had noted, and if you could, if
4 you could just step down here for the members of the
5 jury, and just point to the areas of the T-shirt where
6 you actually saw either tears or defects or rips or
7 anything else besides the areas that you understood that
8 had been cut by paramedics.
9 Again, if you will just turn so
10 everybody can see it. Let me just -- I will just hold it
11 up for you.

12

13 (Whereupon, the witness

14 stepped down from the
15 witness box, and approached
16 the jury rail, for the
17 purpose of further describing
18 the exhibit to the jury.)

19

20 A. On the left front, near the collar,
21 there is a puncture-type defect that continues, puncture
22 into the cotton material continues through the polyester
23 stitching-type material with the defect.

24 These holes were from blood samplings.
25 This is a puncture defect in the right front. Also, in
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1 the top right shoulder there are 1, 2, 3 defects that
2 were caused by a bloody blade.
3 Q. Okay. Now, you had indicated earlier,
4 I believe, that you met with the defendant out there at
5 SWIFS back in, what, June 11th of 1996?

6 A. Yes, sir, that's right.

7 Q. All right.

8

9 (Whereupon, the witness
10 Resumed the witness
11 Stand, and the
12 Proceedings were resumed
13 On the record, as
14 Follows:)

15

16 BY MR. GREG DAVIS:

17 Q. And on that date, did you have a
18 chance to discuss with the defendant the injuries that
19 she claimed were received in this attack?

20 A. I asked Mrs. Routier where she was
21 wounded.

22

23 MR. RICHARD C. MOSTY: Your Honor, may
24 we approach the bench for a minute?

25 THE COURT: Yes, you may.

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1

2 (Whereupon, a short
3 discussion was held
4 at the side of the

5 bench, between the Court,
6 and the attorneys for
7 both sides in the case,
8 off the record, and outside
9 of the hearing of the

10 Jury, after which time,
11 the proceedings were

12 resumed on the record,
13 In the hearing of
14 the jury as follows:)

15

16

17 MR. RICHARD C. MOSTY: That's okay.

18 No objection.

19 THE COURT: Thank you. All right.

20

21 BY MR. GREG DAVIS:

22 Q. Okay. I believe I was asking you
23 whether or not you discussed her injuries with her and I
24 think that you were about to say that she had. What did
25 she say to you regarding injuries that she had received

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1 on June 6th?

2 A. She showed me her neck scar. She
3 showed me a scar in the left, front, upper chest, and a
4 scar on the right arm.

5 Q. Okay.

6 A. Or a healing wound.

7 Q. Okay. The injury that she indicated
8 up here on her left shoulder area, if you will, okay, did
9 that correspond generally with the defect or the cut that
10 you had seen to the left shoulder area of the T-shirt?
11 A. Yes, it does. Even though it's near
12 the collar area, when the shirt is placed on a mannequin
13 it comes into about the right area where that wound would
14 be.

15 Q. Okay. Had you noted any defects to
16 the collar of the T-shirt, besides what you understood
17 had been cut by the paramedics?

18 A. No.

19 Q. Okay. So she indicated an injury to
20 her left shoulder, to her neck and then you also had an
21 opportunity to view the injury to her right arm; is that
22 right?

23 A. That's right.

24 Q. Okay. How about any injuries to her
25 right -- either her right neck area or her right shoulder
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1 area? Did the defendant, when she met with you out there
2 at SWIFS, indicate that she had received any injuries to
3 the right shoulder area, or right collar bone area during
4 this attack, sir?

5 A. None.

6

7

8 (Whereupon, the following
9 mentioned item was
10 marked for
11 identification only
12 after which time the
13 proceedings were
14 resumed on the record
15 in open court, as
16 follows:)

17

18 BY MR. GREG DAVIS:

19 Q. Mr. Linch, let me show you what's been
20 marked as State's Exhibit 118. Is this a photograph that
21 you took of the right shoulder area of the T-shirt,
22 State's Exhibit No. 25?

23 A. Yes, sir, it is.

24 Q. You have also labeled the portions of
25 the T-shirt; is that right?

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1 A. That's right.
2 MR. GREG DAVIS: Your Honor, at this
3 time we will offer State's Exhibit No. 118.
4 MR. RICHARD C. MOSTY: No objection.
5 THE COURT: State's Exhibit 118 is
6 admitted.

7
8 (Whereupon, the item

9 Heretofore mentioned
10 Was received in evidence
11 As State's Exhibit No. 118
12 For all purposes,
13 After which time, the
14 Proceedings were resumed
15 As follows:)

16
17 BY MR. GREG DAVIS:

18 Q. Now, Mr. Linch, just so we can kind of
19 get oriented here, are we looking at -- kind of looking
20 down on this T-shirt, sir?

21 A. Yes, sir. It would be a view like
22 looking down on the top of my right shoulder.

23 Q. All right. If you will then, we're
24 kind of looking down, if you will, as I am holding the
25 T-shirt, basically, correct?

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1 A. That's right. It's represented by the
2 area that I am covering with my hand on my right
3 shoulder.

4 Q. Okay. The neck area then would be off
5 to the left-hand portion; is that right?

6 A. Yes, sir.

7 Q. Okay. Then you have got an arrow with
8 a line here indicating the paramedic cut; is that right?

9 A. Yes, sir.

10 Q. Okay. And that would correspond to
11 what we see here on the T-shirt also?

12 A. That's right.

13 Q. Then we have got -- do you see what I
14 am pointing at here? Does this appear to be a seam of
15 some sort?

16 A. Yes, sir, that is the top-sewing,
17 manufactured seam from the T-shirt.

18

19 THE COURT: Mr. Davis, I don't think
20 all the jurors can see that.

21 MR. GREG DAVIS: Okay. All right.

22 Excuse me. Thank you.

23

24 BY MR. GREG DAVIS:

25 Q. Again, this line here, would this

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1 correspond with the seam that is shown here on the

2 right-hand side of the shoulder area?

3 A. Yes, sir.

4 Q. You have indicated front, toward the

5 top of the photograph; is that right?

6 A. That's right.

7 Q. The back portion being to the bottom;

8 is that right?

9 A. That's right.

10 Q. Okay. And, you have indicated there

11 are certain areas that are shown as L-10, L-12, DC-14

12 with a CL, on the back of the T-shirt. Are those

13 actually areas that were sampled for blood?

14 A. All of the holes that have been

15 circled in black ink and labeled with a number and

16 initials are samplings done at the laboratory for genetic

17 marker typing.

18 Q. Okay. And again, I'm just holding the

19 T-shirt for the jury. Again, this is the general area

20 that we are looking at on the photograph, right?

21 A. That's right.

22 Q. In particular, you can see some of the

23 sampling that was taken; is that right?

24 A. Yes, sir.

25 Q. Now, as we look at the T-shirt, you

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1 see another hole here on the top portion with a red

2 circle around it. And it's got an upside down T-10,

3 TB3I. Are those also areas that were sampled for blood?

4 A. Yes, sir. That hole that you are

5 indicating there was taken at the laboratory for genetic

6 typing.

7 Q. In addition to the areas that we've

8 indicated that were sampled for genetic purposes, were

9 there other defects in this portion of the T-shirt that

10 you noted, sir?

11 A. Yes, sir.

12 Q. Okay. First of all, does there appear
13 to be a hole or a defect where I am pointing at this
14 time, sir?

15 A. Yes, sir.

16 Q. Okay. Could you tell what was around
17 or what appeared to be around that defect?

18 A. That's what you see when a bloody
19 blade punctures a material like that.

20 Q. Okay. How about what I am pointing at
21 now, which is going to be up and to the right from the
22 original defect?

23 A. Same. A bloody blade caused that
24 defect.

25 Q. Now, let's go further to the right
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1 with a -- what appears to be an elongated defect. What
2 do we see here?

3 A. That is a puncture caused by a bloody
4 blade.

5 Q. And let's go downward now to the
6 middle portion of the photograph. What do we see here?

7 A. That is another puncture with some
8 ripping component to it.

9 Q. Okay. And, leading away from this

10 defect, first to the top. What do we see in this area
11 that I am pointing to?

12 A. That would be consistent with blood
13 from a blade in proximity to that hole.

14 Q. And again, to the bottom then. What
15 do we see at this area that I am pointing to right here?

16 A. Those are snag-type defects.

17 Q. These defects that we pointed out, the
18 three in this area of the photograph toward the top

19 center, as well as the larger one toward the bottom
20 center, sir, would they be consistent with having been
21 produced by State's Exhibit No. 67?

22 A. They could be.

23 Q. Well, let me ask you, sir, these four
24 defects, again, when the defendant talked to you about
25 her injuries, did she indicate that she had received any
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1 injuries to that portion of her body that would
2 correspond to these four defects that you found in the
3 right shoulder area?

4 A. No, sir.

5 Q. Would these four defects be consistent
6 with this T-shirt having been pulled up away from the

7 skin and then actually being penetrated by the knife
8 without the knife blade actually touching the skin?

9 A. That is the only way I know of that
10 those punctures could occur without involving the skin.

11 Q. Let's look at another area; that is
12 going to be to the far right, toward the area that you
13 have labeled to the sleeve. Do we see another defect
14 here?

15 A. Yes, sir.

16 Q. Okay. Is it also ringed by blood?

17 A. Yes, it is.

18 Q. Again, is it consistent with having
19 been produced by State's Exhibit No. 67?

20 A. It could be.

21 Q. Okay. And again, this defect, did the
22 defendant indicate in your discussions with her that she
23 had received any injury to this portion of her body that
24 would correspond to this defect on the far right-hand
25 side of this photograph?

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1 A. No.

2 Q. This defect, is it consistent with
3 that portion of the T-shirt, again, being pulled away
4 from the skin, and then with the knife actually
5 penetrating through with knife still on --

6 A. It would have to be without injuring
7 the defendant.

8 Q. Mr. Linch, let me now ask you whether
9 or not a window screen was submitted to you by the
10 Rowlett Police Department?

11 A. Yes, it was.

12 Q. Okay. And did it come along with a
13 window, an actual window with the frame still intact, or
14 did it come by itself?

15 A. The window screen came by itself.

16 Q. All right. The window screen, first

17 of all, did you or Kathryn Long look at the window screen
18 to see whether or not there was any evidence of blood on
19 the window screen?

20 A. Yes, sir.

21 Q. What was the result of that
22 inspection?

23 A. No blood was found on the window
24 screen.

25 Q. How about the window, did you look for
Sandra M. Halsey, CSR, Official Court Reporter
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1 blood on the window?

2 A. Yes, sir.

3 Q. What did you see when you looked?

4 A. There was blood consistent with
5 secondary transfer from insects. If insects get in blood
6 and then fly to an object, you get little bloody feet
7 prints.

8 Q. Okay. The size of these little bitty
9 feet prints, are what, about the size of a pinhead?

10 A. Oh, smaller.

11 Q. All right. Now, the window screen

12 itself, can you describe the appearance of the screen
13 when it first came to you?

14 A. It had -- it's a rectangular object
15 and it had what I termed a T-shaped defect in it. By

16 that I mean, there is a cut going horizontal and in about
17 the center of that cut, there is a cut straight down that
18 is the vertical component.

19 Q. How about the frame? What did you
20 notice about the frame, if anything?

21 A. At the bottom of the frame there was a
22 bend towards the bottom.

23 Q. Okay. As you started to look at this
24 window screen, did you take certain photographs of the
25 screen?

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1 A. Yes, sir.

2 Q. All right. And did you also do
3 certain other inspections and examinations of the screen
4 throughout the process of your work with it?

5 A. Yes, sir.

6

7

8 (Whereupon, the following

9 mentioned item was
10 marked for
11 identification only

12 after which time the
13 proceedings were
14 resumed on the record
15 in open court, as
16 follows:)

17

18 BY MR. GREG DAVIS:

19 Q. Okay. Mr. Linch, let me show you the
20 exhibit that has been marked State's Exhibit No. 115.
21 First of all, in the center, do we see
22 a photograph of the screen as it's still intact there at
23 the residence at 5801 Eagle Drive on June 6, 1996?

24 A. Yes, sir.

25 Q. Okay. This is in fact the screen that
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1 you received for testing; is that right?

2 A. That's right.

3 Q. The bottom left-hand portion, do we
4 see a photograph that was taken of the screen as it's
5 laying down on the surface?

6 A. Yes, sir.

7 Q. And that photograph actually shows the
8 direction of the tears or the cut marks that you saw on
9 the screen; is that right?

10 A. That's right.

11 Q. Would that also be true of the
12 photograph above that?

13 A. Yes, sir.

14 Q. Okay. And, again, we have a similar
15 photograph of the portion of the cut to the right-hand
16 side; is that right?

17 A. That's right.

18 Q. Do we also have four photographs that
19 you took using a microscope?

20 A. There are four black and white
21 photographs taken with a scanning electron microscope,
22 yes, sir.

23 Q. Okay.

24

25 MR. GREG DAVIS: Your Honor, at this
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1 time we will offer State's Exhibit No. 115.
2 THE COURT: Any objection?
3 MR. RICHARD C. MOSTY: No objection.
4 THE COURT: State's Exhibit 115 is
5 admitted. Can all the jurors see this?
6 THE JURY: Yes.
7 THE COURT: Okay. Fine.
8
9 (Whereupon, the item

10 Heretofore mentioned
11 Was received in evidence
12 As State's Exhibit No. 115
13 For all purposes,
14 After which time, the
15 Proceedings were resumed
16 As follows:)
17
18 BY MR. GREG DAVIS:

19 Q. Okay. Now, the photograph here in the
20 center, again, is that a photograph of the screen while
21 it's still in the window out there at the residence?
22 A. Yes, sir.
23 Q. Okay. Let's talk about the defect
24 that you found in the screen. Is that shown here in the
25 bottom, left-hand portion?
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1 A. Yes, sir, it is.
2 Q. It says, window screen, garage; is
3 that right?
4 A. That's right.
5 Q. Describe the defects that you found in
6 this window screen, Mr. Lynch? I believe you indicated
7 it was T-shaped; is that right?
8 A. It looked like a T.
9 Q. Okay.
10 A. Do you want me to describe it at the
11 microscopic level or --
12 Q. Well, yes, if you would. After you
13 had a chance to visually inspect it, is that when you
14 actually looked at it underneath the electron microscope?
15 A. Yes, sir.
16 Q. All right. And just tell us what you
17 saw when you looked at it under the electron microscope.
18 A. Well, backing up a bit, can we talk
19 about the screen content?
20 Q. Yes, sir.

21 A. What the screen cloth is.
22 Q. What is it made of? This isn't a
23 metal screen, is it?
24 A. No, no.
25 Q. Okay. What is it made out of?
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1 A. That is a fiberglass core-type screen,
2 like most modern screens are. There are strands of
3 rubber material, it is polyvinyl chloride that has been
4 softened with thalates material. Inside that rubber is a
5 bundle of fiberglass fibers.

6 Q. So, if I could just stop you, the
7 electrical wiring that we use these days -- it's
8 basically -- would it be kind of like, where you have a
9 copper interior, the strands of copper and outside you
10 actually have got a rubber coating and insulating
11 material; is that right?

12 A. Exactly. The fiberglass would
13 correspond to the copper in the wire.

14 Q. Okay. So you have got the fiberglass
15 inside and around that housing that is what?

16 A. Soft rubber material.

17 Q. All right. Okay. Anything else about
18 the content of the fiberglass that we need to go into?

19 A. No.

20 Q. All right. Let's go on then to the
21 microscopic examination. Just kind of walk us through
22 what you saw there.

23 A. The initial request was to try to
24 determine which way it's cut and how it's cut. Examining
25 it microscopically, it was my opinion that the cut
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1 started, if cut from the outside, started on the right
2 side and went toward the left. The reason for that
3 conclusion was the -- like the photograph in the center
4 top of the poster, it shows that the rubber material is
5 denuded in the direction of knife flow.

6 Q. Okay. Actually, in this top
7 photograph then, we see a portion of this rubber
8 covering, do we not?

9 A. That's right.

10 Q. Okay. And then, to the left, do we
11 actually see small strands of fiberglass that have been
12 exposed?

13 A. Yes, sir. Those are the fiberglass
14 fibers.

15 Q. All right. So you are saying that
16 this exposure occurred from the right side going toward
17 the left; is that right?

18 A. That's right.

19 Q. If we look down here on this
20 photograph at the bottom left-hand portion then, your

21 opinion would be, that if cut from the outside, then this
22 would have started on the right-hand side and continued
23 along toward the left-hand side of the screen; is that
24 right?

25 A. That's right.

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1 Q. Okay. What is the next thing that you
2 were asked to determine?

3 A. At the end of that defect you were
4 just pointing to --

5 Q. Yes, sir.

6 A. At the end of it, there is a minor
7 defect that looked as if the knife was attempted to be
8 pushed down, and that was unsuccessful.

9 Q. Okay. And we see that -- it's hard to
10 see -- but we see that where it actually turns downward
11 just a little bit; is that right?

12 A. Yes, sir.

13 Q. Okay. What did you see next?

14 A. Then, the stem of the T or the defect
15 going that way, in order for that to be caused, you would
16 have to restabilize the screen with one hand and cut it
17 with the other. And at the bottom of that defect, the
18 fibers are denuded and in more extreme fashion than up at
19 the top. So that is consistent with a serrated knife
20 withdrawal from the screen.

21 Q. Well, let me ask you. First of all,
22 how do you know that you have got to restabilize or hold
23 this screen in order to start this downward portion of
24 the T-cut?

25 A. I know that. I did test cuts on a
Sandra M. Halsey, CSR, Official Court Reporter
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1 screen taken from the house next to this window.

2 Q. All right. Is that how you were able
3 to try to reproduce this portion of the T?

4 A. Yes, sir.

5 Q. And you were talking about these
6 fiberglass strands again being exposed. And, kind of
7 walk me through it. I know we have got two photographs

8 down here at the bottom center and the bottom right. Do
9 they show parts of fiberglass material that have been
10 exposed?

11 A. Yes, sir. That is what those
12 filaments are. They are glass rods, microscopic glass
13 rods.

14 Q. Okay. And again, how do you know, or

15 how do you come to the opinion that this cut actually was
16 downward?

17 A. The -- just looking at the direction
18 of travel of the defects. I think the photograph in the
19 middle, right demonstrates that.

20 Q. Right in here?

21 A. Right. It would, if the cut had
22 started at the bottom and gone upward, you would see a
23 much more jagged appearance of the screen cloth.

24 Q. How about the nature of this cut, the
25 top portion of the T? How would you categorize or
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1 classify this cut that you saw at the top part of the T?

2 A. It needs to be done in a smooth,
3 constant velocity stroke. As you are cutting the screen
4 material, you puncture and then you start to cut. If you
5 slow down your speed at all, you are going to wind up on
6 different highways, so to speak, and it will be kind of
7 creating a more jagged appearance.

8 So, it needs to be punctured and then
9 a nice, even, across stroke to get that even cut.

10 Q. So actually just punch and then one
11 continuous movement; is that right?

12 A. That's right.

13 Q. Okay. Do you have an opinion about
14 whether a child could produce this sort of continuous cut
15 to this window?

16 A. I didn't have any children to try to
17 duplicate this. But I would think that you would need a
18 long --
19

20 MR. RICHARD C. MOSTY: Your Honor,
21 I'll object to that, as long as he says this is
22 speculation.

23

24 BY MR. GREG DAVIS:

25 Q. No. Did you do some testing to
Sandra M. Halsey, CSR, Official Court Reporter
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1 determine whether or not you could reproduce this type of
2 continuous cut?

3

4 MR. RICHARD C. MOSTY: The question
5 was, a child.

6 MR. GREG DAVIS: I'm withdrawing that.

7 I have a new question.

8 THE COURT: Let's make the record

9 clear. Withdraw the question.

10 MR. GREG DAVIS: Yes, sir.

11 THE COURT: Rephrase it. Thank you.

12

13 BY MR. GREG DAVIS:

14 Q. Did you do any testing to determine

15 whether or not you could reproduce a continuous smooth
16 cut as seen here in this photograph?

17 A. Yes.

18 Q. Okay. And what were the results of
19 that?

20 A. I was able to.

21 Q. Okay. Let's talk about the bottom
22 portion of the T, if you will. How would you classify
23 that cut?

24 A. That would be another fairly
25 continuous cut. There are some zig-zags getting down
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1 lower toward the end of it. And then again, the fibers
2 are more exposed as the knife was withdrawn.

3 Q. Did you ever do any testing, sir, to
4 determine whether or not the cuts that we see to this
5 window screen are consistent with having been produced by
6 a serrated edged knife?

7 A. Yes, I did.

8 Q. Okay. What testing did you do?

9 A. I used some knives from the butcher
10 block that we have already talked about. And, at the end
11 of all of my analysis, I went back and used the knife

12 that has been described as the murder weapon, and the
13 larger bread knife from the butcher block.

14 But prior to using those, I used a
15 knife that I designated number 7, and a knife that I
16 designated number 4 from the block.

17 Q. Okay. State's Exhibit No. 68-H, what
18 number knife would that be, sir?

19 A. With my designation that would be

20 number 4.

21 Q. Okay. Did I understand you to say
22 that you actually used State's Exhibit 68-H to cut a test
23 screen; is that right?

24 A. Yes.

25 Q. And State's Exhibit 68-H, your knife
Sandra M. Halsey, CSR, Official Court Reporter
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1 number 4, does it have a serrated edge, sir?

2 A. I'm sorry. Which? Oh, this one?

3 Q. Yes, sir.

4 A. Yes, sir, it does.

5 Q. Okay. Again, did you find any
6 evidence of blood along either the top portion of the T
7 or the bottom portion of the T?

8 A. No, sir, the screen was devoid of
9 blood.

10 Q. Okay. Did you ever form an opinion as
11 to whether or not you thought this cut had been made from
12 the outside looking in or from the inside of the garage
13 looking out?

14 A. There is one microscopic finding that
15 is more suggestive of it being punched from the outside.
16 The scanning electron micrograph in the top right of this
17 exhibit is a view of the back side, that would be the
18 view from inside the garage of the screen cross strands.
19 Now, the first cut occurs on that strand coming down,
20 right where you are indicating.

21 Q. Okay.

22 A. Now, the strand to the right of that,
23 indicates a stress puncture. If the knife goes in and
24 that is the first strand that is cut, the strand next to
25 it is experiencing the force, in my opinion, going inward
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1 to the garage.

2 Q. So more suggestive of from the
3 outside?

4 A. Yes, sir.

5 Q. Okay. Now, I want to draw your
6 attention to knife number 4; 67-H there in front of you.
7 Did you have an opportunity to examine knife number 4,
8 sir, in your laboratory?

9 A. Yes, I did.

10 Q. What sort of examinations did you do
11 with knife number 4?

12 A. I looked first with the naked eye for
13 any hairs or fibers that might be on it. And then I put

14 this knife under the stereo microscope, that is like a
15 dissecting microscope, to look for material that was

16 within the serration grooves of this knife.

17 Q. Okay. Did you find anything within
18 the serrations themselves?

19 A. Yes, sir, I did.

20 Q. What did you find?

21 A. There were some fibrous debris and
22 some gray-type debris.

23 Q. All right. And that debris, when did

24 you find it? Do you remember the date that you actually
25 found it on knife number 4?

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1 A. Well, the debris was found, or removed
2 from the blade and placed on a microscope slide. Now, my
3 appreciation of what was actually on the microscope slide
4 occurred slowly.

5 Q. Okay. And, did you then take
6 microscopic slides of what you had found on the knife
7 blade, State's Exhibit 67-H, your knife number 4?

8 A. You mean did I take photographs of
9 what I found?

10 Q. Yes, sir.

11 A. Yes, sir, I did.

12

13

14 (Whereupon, the following

15 mentioned item was

16 marked for

17 identification only

18 after which time the

19 proceedings were

20 resumed on the record

21 in open court, as

22 follows:)

23

24 BY MR. GREG DAVIS:

25 Q. All right. Let me show you State's
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1 Exhibit No. 116, Mr. Linch. The top, left-hand
2 photograph, does that show the butcher block and knives
3 still in the butcher block as they appeared at the
4 residence on June 6th, 1996?

5 A. That's right.

6 Q. The photograph right below that, is
7 that a photograph of State's Exhibit 67-H, your knife

8 number 4 from the butcher block?

9 A. Yes, sir.

10 Q. Then do we have five photographs of

11 what you saw underneath the microscope when you looked at

12 what you had retrieved from knife number 4?

13 A. Yes, sir.

14

15 MR. GREG DAVIS: Your Honor, at this

16 time we will offer State's Exhibit 116.

17 THE COURT: Yes, sir.

18 MR. RICHARD C. MOSTY: No objection.

19 THE COURT: State's Exhibit 116 is

20 admitted.

21

22 (Whereupon, the item

23 Heretofore mentioned

24 Was received in evidence

25 As State's Exhibit No. 116

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1 For all purposes,

2 After which time, the

3 Proceedings were resumed

4 As follows:)

5

6 BY MR. GREG DAVIS:

7 Q. Mr. Linch, again, the top left-hand

8 photograph, it is a little hard to see, but do we see a

9 butcher block with what appears to be eight knives with

10 black handles there?

11 A. That's right.

12 Q. State's Exhibit 67-H, is that shown

13 here in the photograph right below that?

14 A. Yes, sir.

15 Q. Okay. We now have five photographs

16 here on the right-hand side of the board. Can you just

17 tell us -- let's just start with the stop and go down.

18 You have an area here that has been highlighted in brown.

19 What is contained in that highlighted portion of that

20 photograph, sir?

21 A. May I step down?

22 Q. Yes, sir.

23

24 THE COURT: You may.

25

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2908

1 (Whereupon, the witness

2 Stepped down from the

3 Witness stand, and

4 Approached the jury rail

5 And the proceedings were

6 Resumed as follows:)

7

8 BY MR. GREG DAVIS:

9 Q. Okay.

10 A. On the right side of State's Exhibit

11 116, there is a photograph at the top and within that

12 photograph is a brownish appearing insert. In the insert

13 is a glass rod or a piece of fiberglass. The other

14 insert shows what I term a rubber dust particle.

15 Q. Okay. Now, photographs underneath

16 that, so the darker brown is a fiberglass rod piece; is

17 that right?

18 A. That's right.

19 Q. The lighter brown then shows a, what,

20 a kind of grayish black material; is that right?

21 A. Yes, sir.

22 Q. Both of these items were found on

23 State's Exhibit 67-H knife, number 4; is that right?

24 A. That's right.

25 Q. In the photograph underneath the

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1 second photograph on the right, we have a dark brown area

2 highlighted. What do we see in that photograph?

3 A. That is a piece of glass debris that

4 is with, again, what I term the dust particle material,

5 rubber dust particle material.

6 Q. So both fiberglass and rubber dust

7 material is shown in the second photograph together; is

8 that right?

9 A. Well, I don't know if it is

10 fiberglass, but it's more of a glass dust than a glass

11 with any morphology or shape.

12 Q. The third photograph in the
13 highlighted area here, shown in the brown; what do we
14 see?

15 A. That is what appeared to be rubber
16 dust material with a fragment of glass.

17 Q. Okay. Fourth photograph in the
18 highlighted area; what do we see there?

19 A. That is a particle of what I identify
20 as rubber dust material.

21 Q. And finally, the bottom photograph,
22 the highlighted area; what do we see there?

23 A. That is a larger piece of this rubber
24 dust material that is, it is a little thicker than some
25 of these others. But in this photograph you can see the
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1 pigment inclusions.

2 Pigment inclusions are consistent with
3 titanium dioxide. That is material that is used in

4 paints and rubbers to change the colors. If you add
5 titanium dioxide crystals to something that is black, it
6 will look a little grayer. And also within there there
7 are pigmentation that is consistent with carbon black.

8 Q. So, this board shows then what you
9 found on this knife blade under the microscope; is that
10 correct?

11 A. Yes, sir.

12 Q. Now, you had mentioned that you had
13 taken certain knives out of the butcher block and
14 actually done a test with a test screen; is that right?

15 A. That's right.

16 Q. Okay. And, was that test screen
17 identical to the screen that Rowlett had produced for you
18 with the T-cut already in it?

19 A. It appeared to be.

20 Q. Okay. And when you cut that screen on
21 your test, sir, did you ever look under the microscope to
22 see what, if anything, had been deposited on your test
23 knife blade?

24 A. Yes, sir, I did.

25 Q. Okay. Did you find --
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2911

1 A. May I?

2 Q. Yes. Did you find anything on the
3 knife blade when you ran your test and tried to reproduce

4 this T-cut on another screen?

5 A. Well, the debris obtained on the test
6 cut knife blade was the same as the type of debris that I
7 found on that knife.

8 Q. Okay. Well, you said the same. First
9 of all, did you see any fiberglass rod material as shown
10 here on State's Exhibit No. 116?

11 A. Yes, sir.

12 Q. Okay. How did it compare with what we
13 see here on State's Exhibit 116?

14 A. Well, when you cut that screen cloth
15 you get rod debris and different lengths, shapes. You
16 are breaking microscopic glass rods when you cut the
17 screen. So you get glass debris.

18 In addition to that, you get glass
19 that is fragments from rods, so it's smaller than the rod
20 itself.

21 In addition to that, you get sections
22 of this rubbery material that the screen cloth is made
23 of, and you get that in different thicknesses.

24 Q. Okay. So I understand, you did get
25 glass rods, right?

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2912

1 A. Yes.

2 Q. And you got other fragments of glass
3 that were not any particular shape?

4 A. Right.

5 Q. Did you also get this -- what I'm
6 going to call kind of the rubbery material here -- did
7 you also get that on your test knife blade?

8 A. Yes.

9 Q. Did you ever make any comparisons,
10 sir, between the material that you had found on knife
11 number 4, the fiberglass rod and the kind of a dark

12 rubbery material, did you ever make a comparison between
13 those two items and the component items of the window
14 screen with the T-cut?

15 A. Yes, I did.

16 Q. Okay.

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
2913

1 in open court, as
2 follows:)
3 BY MR. GREG DAVIS:
4 Q. Mr. Lynch, let me show you State's
5 Exhibit No. 117. First of all, on the right-hand side,
6 do we see again a photograph of a butcher block with a

7 knife still in it out at the residence; and again, do we
8 see a photograph of State's Exhibit 67-H, your knife
9 number 4 from the butcher block?

10 A. Yes, sir.

11 Q. In the middle do we see certain

12 photographs that you took under your microscope of
13 material from the knife blade, and also material from the
14 window screen?

15 A. Yes, sir. They are side-by-side

16 comparison microscope pictures.

17 Q. Now, on the left-hand side of the

18 exhibit, do we see, first of all, an overall photograph

19 of the T-cut in the screen, and then certain

20 microscopic -- well, photographs of, that you took under
21 the microscope of materials that come from that window
22 screen?

23 A. Yes, sir, on the left side is a

24 representation of what you see at different microscopic

25 levels of the known screen material.

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1

2 MR. GREG DAVIS: Your Honor, at this

3 time we will offer State's Exhibit No. 117.

4 MR. RICHARD C. MOSTY: No objection.

5 THE COURT: State's Exhibit 117 is

6 admitted.

7

8 (Whereupon, the above

9 mentioned item was

10 received in evidence

11 as State's Exhibit No. 117,

12 for all purposes

13 after which time,
14 the proceedings were
15 resumed on the record,
16 as follows:)
17

18 THE COURT: Ladies and gentlemen of
19 the jury, we're going the break now until 1:10. We have
20 a small matter to take up outside of your presence, and
21 there is no sense in you being here for it.
22 So, we will break just a little bit
23 early today for lunch. See you back here at 11:10.
24 Thank you.
25 If all members of the spectating
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1 audience will remain seated, please, until the jury
2 clears the courthouse. Thank you.
3
4 (Whereupon, the jury

5 Was excused from the
6 Courtroom, and the
7 Proceedings were held
8 In the presence of the
9 Defendant, with her

10 Attorney, but outside
11 The presence of jury
12 As follows:)
13
14

15 THE COURT: All right, ladies and
16 gentlemen, it's fine to leave. If you will clear the
17 courtroom, please. We need that done. And then those
18 who wish to look at these exhibits, the reporters can
19 come on back and view them.

20 MR. GREG DAVIS: Judge, what time are
21 we going to come back for that matter we needed to
22 discuss?

23 THE COURT: Be back a little before
24 1:00.

25 MR. RICHARD MOSTY: Yes, sir.
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1 MR. GREG DAVIS: All right.
2 (Whereupon, a short
3 recess was taken, after
4 which time, the

5 proceedings were
6 resumed in open court,
7 in the presence and
8 hearing of the
9 Defendant, being

10 represented by her
11 Attorney, but outside of
12 the presence of the jury
13 as follows:)
14

15 THE COURT: All right. All right.
16 Are both sides ready to bring the jury in?

17 MR. GREG DAVIS: Yes, sir, the State
18 is ready.

19 MR. RICHARD C. MOSTY: Yes, sir, we
20 are ready.

21 THE COURT: All right. Let's bring
22 the jury in.

23

24 (Whereupon, the jury

25 Was returned to the
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1 Courtroom, and the
2 Proceedings were
3 Resumed on the record,
4 In open court, in the
5 Presence and hearing

6 Of the defendant,
7 As follows:)

8

9 THE COURT: Let the record reflect
10 that all parties in the trial are present and the jury is
11 seated. Mr. Davis, you may continue.

12 MR. GREG DAVIS: Thank you, Judge.

13

14 BY MR. GREG DAVIS:

15 Q. Mr. Linch, I wanted to ask you, just
16 briefly, about the material that you found here on the
17 number 4 knife. This material, did you find that on the

18 knife before you used it on the test screen?

19 A. Oh, yes, absolutely. I removed this
20 material from this knife when I first received the
21 butcher block with the other knives.

22 Q. All right. So, this is one of the
23 first things that you did then, right?

24 A. Yes, sir.

25 Q. Now, before we go to the next board,
Sandra M. Halsey, CSR, Official Court Reporter
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1 the comparison of the knife debris and the window screen
2 debris, I don't think I ever asked you to give a more
3 complete run down of your schooling and the training that
4 you have received. But at this time, would you mind
5 doing that for us, please?

6 A. Okay. I was a combat photographer in
7 the Marine Corps from 1971 to 1974. I graduated from the
8 University of Houston with a Bachelor of Science, in

9 natural sciences. I attended the FBI Hair and Fiber
10 School, the FBI Forensics Serology School, and the FBI

11 DNA Analysis School. I also attended a DNA-PCR School in
12 Foster City, California.

13 Q. Let's now look at the photographs here
14 on State's Exhibit No. 117. Okay. First of all, on the
15 right-hand side, do we see the butcher block with the
16 knife still in the butcher block?

17 A. Yes, sir.

18 Q. Okay. During the lunch break, did you
19 have an opportunity to place the knives that were in the
20 bag with the butcher block into the positions where you
21 found them originally as they came to your lab?

22 A. Yes, sir. They are in approximate
23 order. I didn't have time to make sure exactly which is
24 where, but the bread knife is in the position that I
25 found it in.

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2919

1 Q. Okay. How many slots were empty in
2 this butcher block?

3 A. One.

4 Q. Is that slot still empty?

5 A. Yes.

6 Q. As it sits there before you?

7 A. Yes, sir.

8 Q. If you would, State's Exhibit No. 67,

9 can you show us whether or not State's Exhibit 67 fits
10 into that butcher block?

11 A. Okay.

12 Q. You have just now slipped it into the
13 third slot over from the left on the bottom row; is that
14 right?

15 A. No.

16 Q. I'm sorry?

17 A. Oh, I'm sorry. Third from the left,
18 yes, sir.

19 Q. Okay. And that was the empty slot
20 that night, also; is that right?

21 A. As I received it, that was the empty
22 slot, yes, sir.

23 Q. Now, number 4 knife, again, that is
24 now in the butcher block; is that correct?

25 A. That's right.

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2920

1 Q. We see those on the right-hand side.

2 And the screen, as it came to you from Rowlett, is that
3 shown here on the left-hand side of the board?

4 A. Yes, sir, it is.

5 Q. As we look down through the
6 photographs here in the center of State's Exhibit 117,
7 Mr. Linch, what do we see on the top two photographs
8 first?

9 A. May I step down?

10 Q. Sure.

11 A. It's kind of faint.

12

13 (Whereupon, the witness

14 stepped down from the
15 witness box, and approached
16 the jury rail, for the
17 purpose of further describing
18 the exhibit to the jury.)
19

20 A. The top two photographs, the State's
21 117, are -- on the left side is a picture taken through a
22 comparison microscope of a known glass rod or fiberglass
23 rod from this screen.

24 What I did was, I clipped a piece from
25 the screen and prepared a microscope slide of that and
Sandra M. Halsey, CSR, Official Court Reporter
2921

1 that is how that appears.
2 On the right side is the recovered
3 glass rod from this knife that I took from inside the
4 butcher block.

5

6 BY MR. GREG DAVIS:

7 Q. Okay. Hold on a second here. Okay,
8 so as we're looking at it, the left one is the known,
9 from the window screen itself, on the right is the
10 fiberglass rod that you recovered from the number 4 knife
11 blade; is that right?

12 A. That's right.

13 Q. How did they compare when you looked
14 at them side-by-side?

15 A. Well, they have the same diameter. On
16 the comparison microscope you are able to move the slides
17 around as you are viewing them. When you line this rod
18 up with this one, they are the same diameter, same size
19 rod. This one is short because it's been broken.

20 Q. All right. Besides the fact that this
21 one is short from being cut, any difference in the known
22 fiberglass rod that you found on the screen and the
23 fiberglass rod that you found on the number 4 knife
24 blade? Any difference?

25 A. I couldn't see any.

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2922

1 Q. How about the photographs here, the
2 second group of photographs? What do we see there?

3 A. The second group, again on the left,
4 is known material from this screen. This is what the
5 screen is made of.

6 There's glass rods in here, there's
7 some glass debris in here and this is, again, what I
8 termed the rubber dust particles with the pigmentation
9 spots.

10 On the right side of that is the
11 recovered particle of rubber-type dust debris from the
12 knife from the butcher block.

13 The third photograph down on the left
14 is another glass rod, with this slender, very thin piece
15 of rubbery plastic with pigmentation residues in it; on
16 the right side is a sliver of plasticized, rubbery, thin
17 type material recovered from this knife.

18 The fourth photograph down on the
19 left, again, is known material from this screen compared
20 to material recovered from this knife. It's a very small
21 combination of rubber dust debris with some glass debris,

22 not a glass rod, but it's glass debris.
23 Q. All right. Let me just stop and ask
24 you then, you saw no difference in the fiberglass rods
25 except for the length; is that right?
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2923

1 A. Right.
2 Q. All right. Let's talk about this
3 black, rubbery compound material here that you see in the
4 next photographs down on this board.
5 Did you see any difference in the
6 rubbery material that came from this screen versus the
7 black rubbery material that you found on knife blade
8 number 4? Did you see any difference?

9 A. No, sir, I did not.
10 Q. Okay. And, you had indicated, I
11 believe, that you found, what, in the known, were there
12 fragments of glass actually embedded into the rubbery
13 material?

14 A. Yes, sir. When the rods are broken,
15 they shatter as debris, so when you do test cuts, you
16 obtain rods plus glass debris plus rubbery material or
17 what appears to be rubbery material.

18 Q. All right. Over here, let's take a
19 look at the rubbery material that came from this knife

20 blade. Did you find any glass particles embedded in this
21 material as you had found in the known material?

22 A. There is some very small glass debris
23 within, and mixed with the rubber debris.

24 Q. All right. As a trace evidence
25 analyst, Mr. Linch, what does that tell you when you find
Sandra M. Halsey, CSR, Official Court Reporter
2924

1 this glass material actually embedded into this black
2 rubbery material?

3 A. Well, the most reasonable conclusion
4 is that those things were together and then damaged by
5 some kind of activity. At least that is -- you obtain
6 that when you cut this screen in a test cut, when you

7 find it on the bread knife.

8 Q. All right. So when you cut it in a
9 test, the glass material is embedded into the rubber
10 material during your test cut?

11 A. Yes, that is very small glass debris.

12 Q. All right. And, is that the same type

13 of glass debris that you found on the rubber material
14 found on this knife blade, number 4?
15 A. As far as I could tell, yes.
16 Q. Okay. As we look down through these
17 photographs, sir, are there going to be additional
18 photographs that show glass rod versus glass rod, and
19 rubber material versus rubber material?
20 A. Yes, sir. All of the center
21 photographs on the left side is debris that is created
22 when you cut this type of screen.
23 All of the photographs on the right
24 side are photographs of material that I removed from this
25 bread knife that came from the butcher block.
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1 There are duplicates of the single
2 glass rod. There was only one in tact, same diameter

3 glass rod obtained in this knife. But it appears in 1,
4 2, 3 photographs. The purpose of the 8th photograph down
5 is to show that glass rod from the screen have the same
6 size as the glass rod from the knife.

7 Q. Okay. I guess it's a little hard to
8 see from a distance, but are we looking at a beginning of
9 a glass rod here from the knife blade and then the
10 continuation on would be a glass rod that you recovered
11 from the window screen itself?

12 A. Yes, sir. On microscope, I move those
13 two things together to take the picture.

14 Q. To show the same diameter then on
15 each, how they match up?

16 A. Yes, it does.

17 Q. Okay. Bottom line, from this
18 comparison of the black rubbery material and the glass
19 rods on the window screen and on this knife, what does
20 that say to you as a trace evidence analyst?

21 A. I couldn't tell the difference between
22 this debris and the debris found on the knife and,
23 therefore, this knife could have been used to cause the
24 cut, defect.

25 Q. Okay. It's certainly -- are you
Sandra M. Halsey, CSR, Official Court Reporter
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1 saying that the material that you found on this knife
2 blade is consistent with the material that makes up this
3 screen right here?

4 A. That's right.

5 Q. You couldn't see any difference?

6 A. That's right.

7 Q. And number 4 knife, was it in the
8 butcher block at the time that you received it from the
9 Rowlett Police Department?

10 A. When I received it, all of the knives
11 were in the block, with the exception of the open -- what
12 I call the number 2 slot.

13 Q. This photograph on the right-hand part
14 of this board, is that a photograph of the butcher block
15 with the number 4 knife in it, as it sits in the
16 defendant's kitchen on June 6, 1996?

17 A. Yes, sir.

18 Q. Okay. Mr. Linch, when you found the
19 fiberglass and the rubbery material on that knife blade,
20 on knife number 4, and you found the same material in
21 that window screen, sir, did you look at other sources of
22 fiberglass?

23 A. Yes, sir, I did.

24 Q. All right. And, in looking at those
25 other sources, possible sources of fiberglass, did you
Sandra M. Halsey, CSR, Official Court Reporter
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1 see any samples that were consistent with what you had
2 found on that number 4 knife, sir?

3 A. In looking at other sources of
4 fiberglass, I didn't find the glass in combination with
5 the material that was the same as the screen. And so,
6 no, I didn't find any other material that appeared the
7 same microscopically once you damage it with a knife or
8 some other object.

9 Q. Let me go back, just a couple of steps
10 here. Another item, the hairs that you retrieved from
11 the house or that were retrieved by Rowlett, do you
12 remember that?

13 A. Yes, I do.

14 Q. Okay. Did you have an opportunity to
15 examine all those hairs?

16 A. Yes, I did.

17 Q. Compare them against known hair
18 samples from the two children, Devon and Damon, as well
19 as the defendant and her husband, Darin Routier?

20 A. Yes, I did.

21 Q. Were there some hairs that you looked
22 at that were inconsistent with having come from any of
23 the Routiers?

24 A. There were some hairs that were
25 different from all of the family members.

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1 Q. All right. Did you consider that to
2 be unusual?

3 A. No, not really.

4 Q. Okay. Why not?

5 A. Well, unless you have never had any
6 visitors at all, then it's ordinary to have hairs from
7 many people in your home, in the carpeting, on the
8 furniture. Any visitor is apt to shed a hair just in
9 daily activity.

10 Q. Okay. And, I want to also talk to you
11 one more time about the blood stain that was observed in
12 the garage. First of all, again, what was the appearance
13 of that blood stain? Was it a drop? Was it some other
14 type of appearance?

15 A. The blood in the garage, it was not a
16 drop, it was not a fresh drop, or it didn't have that
17 appearance. It was more like a powdered, faint residue.

18 Q. Was James Cron there with you when you
19 were looking at it?

20 A. Yes.

21 Q. If you would look at State's Exhibit

22 No. 111-D, do you recognize that as being a portion of
23 the garage that you looked at on June 6th, 1996?

24 A. Yes, I do.

25 Q. Okay. Would that photograph contain

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1 the part of the garage where you later on that day saw
2 this faint, powdery residue sort of smeared or whatever
3 it is?

4 A. Yes, sir. It was on this white sign
5 that is in front of the freezer. The door from the
6 utility area is about here, and the garage window that,
7 or the screen had been slashed in that direction, but
8 this is the sign that the little, faint smudge was on.

9 Q. Okay.

10

11 MR. GREG DAVIS: Your Honor, at this
12 time we will offer State's Exhibit 111-D.

13 MR. RICHARD C. MOSTY: No objection.

14 THE COURT: State's Exhibit 111-D is
15 admitted.

16

17 (Whereupon, the above

18 mentioned item was
19 received in evidence
20 as State's Exhibit.
21 No. 111-D,

22 for all purposes, after
23 which time, the

24 proceedings were
25 resumed on the record,
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1 in open court,
2 as follows:)

3

4 BY MR. GREG DAVIS:

5 Q. As I understood your testimony, the
6 blood that you saw later in the day, was it on this white
7 piece of paper here?

8 A. That is actually more like a piece of
9 plastic, but, yes, sir.

10 Q. All right. Is it present there in
11 that photograph?

12 A. I don't see it there.

13 Q. Okay. What does that lead you to
14 believe about the timing of this photograph then?

15 A. The photo was probably taken prior to
16 the transfer of blood onto the white plastic sign.

17 Q. Okay. What time are you looking at
18 this on June 6th, 1996?

19 A. 12:30 or 1:00 o'clock that afternoon.

20 Q. Mr. Linch, the blood samples that you
21 actually retrieved from 5801 Eagle Drive, did you submit
22 those to Gene Screen for DNA analysis?

23 A. Yes, sir, I did.

24 Q. The samples that you obtained from the
25 defendant's T-shirt, State's Exhibit No. 25, did you also
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1 submit those to Gene Screen for further DNA analysis?

2 A. Yes, I did.

3 Q. Okay. You, yourself, you didn't do
4 any DNA analysis, did you?

5 A. No, I did not.

6 Q. Did you also, as part of your duties
7 out there at SWIFS, did you also release other items of
8 evidence or other blood samples or stains for testing by
9 Gene Screen?

10 A. Yes, sir, I did.

11 Q. Okay. Would those have been released
12 to a Judy Floyd out at Gene Screen?

13 A. Yes, sir.

14

15 MR. GREG DAVIS: Your Honor, I'll pass
16 the witness at this time for cross examination.

17 THE COURT: All right.

18 MR. GREG DAVIS: Mr. Linch, if I could
19 just see your reports? You have now handed me a
20 notebook, which I will give to Mr. Mosty.

21 MR. RICHARD C. MOSTY: There is a lot
22 of stuff we have not had before, your Honor. Would you
23 give me 15 minutes?

24 THE COURT: 15 minutes will be fine.

25 If you will step back in the jury room, please.
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1

2 (Whereupon, a short

3 Recess was taken,

4 After which time,

5 The proceedings were

6 Resumed on the record,

7 In the presence and

8 Hearing of the defendant

9 And the jury, as follows:)

10

11 THE COURT: Are both sides ready to
12 bring the jury back?

13 MR. GREG DAVIS: Yes, sir, we are
14 ready.

15 MR. RICHARD C. MOSTY: Yes, sir, we
16 are ready.

17 THE COURT: All right.

18

19 (Whereupon, the jury

20 Was returned to the

21 Courtroom, and the

22 Proceedings were

23 Resumed on the record,

24 In open court, in the

25 Presence and hearing

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1 Of the defendant,

2 As follows:)

3

4 THE COURT: Let the record reflect

5 that all parties in the trial are present and the jury is
6 seated.

7 Mr. Mosty.

8

9

10 CROSS EXAMINATION

11

12 BY MR. RICHARD MOSTY:

13 Q. Mr. Linch, I have a lot of areas to

14 cover with you. And as I have said to other witnesses,

15 sometimes I have got my notes on some of the stuff that I

16 want to cover, and I may bounce around a little bit.

17 So, if at any time you think maybe we

18 have lost communication with what date or time or event

19 we are talking about, stop me and we will go back and

20 make sure that we're on the same wave length.

21 And you have been kind, and I thank

22 you for the opportunity to visit with you on various

23 occasions.

24 I noticed that after I called you the

25 other night on Thursday, that you apparently called Mr.

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1 Davis?

2 A. I have talked to Mr. Davis since then,

3 yes, sir.

4 Q. And you told him that I had called

5 you?

6 A. I told him that you had a better

7 opinion as to when I was expected to testify than what

8 the State had told me.

9 Q. I was right about that, wasn't I?

10 A. You were.

11 Q. But after we have visited with you

12 these various times, you have called the district

13 attorney and you have told him what we've talked about

14 with you, haven't you?

15 A. In general.

16 Q. Okay. And you have not felt the need

17 to call me and tell me about what you and the district

18 attorney have talked about, have you?

19 A. No, sir.

20 Q. And you made one comment about, you

21 had asked, and I don't recall this but I won't quibble

22 with you. You had asked us maybe on the 31st about

23 additional testing, and whatever, and nobody answered

24 you?

25 A. Right.

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1 Q. And, you know, of course, from your

2 experience that defendants are presumed innocent, don't

3 you?

4 A. That's right.

5 Q. And that the defendant has absolutely

6 no burden of proof whatsoever?

7 A. I have not been to law school, but

8 that is what I hear.

9 Q. You understand that?

10 A. Yes, sir.

11 Q. So that wouldn't strike you as

12 unusual, would it?

13 A. No, it wouldn't.

14 Q. When Mrs. Routier came down there on

15 the 17th, she voluntarily came down there with her

16 husband?

17 A. Yes, sir.

18 Q. And the child, and they gave you head

19 hair?

20 A. Head hair and blood samples.

21 Q. And they were -- fully cooperated with

22 you?

23 A. Yes, sir.

24 Q. Did whatever you asked of them?

25 A. That's right.

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1 Q. Answered your questions?

2 A. That's right.

3 Q. And fully discussed anything you

4 needed to discuss with them?

5 A. That's correct.

6 Q. That was on the -- what day? 11th,

7 was it?

8 A. That sounds about right. I think my

9 time line is in the green folder.

10 Q. What's a time line? Do you have one
11 summary area?
12 A. It should be a loose page in there.
13 Q. I'm not -- I don't see it. But
14 it's --
15 A. I believe it was June 11th.
16 Q. I guess it was the 11th, I'm pretty
17 sure about that. The main point I want to make is, that
18 they did everything, they came down there voluntarily,
19 and they did everything that you asked them to do?
20 A. That's right.
21 Q. Now, you have been at SWIFS a number
22 of years, and talked about your basic background. Did
23 you say you are mainly hair and fiber now?
24 A. Right now I am a hair and fiber
25 examiner, and in the process of setting up a
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1 mitochondrial PCR DNA lab. And I'm also setting up a
2 laboratory to do fluorescence and in situ hybridization
3 of tissues for sex typing, so, yes and no.
4 Q. Now, are you going to do -- well, you
5 have been in trace evidence, and it kind of looks like
6 you are taking on some newer responsibilities?
7 A. Yes, sir.
8 Q. And that -- is it mitochondrial?
9 A. Mitochondrial.
10 Q. Mitochondrial DNA testing. That is
11 the one where you test DNA, like in Jesse James?
12 A. Well, the usefulness of mitochondrial
13 is when you cannot get nuclear DNA out of anything else,
14 you can often extract mitochondrial DNA from simply the
15 hair shaft with no tissue or very old bones, like Jesse
16 James.
17 But the information you glean from
18 that is not as discriminating as nuclear DNA.
19 Q. And that is something that is being
20 done at SWIFS?
21 A. No, not currently. The only crime lab
22 that is currently doing case work in it is the FBI in
23 Washington.
24 Q. I was inartful in the way I said it.
25 The work you are doing now is with a view of being able
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1 to get that capability at SWIFS?
2 A. I am setting up the lab, yes, sir.

3 Q. Okay. And SWIFS presently has DNA
4 capability, do they not?

5 A. Yes, the nuclear DNA capability,
6 that's right.

7 Q. How many people are there at SWIFS?

8 A. There are two --

9 Q. Ball park number.

10 A. Well, the entire building or the crime
11 laboratory?

12 Q. Well, let's just do the crime lab.

13 A. There's probably about 20 analysts.

14 Q. How many of those are in the DNA
15 section?

16 A. There are two DNA analysts and there's
17 one DNA technician.

18 Q. And, what has been the history of
19 trace evidence? Is that something that has really sort
20 of come on to its own in more recent years?

21 A. The instrumentation for doing fiber
22 comparison has gotten better through the years. Hair
23 microscopy has not changed significantly since 1863 or '4
24 when it was first done.

25 But again, the scheme of approaching
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1 hair evidence is changing, and microscopy is the first
2 part, DNA is possible to be the second part. But the

3 microscopy doesn't go away. You still have to use that
4 to screen the evidence.

5 Trace evidence is a big, broad area of
6 things. It's accelerant identification in arsons, paint
7 identification, gunshot residue analysis, glass
8 comparisons.

9 The technology to examine such
10 materials is getting better, but hair is just like it was
11 in 1863, basically.

12 Q. But, as far as the analysis of fibers,
13 and the comparison, and electron microscopes and all that
14 stuff, that's of more recent vintage?

15 A. It's been available for 10 years or
16 so.

17 Q. Okay. And, would it be fair to say
18 that trace evidence is evidence that could easily be
19 overlooked by just the naked eye?

20 A. Absolutely.

21 Q. And lack of training?

22 A. Absolutely.

23 Q. And the importance of trace evidence
24 is that oftentimes there aren't large and observable
25 clues. Isn't that true?
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1 A. That's right.

2 Q. Oftentimes there aren't blood stains
3 leading out of a house?

4 A. That's right.

5 Q. Oftentimes there aren't fingerprints?

6 A. That's right.

7 Q. Oftentimes there are not scuff marks
8 on walls?

9 A. That's right.

10 Q. Oftentimes there are not things
11 disturbed that are obvious?

12 A. Well, what kind of -- are you talking
13 about all situations or specific scenario?

14 Q. Well, that is a good point. You have
15 never been to two crime scenes that were alike, have you?

16 A. Well, not separate events. I have
17 been to a crime scene with 130 deceased persons at one
18 crime scene.

19 Q. Well, you went to the Delta crash,
20 didn't you?

21 A. That's right.

22 Q. All right. But every crime scene is
23 unique to itself, isn't it?

24 A. Sure.

25 Q. And it's got to be viewed that way,
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1 doesn't it, if you are going to do your job?

2 A. That's right.

3 Q. You have got to be open to whatever it
4 is and not draw any hasty conclusions about what is there
5 or not there?

6 A. The approach will vary, right.

7 Q. But you never want to draw a hasty
8 conclusion, do you?

9 A. No.

10 Q. Now, while we're just on that subject,
11 in this particular instance, you wouldn't expect this
12 assailant to have much blood on him, would you?

13 A. The assailant who had stabbed the two
14 children?

15 Q. Yes.

16 A. And possibly wounded Mrs. Routier?

17 Q. Yes.

18 A. That is variable. It could possibly
19 be done with no blood getting on the assailant.

20 Q. That is right. So, it is entirely

21 possible, that an assailant could have gone in there,
22 killed two people, stabbed her, left the house without
23 leaving any blood drops that he had dropped anywhere?

24 A. That's possible.

25 Q. And you can't say one way or another,
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1 can you? Whether it should or shouldn't have happened or
2 would or wouldn't have happened?

3 A. Well, I can say it's possible that it
4 wouldn't have happened.

5 Q. Right. Now, as I understand it, you
6 went back on the -- I believe it was the 11th or 12th for
7 another visual inspection, walk-through?

8 A. That's right. Again, I don't have
9 that page.

10 Q. Okay. Who was present for that?

11 A. That would be the second visit, Dr.

12 I.C. Stone, my supervisor went, Kathryn Long, Greg Davis,
13 Investigator Mike Bosillo with the district attorney's
14 office, and I don't recall the specific police personnel.

15 Q. I was curious about one thing while
16 you were saying that. Are you sure that on the 6th you
17 went out there without somebody calling you?

18 A. I'm certain.

19 Q. Nobody called you to ask you to come
20 down from Rowlett? You volunteered and went?

21 A. No, nobody ever calls me. I'm like
22 the Maytag man.

23 Q. Okay. I'm going to leave that one
24 alone.

25 And on the 6th -- I'm sorry -- on the
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1 11th, were you primarily looking for blood stains at that
2 time?

3 A. That was the interest at that time,
4 yes, sir.

5 Q. And it sounded to me like most of the
6 focus of that was outside?

7 A. Some of it was outside. I would say
8 it was equal focus outside around the gate and driveway

9 area and in the family room.

10 Q. So, I take it that at least at that

11 time, that you thought it was possible, that Mr. Cron and

12 everybody else had overlooked some blood?

13 A. I wanted to see what they had taken

14 and had not taken.

15 Q. Okay. You wanted to see for yourself,

16 didn't you?

17 A. Yes.

18 Q. Now, what kind of things can interfere

19 with taking blood outside of -- or observing it or

20 testing for it? Is the weather a factor?

21 A. Oh, yes. It can wash it away. But,

22 in the instance of a big stain, you would still expect

23 there to be some reactive residue.

24 Q. But a small stain might be washed

25 away?

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1 A. Yeah.

2 Q. As a matter of fact, there was a large

3 thunderstorm on the night of the 7th, wasn't there?

4 A. I don't know.

5 Q. You would recognize Kathryn Long's

6 handwriting, wouldn't you?

7 A. Yes, sir, I do.

8 Q. Do you remember discussing with

9 Kathryn Long on the 7th, some additional things that you

10 and she wanted done?

11 A. Yes, I do. I met her later on in the

12 evening of the 6th.

13 Q. The 6th? Okay. It turned into a

14 letter on the 7th?

15 A. Yes, sir.

16 Q. Let me show you a document out of Ms.

17 Long's file?

18 A. I recognize it.

19 Q. And you recollect doing that?

20 A. I recollect talking to her and then

21 she told me that she was going to fax this to Rowlett.

22 Q. Does that also refresh -- where she

23 says down there, "Even after last night's rainstorm,

24 let's try to get some samples outside"?

25 A. That is present on this.

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1 Q. That is what it says, isn't it?

2 A. Yes, sir.

3 Q. Do you now recollect that there was a

4 rainstorm on the 7th?

5 A. No.

6 Q. Okay. If Ms. Long's recollection is

7 correct, that could certainly hinder your ability to find

8 blood stains out there on the 11th, couldn't it?

9 A. Yes, it could, outside.

10 Q. Okay. On the 6th, when you were out

11 there and you saw this blood area, would you call it a

12 smudge or what would you call it, on the -- in the

13 garage?

14 A. Are you talking about in the garage?

15 Q. Yes, sir.

16 A. It appeared to be a faint shadow of

17 light, powdery blood material.

18 Q. Could you say consistent with new

19 blood, old blood?

20 A. Didn't look like a primary transfer.

21 It looked like a secondary, tertiary type transfer.

22 Q. Okay. But it's in, what you've

23 described as a powder state, or powdery look?

24 A. Yes, sir.

25 Q. Okay. Was it -- I've sort of gotten

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1 lost on that. Was it on the garage floor or on a sign?

2 A. My memory of it is that it was

3 actually on the white plastic sign in front of the

4 freezer.

5 Q. And how was the sign? Was the sign

6 up?

7 A. No, it was lying flat on the floor.

8 Q. The sign was on the floor?

9 A. Right.

10 Q. Okay. And as you were going out

11 there, who noticed that first? Well, let me go back.

12 When you were there making the -- the first time that you

13 saw, who was with you?

14 A. Kathryn Long, and I can't remember if

15 Mr. Cron was with us or not, but I think it was found in

16 his absence and then I directed his attention to it.

17 Q. So, when you pointed out that stain,

18 did it appear that Cron had not previously been aware of
19 it?

20 A. He had told me earlier that there was
21 no blood in the garage.

22 Q. Okay.

23 A. I asked him, what about this.

24 Q. All right. So had Cron told you,
25 there is no blood in the garage. Mr. Lynch goes out, he
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1 finds blood in the garage, and then you went back to Mr.
2 Cron and said, what about that blood in the garage?

3 A. Right.

4 Q. And Cron had never mentioned that
5 blood in the garage to you?

6 A. Right.

7 Q. Did Cron have an instant answer?

8 A. He said he felt like it had probably
9 been tracked out there.

10 Q. Cron told you that the blood that he
11 had not yet seen had probably been tracked in there by a
12 paramedic or somebody; is that right?

13 A. That's right.

14 Q. Did he use the word paramedic?

15 A. No, police or whoever was, you know,
16 something like that.

17 Q. Just somebody, some other person?

18 A. Right, one of the first people
19 responding.

20 Q. Now, while we're on who observed what,
21 when you went in the utility room the very first time,
22 was there a ball cap in the middle of that floor?

23 A. I didn't see one.

24 Q. As a matter of fact, you testified
25 previously in this case, that there was not one, didn't
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1 you?

2 A. Yes, sir.

3 Q. You were certain about that?

4 A. That was my best recollection.

5 Q. Did you see that ball cap somewhere
6 else?

7 A. I first saw it in a crime scene
8 photograph.

9 Q. Okay. And where was it at that time?

10 A. It was sitting pretty much in the
11 middle of the floor. I think in front of the washer and

12 dryer.

13 Q. That sort of stuck out to you in your
14 mind, didn't it?

15 A. Oh, yeah.

16 Q. Because you had been there and you had
17 never seen what was depicted in that photograph?

18 A. I didn't recall it.

19 Q. Okay. And that is sort of why it
20 stuck out at that time, wasn't it, that I never saw it,
21 you were thinking, I never saw this?

22 A. I had no memory of it.

23 Q. And as a matter of fact, you know it
24 was not collected until sometime later?

25 A. That's right.

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1 Q. Was that what, two, three weeks later
2 before that -- actually a search warrant was run to go
3 get it, wasn't it?

4 A. Yes, it was.

5 Q. And several weeks later, after the
6 crime scene had been released?

7 A. I don't know how long, but it was some
8 days afterward.

9 Q. Now, other than the blood on the sign,
10 is that the extent of the blood that you saw in the
11 garage?

12 A. Yes, sir, other than the small
13 particulate stuff on the top of the window.

14 Q. What kind of bug was that?

15 A. One with a bunch of legs.

16 Q. All right. Now, Mr. Lynch, over the
17 years, you have been called on to testify a number of
18 times in Dallas and other counties, haven't you?

19 A. Yes, sir, I have.

20 Q. First time down in Kerrville?

21 A. First time.

22 Q. Okay. And you previously, in this
23 case, you have testified about your observations on this
24 head hair; is that not right?

25 A. That's right.

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1 Q. And, your testimony, and you have been
2 straight forward about that and candid about it.

3 You had a head hair from Mrs. Routier
4 that you got on the 11th; correct?
5 A. Right.
6 Q. And, was it you that found another
7 head hair in that screen?
8 A. In the window.
9 Q. In the window?
10 A. Right.
11 Q. Okay. When did you locate that? Do
12 you need your notes?
13 A. It would be helpful.
14 Q. Okay.
15 A. I reported that comparison on June
16 28th.
17 Q. You reported it. What does that mean?
18 A. That means that is when this report
19 was typed.
20 Q. Okay.
21 A. When I actually did the comparison,
22 would have been one or two days prior to that.
23 Q. Okay. So, you had the head hair on
24 the 11th, you had removed it from the screen on the 25th,
25 give or take?
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1 A. Well, that would be about right.
2 Q. Now, when you observed that, I guess
3 you take it carefully, and do you put it on a slide or
4 where do you take it?
5 A. When you remove a hair from an
6 article, most examiners put down a layer of xylene and
7 then put the hair in that, drain off the excess xylene,
8 and use permount as a resin to affix the glass microscope
9 slide on top of it, and then you are ready for your
10 microscopic examination.
11 Q. And then you did exam it under the
12 microscope?
13 A. Yes, sir, I did.
14 Q. And while you were there, you have

15 Darlie Routier's known head hair right along side it?
16 A. That's right.
17 Q. Do you do that same microscope, where
18 you put them all -- how do you call that?
19 A. It's a comparison microscope. It's a
20 two-compound microscopes connected by a bridge, and the
21 examiner is able to look at what's under each microscope
22 and move the stage with the controls.

23 Q. That's sort of like these photographs
24 you had over here, where you have got one on one side,
25 and the one on the other, and you're --
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1 A. That's right.

2 Q. You don't have to move the hair off
3 the microscope to really compare them?

4 A. Well, you are moving it, you can go
5 from root end to tip and move it around.

6 Q. Okay. And you can do that on both
7 sides, right?

8 A. Yes, sir.

9 Q. You can go out the length of the hair?

10 A. Right.

11 Q. And, you observed that it appeared

12 that that head hair that you had gotten, that you had
13 found, that it had been forcibly removed?

14 A. That's right.

15 Q. And you could see that under the
16 microscope?

17 A. It had been jerked out, right.

18 Q. Okay. And as if someone had climbed
19 through the window and the hair had been pulled out?

20 A. Or the hair had been pulled out and
21 then was shed from a hand or whatever, coming out of the
22 window.

23 Q. Where was this, up in the top part of
24 the window?

25 A. It was embedded in a felt runner on
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1 the side of the window.

2 Q. Okay.

3 A. And this window, do you care about the
4 history of that window?

5 Q. Well, you know I think that we have
6 done the history of that window probably enough. All
7 right. Now, then you observed that it had been --
8 appeared to be pulled out?

9 A. Yes.

10 Q. When you go through that, tell me all
11 the things that you go through to identify the -- how did
12 you call it? Appeared microscopically identical?

13 A. Yes, sir.
14 Q. Tell me what all you do to see that
15 that head hair was microscopically identical to Darlie
16 Routier's?
17 A. May I step down and draw? I draw a
18 lot better than I talk.
19 Q. Yeah. Would you like a grease pencil?
20 Or else this may be permanent, if we don't have one.
21 Here, I'll bring you something.
22
23 (Whereupon, the witness
24 stepped down from the
25 witness box, and approached
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1 the jury rail, for the
2 purpose of further describing
3 the exhibit to the jury.)
4

5 BY MR. RICHARD MOSTY:
6 Q. All right. Mr. Linch, you keep moving
7 a little too close for the jury. So, can you draw large
8 enough. Let me get my notes.
9

10 THE COURT: Can all members of the
11 jury see that easel?

12 THE JURY: Yes, sir.

13 THE COURT: All right. Thank you.
14

15 BY MR. RICHARD MOSTY:
16 Q. All right. You are going to -- why

17 don't you tell us how you go about that, and all of the
18 things you are looking for, and as you go, if it's

19 helpful, what you observed when you saw these to be
20 microscopically identical.

21 A. First thing you have to understand, if
22 you are going to understand what a hair examiner is
23 looking for is what is the structure of a human hair or
24 any mammal hair, for that matter.

25 A lot of people describe a hair like a
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1 wooden pencil. The yellow paint on the pencil would
2 correspond to the cuticle which is overlapping scales on
3 the hair.
4 The wood of the pencil would

5 correspond to the cortex. The cortex is dried --
6 Q. Why don't you write cuticle. Would I
7 call that the outside layer of the hair?
8 A. Yes, the overlapping scale. Within
9 the cortex, or the wood of the pencil, there are pigment
10 grains.
11 A dark headed person will have denser
12 pigment. And this is a very critical comparison
13 characteristic for the microscopy.
14 The pigment grains will, from person
15 to person, line up in a particular pattern. And it's

16 through this pattern comparison and analysis that a
17 person comes to an opinion as to whether or not this
18 person could have donated the hair that is found. The
19 pigment is also used for racial determination.
20 Hairs from a black person have more
21 clump pigmentation than Caucasian. The Caucasian
22 pigmentation is generally finer.

23 The other comparison characteristic of
24 the hair is what we call the medulla. The medulla would
25 correspond to the lead or graphite of a pencil, it's
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1 actually a hollow air space coming down the center of the
2 hair.

3 Not all hairs have medullas, some of

4 them have continuous medullas. In addition to this, you
5 have occurrences at the root end that are accumulations
6 of small bodies called cortical fusi.

7 And as Mr. Mosty mentioned, you can

8 tell whether or not a hair has been forcibly removed by
9 looking at the root end. If you find a bulb like this,
10 this is what we call telogen growth phase, or a resting
11 growth phase. This hair was probably naturally shed.
12 In the instance of a hair that has

13 been forcibly removed, you can get several different root
14 end appearances.

15 In the instance of bleaching, the
16 bleaching chemicals remove the pigmentation, so the
17 examiner no longer has the most important feature that he
18 uses in doing a hair comparison.

19 The same thing with gray hairs. Gray
20 hairs, totally gray hair has no pigmentation. So my gray
21 hair compared to somebody else's gray hair would be less

22 conclusive than a pigmented hair compared to a pigmented
23 hair.

24 There are hairs that are referred to

25 as common, featureless, blondes, they are natural blondes

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1 but just about every instance of hairs from a blonde

2 scalp that I have observed, there have been at least some

3 of these in there. So that is a very common hair.

4 So the point is that some hairs are

5 better than others for comparison. There are some hairs

6 that I see on the microscope that I have never seen that

7 type of hair before, so that testimony is very different

8 than a hair that has nothing of real value to compare.

9 Q. Okay. Now, these are all factors and

10 do you just go through as sort of a mental checklist of

11 looking for all of these from the cuticle to the medulla

12 to -- or how do you go about that?

13 A. Exactly as you said. You go from root

14 end to the tip with the hair, the known hair from the

15 known person and the found hair, and that is exactly what

16 you do. You go from root end to tip and you do that

17 side-by-side comparison.

18 Q. For instance, you say that some

19 medullas are solid?

20 A. Yes.

21 Q. Some medullas are broken?

22 A. Yes, that's right.

23 Q. And so I take it that the medullas, as

24 you look at that, you could see that these medullas were

25 microscopically identical?

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1 A. In the instance of the found hair from

2 the window, that hair had no medulla.

3 Q. Okay. So they were identical in that

4 sense, neither of them did?

5 A. That's right.

6 Q. Okay. Anything else we need to add to

7 this?

8 A. No.

9 Q. Okay. Let's go ahead.

10

11

12 (Whereupon, the following

13 mentioned item was

14 marked for

15 identification only

16 after which time the
17 proceedings were
18 resumed on the record
19 in open court, as
20 follows:)

21

22 MR. RICHARD C. MOSTY: Your Honor, I'm
23 going to mark that as Defendant's Exhibit 46 and offer
24 it.

25 MR. GREG DAVIS: No objection.
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1 THE COURT: Defendant's Exhibit 46 is
2 admitted.

3

4 (Whereupon, the item

5 Heretofore mentioned

6 Was received in evidence

7 As Defendant's Exhibit No. 46

8 For all purposes,

9 After which time, the

10 Proceedings were resumed

11 As follows:)

12

13 THE COURT: All right. Go ahead.

14

15 BY MR. RICHARD MOSTY:

16 Q. Now, you made that report on, did you
17 tell me the 28th?

18 A. Report on the 28th, and I found my
19 notes that are dated June 27th. So I think that would be
20 when I did the examination.

21 Q. Okay. So the report was the next day?

22 A. And there are notes. The initial
23 examination was on June 26th.

24 Q. Okay. And then you testified
25 subsequent to that, that as you have said, that the hairs
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1 were microscopically identical.

2 A. I said they were microscopically the
3 same, had the same find. Microscopic characteristics,

4 that is the hair from the window and the hairs I had from
5 Mrs. Routier.

6 Q. Okay. And at that testimony, you said

7 that it appeared to be visibly, or what is the phrase?

8 Forcibly removed?

9 A. That's right.

10 Q. Okay. And, the fair conclusion from

11 that testimony would have been that that was Mrs.

12 Routier's hair, that somehow she had gotten her head in

13 that window screen and it had been forcibly removed?

14 A. No, if it were her hair, there are two

15 conclusions.

16 Q. Well, first that is one, isn't it?

17 A. Yeah, that is one.

18 Q. All right. What is the second one?

19 A. The second one would be for a

20 perpetrator to have been involved with her and to have

21 shed that hair as he went out the window.

22 Q. Okay. But that wasn't the inference

23 that was being set out when you testified in this case

24 after June 28th, is it?

25 A. I was not there to do inference. I

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1 was just reporting a finding.

2 Q. All right. Would you agree with me

3 that a fair inference could be drawn that that would be

4 the conclusion that that was Mrs. Routier's hair as she

5 left?

6 A. I think it could go either way,

7 really.

8 Q. Of course, at that -- of course, and

9 that is true of many, if not all of the items of evidence

10 that you talked about, isn't it? You could interpret

11 them more than one way, can't you?

12 A. Some of them, sure.

13 Q. Okay. As a matter of fact, for

14 instance, blood spatters. There is no one explanation

15 for blood spatters, is there?

16 A. Well, it depends on the appearance of

17 the type spatter you are analyzing. Some of them are

18 more conclusive than others, like hairs. Some hair is

19 more conclusive than others.

20 Q. You know there was a conclusion you

21 drew to -- I will get to it I guess in a minute, where I

22 was thinking that very same thing. It's sort of like the

23 glass is half full or the glass is half empty. You could

24 draw whatever conclusion you wanted to from it, couldn't

25 you?

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1 A. I report a scientific finding and I
2 leave it to the lawyers to do the conclusions.
3 Q. Well, whoever drew a conclusion that
4 that was Darlie Routier's hair in that window was wrong,
5 didn't they? Isn't that right?
6 A. That firm conclusion was not reached.
7 The conclusion that was reached was, at that time, she
8 could not be excluded as the donor of that hair.

9 Q. No, my question is: Anyone who drew a
10 conclusion from what you had testified, from what you
11 reported and from what you have testified to, anyone who
12 drew a conclusion that that was Darlie Routier's hair

13 that was taken out as she went out that window, that
14 person drew a wrong conclusion, didn't they?
15 A. They would be wrong in concluding
16 that, and they would also be wrong in not concluding the
17 other possibility of how that hair got there.

18 Q. And so, in this instance, there was
19 some subsequent testing done on this hair, wasn't there?

20 A. That's correct.

21 Q. When was that done?

22 A. The actual DNA testing?

23 Q. Yes.

24 A. It was received at Gene Screen on
25 September 26th. I don't know when they actually did the
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1 test.

2 Q. Okay. So, were you made aware of the
3 fact that your microscopic analysis -- well, your
4 microscopic analysis was correct, wasn't it?

5 A. I would issue the same report today,
6 yes.

7 Q. You later found out that a scientific
8 testing method had proven that what you saw was not --
9 well, that it was not fair to draw the conclusion that it
10 was Darlie Routier's hair from based on what you had
11 seen?

12 A. A more discriminating test excluded
13 her as the donor of that hair.

14 Q. And of course that is a scientific,
15 objective, controlled type of testing, isn't it? The DNA
16 testing?

17 A. Well, they get a type just like I do
18 so --
19 Q. Really?
20 A. Yes.
21 Q. So, in any event, it's more
22 discriminating than your eyeball with your microscope?
23 A. If done properly, yes, sir.
24 Q. All right. And, was it reported to
25 you that the head hair was not Darlie Routier's?
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1 A. Yes.
2 Q. What did you do?
3 A. I asked the Rowlett police officers if
4 anyone with bleached hair had been in contact with that
5 window.
6 Q. Did they tell you no?
7 A. They told me that a naturally blonde
8 person had been in contact with the window.
9 Q. Okay. So, you went back and you took
10 their word for that? Right?
11 A. Well, I was skeptical.
12 Q. All right. And you -- were you
13 skeptical enough to where you ordered that everybody down
14 at Rowlett show up for a hair appointment?
15 A. Well, I saw a particular officer in a
16 restaurant, her eyebrows looked like mine, so I demanded
17 some of her hair at that point.
18 Q. And that, sure enough, that this time,
19 we were, we really did find the hair, didn't we?
20 A. She is microscopically the same and

21 she is the same with limited genetic marker testing.
22 Q. And so, what that shows is, that your
23 microscopic evaluation, although done with the highest
24 technology and with the greatest expertise, later proved,
25 or it was later proved that that head hair was not in
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1 fact Darlie Routier's?
2 A. That's right. And it was also done
3 with the knowledge that it was least conclusive because I
4 didn't have a large number of comparison characteristics.
5 Q. But it was not so inconclusive that
6 you didn't feel comfortable testifying in a court of law
7 about it?
8 A. No, I would testify today, that the

9 hair from the window was microscopically similar to the
10 hairs that I got from Mrs. Routier, and I will also
11 testify that the hair from the window is microscopically
12 similar to the hairs of Sarah Jones, who is

13 microscopically similar to Darlie Routier.

14 Q. So if a person puts too much stock in
15 what is microscopically similar, they might draw the
16 wrong conclusion?

17 A. Oh, yeah.

18 Q. Okay. In your business as a trace
19 evidence analyst, I assume that you oftentimes get
20 clothing?

21 A. Yes, sir, frequently.

22 Q. And is there a process known as
23 combing?

24 A. Of clothing?

25 Q. Yeah.

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1 A. No.

2 Q. How do you look for, first visually,
3 trace evidence? Whether it be hair, semen or blood
4 stain, how do you go about that?

5 A. It's a naked eye observation first and
6 then we do taping with adhesive tape to remove stuff.

7 Q. When a woman is a victim of a crime,
8 do you often get all of their garments?

9 A. Yes, sir.

10 Q. Okay. Including underwear?

11 A. Yes, sir.

12 Q. Okay. In this instance, you never got
13 any underwear from Mrs. Routier, did you?

14 A. No, sir, I did not.

15 Q. Does it strike you odd that a person
16 who is getting ready to call 911 on the telephone
17 wouldn't have on their panties?

18 A. Well, I don't know.

19 Q. You don't know? No panties have ever
20 been shown in this case, have they?

21 A. Never.

22 Q. Let's talk about the knife. What you
23 have -- you can't say that that impression in the carpet
24 is a knife, can you?

25 A. Not to the exclusion of all other

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1 objects, no.
2 Q. Maybe it is and maybe it isn't?
3 A. It could be.
4 Q. Could be, and the corollary to could
5 be is could not be or maybe not?
6 A. Or there is, find me something better.
7 Q. Well, but you know that is not my job,
8 don't you, Mr. Linch? That is the State's job, isn't it?
9 A. I see.
10 Q. You know that, don't you?
11 A. I have not been to law school, Mr.
12 Mosty.
13 Q. Okay. How about trusting me on that
14 one?
15 A. I'll trust you on that one.
16 Q. That is the State's job to exclude all
17 of those other.
18 A. Okay.
19 Q. So, how about if we go with maybe so,
20 maybe no? Is that good enough?
21 A. It -- of all of the objects in the
22 house, it was the one that fits best in that imprint.
23 Q. So, you won't agree with me, maybe so
24 or maybe no, maybe it is or maybe it isn't?
25 A. Of all of the objects in the house, it
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1 is the only one that I identified.
2 Q. Okay. But there are also lots of
3 other things that could do that kind of stuff too. It
4 could be a partial.
5 As a matter of fact, reasonable people
6 could differ about the importance of a blood stain,
7 couldn't they?
8 A. Sure.
9 Q. I mean, there are lots of different
10 ways that blood stains could get there. It could be, for
11 instance, the print out on the -- in the garage was not a
12 full print, was it?
13 A. It was a shadow of a smudge.
14 Q. Okay. Would you call it a shoe print?
15 A. I couldn't be that specific, no.
16 Q. The one behind the carpet, would you
17 call that a shoe print?
18 A. That was a faint --
19 Q. Behind the couch, I mean.
20 A. -- that was a faint shoe print.
21 Q. Okay. Now, was this area of carpet
22 cut out?

23 A. Where --

24 Q. Here.

25 A. Not where the imprint is, no.

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1 Q. Okay.

2 A. The fibers that make up the imprint
3 were snipped for blood testing.

4 Q. All right. You had apparently been
5 out there two times before and missed this?

6 A. That's right.

7 Q. And Cron had been out there and missed
8 this. When did y'all find this?

9 A. This was found after the carpet is
10 removed from the house and has been taken to the Rowlett
11 Police Department.

12 Q. In November, as I recall?

13 A. Yes, sir.

14 Q. Okay. One thing I remembered was that
15 we came and saw you on November 20th. Did you already
16 have this appointment to go out there on the 21st? Or
17 was it after we talked to you on the 20th, did you call
18 Mr. Davis?

19 A. No. I -- that was one time I did get
20 called. I was called by him to go look.

21 Q. Okay. And y'all went on the 21st, if
22 I remember right.

23 A. Well --

24 Q. It sort of struck me because it was
25 the day after we were there.

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1 A. The day after that you visited with
2 me?

3 Q. Yes.

4 A. Is --

5 Q. Well, anyway, it was in November,
6 wasn't it? I don't need to belabor that.

7 A. I think so, yeah.

8 Q. Okay. And so everybody up until that
9 time, nobody had said, "Golly, that could be a knife
10 print in that carpet," to your knowledge?

11 A. That's right.

12 Q. Now, Mr. Linch, this -- how would you
13 describe this carpet? It's -- I mean, I know you know
14 all that because you have told me. How these shags are
15 made, how carpet fibers are made?

16 A. Yeah.

17 Q. All right. How do you describe this

18 carpet, at this house?

19 A. Microscopically, or at the time I was

20 there, or at the time I was at Rowlett? Which time?

21 Q. How about understandably, so even I

22 could understand it?

23 A. Rephrase your question. I'm not sure

24 what you are asking.

25 Q. Well, let me just go at it this way.

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1 If that knife was laid down on that carpet, you would

2 expect to find carpet fibers on that knife, wouldn't you?

3 A. If a bloody knife came in contact with

4 that carpet, I would expect to find a couple of carpet

5 fibers, yeah.

6 Q. Well, and if this wasn't a bloody

7 knife, then this whole exercise that we have gone through

8 has been a big waste of time, hasn't it?

9 A. Well --

10 Q. I mean isn't the statement you made,

11 "This could be a bloody knife outline"?

12 A. Right.

13 Q. I mean if that was made with motor

14 oil, we wouldn't be talking about it in front of this

15 jury, would we?

16 A. No.

17 Q. Okay. So, you know, for this knife to

18 have caused that stain that it must have been bloody.

19 A. At least on the serrated portion,

20 yeah.

21 Q. And you also know that had that been

22 true, you, in your good judgment think that you should

23 have found carpet fibers on that knife?

24 A. In testing that was done when a bloody

25 knife is put to that carpet, very often a carpet fiber

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1 would come back with the knife when it is removed.

2 Q. And so, in fact, it's inconsistent?

3 A. I am not going to sit here and say

4 that carpet fibers will always transfer to a bloody knife

5 from that carpet.

6 Q. No, and that is one of those that you
7 could sort of interpret either way, maybe so or maybe no?

8 A. It could happen, right.

9 Q. Okay. But in your judgment, you think

10 that is surprising to you, that you would not find -- if

11 that knife went down on that floor, it surprises you that

12 you would not have carpet fibers on that knife, doesn't

13 it?

14 A. If that knife went down on that floor

15 and went directly to me, I would be surprised.

16 Q. Okay.

17 A. If that knife went to that floor and

18 went someplace else, and had an opportunity to partially

19 dry so that any fibrous material might fall off of it,

20 then you would have to consider that.

21 Q. Of course, that knife had fibrous --

22 it had materials on it, didn't it?

23 A. Yes, it did.

24 Q. And you detected a lot of them, off

25 that knife, didn't you?

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1 A. The -- yes.

2 Q. You found, for instance, there was a

3 deer hair on it?

4 A. No.

5 Q. Not on that one?

6 A. No.

7 Q. On the murder knife there was not an

8 antelope hair?

9 A. No.

10 Q. What kind of hair was on it? There

11 was no animal hair?

12 A. No. There was domestic animal hair,

13 dog or cat.

14 Q. I'm sorry. There was a domestic

15 animal hair on that knife. And so, doesn't it stand to

16 reason that if the domestic animal hair is not wiped off,

17 the carpet fiber probably wouldn't have been wiped off

18 either?

19 A. No, it depends on where it occurs,

20 what it comes in contact.

21 Q. Maybe it could be and maybe not; isn't

22 that right?

23 A. Right.

24 Q. It's just hard to draw any solid

25 conclusions from that, isn't it?

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1 A. Well, you can't always assume that you
2 found what was transferred to it by the time it gets to
3 the laboratory.

4 Q. And you have previously told me that
5 you would expect to see carpet fibers on that, the bloody
6 knife, wouldn't you, haven't you?

7 A. If it comes directly to me, yes. From
8 the floor.

9 Q. I don't recall you mentioning that
10 part of it when we talked before. Do you?

11 A. No, I don't.

12 Q. Without belaboring it, you have got
13 other objects, such as cat hairs or dog hairs, whichever
14 they were, that had stayed on there?

15 A. That's right.

16 Q. Okay. Would you tell the jury what an
17 artifact is?

18 A. In any particular context?

19 Q. In a crime scene investigation
20 context.

21 A. It's something that is not real,
22 created, unrelated to the offense.

23 Q. Okay. It could be, for instance, an
24 officer going in and kicking a glass, can create an
25 artifact?

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1 A. Sure.

2 Q. Paramedics coming in, intervening,
3 creating an artifact?

4 A. Sure.

5 Q. It is anything that is a disturbance
6 in the crime scene. Is that fair?

7 A. That's right.

8 Q. And all cases have artifact, don't
9 they, essentially?

10 A. It's impossible for a crime to occur
11 and then be investigated and there not be some kind of
12 disturbance, that's right.

13 Q. And, then that is especially true when
14 there is a great deal of chaos?

15 A. Sure.

16 Q. And then the more victims, the more
17 artifact is likely to be created?

18 A. In general, yes.

19 Q. And more people in there, the more
20 artifact is likely to be created?

21 A. Right.

22 Q. The more rescue efforts that are done,
23 the more artifact is likely to be created?

24 A. Right.

25 Q. Okay. When you got there at noon,
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1 12:30, had the evidence been collected, pretty much?

2 A. Some items, had been. I think, as I

3 indicated earlier, the bloody knife had been collected.

4 The small palm print from the carpet had been collected.

5 And the ongoing activity when I got there was search for

6 fingerprints.

7 Q. Okay. Now, I guess even though you

8 may be focused in an area, you have at least a working
9 knowledge of serology and other areas of SWIFS, don't
10 you?

11 A. Yes, sir. I have seen blood spilled

12 one way or another almost every working day for the last
13 16 years.

14 Q. And you have seen and worked with all

15 the other people at SWIFS and their departments, and so

16 you know proper procedures with them?

17 A. Right.

18 Q. And now, if there were a white rag

19 that had blood on it that was touching one of the

20 victims, you would recommend that that be collected,

21 wouldn't you?

22 A. I'm sorry, a white rag --

23 Q. If there was any rag? Okay. If there

24 was a bloody rag that was touching one of the victims,

25 you would recommend that that be collected, wouldn't you?

Sandra M. Halsey, CSR, Official Court Reporter
2977

1 A. No.

2 Q. You wouldn't?

3 A. No.

4 Q. You don't think that could be

5 important?

6 A. No.

7 Q. And I guess if it's not, then we would

8 never know whether it would be important or not?

9 A. Well, let me make sure I understand

10 you. Hypothetically, if the rag had been used as

11 emergency attention to the victim?

12 Q. Yeah. Let's say that. Let's say that

13 that rag had been used as emergency attention to the

14 victim and it was still there.

15 A. I would put that in the same category

16 as EKG pads that are left on the floor.

17 Q. Okay. That would still hold true if

18 someone had decided within 20 minutes that there had been

19 no intruder?

20 A. That's right. I would think that it

21 would be of no value under any circumstances.

22 Q. Okay. Afterwards, do you think there

23 would be any way you would know if that, for instance,

24 that bloody rag could have a perpetrator's blood on it?

25 You wouldn't know until you got to the lab, would you?

Sandra M. Halsey, CSR, Official Court Reporter

2978

1 A. What does the rag look like? Is it

2 blood soaked or is it have spatter on it, or, you know,

3 those things come into play.

4 Q. Let's say it looked like Defendant's

5 Exhibit 31, looks like a bloody white rag there, and

6 assume with me that there is a body under that dark

7 blanket.

8 A. Okay.

9 Q. And that when the dark blanket is

10 moved, that body actually has ahold of that white rag.

11 A. The body is holding, is clasping this

12 rag?

13 Q. Holding on to that rag. Or it's

14 touching his hands. I don't know how you would call it,

15 but it is touching his hands.

16 A. No, I wouldn't collect that.

17 Q. You would not collect that?

18 A. No.

19 Q. Okay. You don't think that that would

20 have any, even possibly any subsequent importance?

21 A. No.

22 Q. Now, if you saw two rags, would you

23 put those in the same bag, two bloody rags?

24 A. If they weren't already in contact, I

25 wouldn't.

Sandra M. Halsey, CSR, Official Court Reporter

2979

1 Q. Okay. And so to put two bloody rags

2 in a similar, in the same bag, that is not good police

3 work, is it?

4 A. If they come from separate places,

5 then you should bag them separately. That is if they are
6 deemed of value to submit to the laboratory.

7 Q. Let's go to the shirt.

8 Now, I'm showing you State's Exhibit

9 25. And you have described some defects, what I would
10 call on the -- well, where would you call those? Top
11 right shoulder or back right shoulder or what?

12 A. Top right shoulder.

13 Q. Right on the seam?

14 A. Right.

15 Q. Essentially, on either side?

16 A. Right. In front of and behind the

17 seams.

18 Q. Okay. And, you said that that was

19 consistent with someone -- how did Mr. Davis do that?

20 Lift it up?

21 A. Yes.

22 Q. And stab down?

23 A. No.

24 Q. How?

25 A. More like a -- you pull up and then

Sandra M. Halsey, CSR, Official Court Reporter

2980

1 make the puncture.

2 Q. Pull up and stab back through?

3 A. Right.

4 Q. Now, that shirt would move, wouldn't

5 it?

6 A. T-shirts are elastic, very much like

7 the skin. And a short, rapid jab would cause that

8 defect.

9 Q. If I picked up my shirt like this,

10 that shirt is going to move, isn't it?

11 A. Right.

12 Q. Are you saying that that -- that you

13 can identify two holes going through like that?

14 A. I can say that there is an

15 identifiable puncture here, an identifiable puncture back

16 here, an additional, at least two other identifiable

17 punctures back here that were made with a bloody blade.

18 Q. Are we through?

19 A. On this first one, because it's in an

20 area of puddling blood, I can't say a bloody blade made

21 that, but I can on these back here.

22 Q. Yeah, but there is one up here?

23 A. Right.

24 Q. So someone has to -- of course, my

25 shirt is tucked in, so it gets taut, doesn't it?

Sandra M. Halsey, CSR, Official Court Reporter
2981

1 A. Well --

2 Q. If I take my shirt out like this, it's

3 looser, isn't it? It pulls -- see how it pulls up?

4 A. That is very different material from

5 T-shirts.

6 Q. Well, but the movement of the shirt is

7 the same, isn't it?

8 A. Basically.

9 Q. And all that has to be done

10 left-handed, doesn't it?

11 A. It could be either way. If the --

12 Q. Come through like this?

13 A. If the person wearing the shirt is

14 doing those, then it could be raised with the right hand,

15 punctured with the left, or raised with the left,

16 punctured with the right.

17 Q. And you are going surely agree with me

18 that that is a maybe so, maybe no, isn't it?

19 A. Well, those are punctures in that

20 shirt. I don't know any other way they can occur, and

21 not involve the skin of the victim.

22 Q. This shirt shows to be cut with -- up

23 in this right shoulder area?

24 A. Yes, sir.

25 Q. And there is blood on the front?

Sandra M. Halsey, CSR, Official Court Reporter
2982

1 A. Right.

2 Q. And right where it's cut, there is no

3 blood?

4 A. Right.

5 Q. Don't you draw the conclusion from

6 that that the front got bloody after it was cut?

7 A. May I look at it a little closer?

8 Q. Yes, sure.

9 A. With regard to this right, upper

10 shoulder area, yes, sir, I would say that this blood on

11 the front occurred after it had been cut.

12 Q. Okay. So, what that means is -- what,

13 in easy terms, it was cut by the paramedic and at the

14 time it was not bloody on the front like it is now?

15 A. Right.

16 Q. And that subsequently, because of the
17 way it was handled, it became bloody on the front?

18 A. Right.

19 Q. And that is blood that has been
20 transferred from one part of the shirt, I guess you can't
21 even say -- well, can you even say it came from this
22 shirt?

23 A. When the shirt is cut away from the
24 patient, the material goes back, and any blood that is in
25 this area on the stretcher will also get on that sleeve

Sandra M. Halsey, CSR, Official Court Reporter
2983

1 when it gets pushed back this way.

2 Q. Okay. So that blood up there could be
3 transferred off of blood off the stretcher?

4 A. That's right.

5 Q. Now, but, of course now, this time she
6 has gauze on her neck, so the bleeding is essentially
7 stopped. You wouldn't expect much blood on the
8 stretcher, would you?

9 A. Well, the skin underneath the shirt is
10 bloody.

11 Q. So, somehow, when that is like that,
12 and it's thrown actually away from the skin, isn't it?

13 A. Right.

14 Q. This area that is now bloody?

15 A. Right.

16 Q. So, not likely it got that much blood
17 on it from the skin?

18 A. Well, once the patient, again is on
19 the stretcher, there would be some blood going back.

20 Q. Not that much though?

21 A. Well --

22 Q. Would there be?

23 A. I think there could be.

24 Q. Pardon?

25 A. I think there could be enough to make
Sandra M. Halsey, CSR, Official Court Reporter
2984

1 that stain.

2 Q. But you can't say, can you?

3 A. Not positively.

4 Q. Could just as easily be that all of
5 that staining happened after it was wadded up and put in
6 this bag?

7 A. No, I don't think so.

8 Q. You don't think so?

9 A. No.

10 Q. But you can't tell me for sure, can

11 you, one way or another?

12 A. Well, yeah, that kind of stain. If

13 you have a bloody shirt and some areas are still clean,

14 and you take that shirt, prior to its drying, and you

15 drop it into a sack, you won't get that kind of a

16 transfer. That much blood does not transfer from another

17 area of a bloody shirt. You might get a light shadow of

18 blood, and even if you hard press it, you probably won't

19 get that much blood.

20 Q. That depends on how bloody the shirt

21 is, doesn't it?

22 A. Well, if it's very, very, bloody, as

23 this one, obviously was --

24 Q. This one is very, very bloody.

25 A. Right.

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1 Q. So it depends, does it not, on what

2 part might come in contact with that? If this part came

3 in contact with that, there wouldn't be much blood,

4 right?

5 A. But it wouldn't cause that transfer.

6 Q. I know. That is what I'm saying.

7 A. Right.

8 Q. However, this part, if it's like this,

9 if I pick it up off the stretcher like that, and do like

10 that, then it sure could cause all that blood, couldn't

11 it?

12 A. Well, I don't think you would get that

13 kind of soaking from a secondary transfer.

14 Q. If it's laid like that and put --

15 A. No.

16 Q. And left?

17 A. No.

18 Q. Do you think that you got that much

19 soaking from laying it on the stretcher and then the

20 paramedics removing it?

21 A. Sure.

22 Q. Could have done that, but it couldn't

23 have been as much from the front of this?

24 A. You have pooling onto a vinyl surface.

25 Q. How do you know that?

Sandra M. Halsey, CSR, Official Court Reporter
2986

1 A. How do I know the mattress is vinyl?
2 Q. Yes. How do you know -- if she has
3 been attended and they have said she has stopped

4 bleeding, and she is bandaged, how do you know that there
5 is pooling on that stretcher?

6 A. Well, that would be my opinion, that
7 there was some blood pooling on the stretcher.

8 Q. But you've got no way of knowing that,
9 do you?

10 A. Well, I've got the shirt.

11 Q. The shirt tells you that there was
12 pooling on the stretcher?

13 A. Yes, sir.

14 Q. On another subject, you saw that wine
15 rack out there, didn't you?

16 A. Yes, I did.

17 Q. And you noticed that it was unstable,
18 didn't you?

19 A. I didn't really test it for stability.

20 Q. Well, you have called it unstable,
21 haven't you?

22 A. Well, it looked fragile.

23 Q. You have testified previously that it
24 was unstable, didn't you?

25 A. I don't recall.

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2987

1 Q. Let me correct that. Have you
2 testified it's fairly unstable?

3 A. My memory is that I was asked about
4 the wine glasses on it and I think I said they were
5 unstable, but the rack itself --

6 Q. Let me show you a portion of the
7 transcript down at the bottom. And how did you describe
8 the wine rack?

9 A. Fairly unstable wine rack was in that
10 area.

11 Q. Okay. All right. Let's turn to the
12 screen. And I want to cover that in some detail. And

13 I'm going to talk about the knife and the screen and such
14 as that.

15 If I understand it, the first thing
16 that you did was you inspected a knife. Well, 68-H, that
17 was the first thing you did?

18 A. No.
19 Q. What is the first thing you did?
20 A. The first thing I did was start with
21 what I call knife Number 1, collecting debris from it.
22 Q. Okay.
23 A. And then to knife Number 3, then to
24 Number 4.
25 Q. Okay.
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2988

1 A. Number 5, 6, 7, 8.
2 Q. Okay. Now let me just ask you a
3 question. Of the knives you tested, and let me see,
4 don't I have them all here in my hand.

5 And the last one is 67, I believe.
6 You ultimately tested it, but in the first round just
7 these?
8 A. Right, well.

9 Q. Of these --
10 A. You talking about the bloody knife?
11 The bloody knife was examined also in the same manner.
12 Q. Of these 3, 6, 8 knives, how many --
13 how many of them have sharp points?
14 A. All of them except one.

15 Q. Okay. And that is 67-C?
16 A. Right.
17 Q. And 67-H has a different point than
18 the other ones, doesn't it?
19 A. That's right.
20 Q. Doesn't it seem logical to you that if
21 you were going to go cut a screen that you would have
22 chosen one of those sharp-pointed ones?
23 A. I wouldn't cut the screen. I would
24 just pull it off the window.
25 Q. That wasn't my question. Of course,
Sandra M. Halsey, CSR, Official Court Reporter
2989

1 what you are trying to do is be quiet, isn't it?
2 A. Sir?
3 Q. You are trying to be quiet, aren't
4 you?
5 A. Trying to be quiet?
6 Q. Quiet, if you were a burglar.
7 A. Pardon me?
8 Q. If you were a burglar, murderer, an

9 unwanted intruder, you just want to be quiet, isn't that
10 right?

11 A. I guess.

12 Q. And all of these other are sharp

13 pointed, more sharp pointed than 67-H, aren't they?

14 A. Yes, they are.

15 Q. Now, I don't know how to get these

16 back in the right spot, so I am not going to try -- let's

17 talk about 67-H. That's the one you were talking about

18 finding fibers on.

19 A. Yes, sir.

20 Q. Various things?

21 A. Yes, sir.

22 Q. Now, when you testified about that,

23 you cannot tell the jury anything about where the -- this

24 fiberglass rod was. You did find a white tail hair on

25 this one, didn't you, or deer hair on this one?

Sandra M. Halsey, CSR, Official Court Reporter

2990

1 A. No.

2 Q. Okay. Which one did you find the deer

3 hair on?

4 A. The deer hair was on the sock.

5 Q. Okay. Did you find cat hairs on this

6 one?

7 A. No.

8 Q. Okay. In any evident, you didn't note

9 where any of this debris was in relationship to the other

10 debris?

11 A. I can give you a range on the blade.

12 Q. But you didn't, for instance, get

13 on --

14 A. I didn't stop and say Group 1 or Group

15 2.

16 Q. Or a mark?

17 A. No, sir.

18 Q. Are these your initials on the back of

19 that? Or engraved in there? I think on the blade.

20 A. On the blade? No, they aren't.

21 Q. Did you put any markings on that?

22 A. I don't believe I did.

23 Q. In any event, you didn't place any

24 marking to identify any of these areas of debris?

25 A. No, sir.

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2991

1 Q. And what you told us was that you
2 found a part of a fiberglass rod?

3 A. That's right.

4 Q. Tell me how long it was.

5 A. It was about 40 microns long.

6 Q. Which translates to -- can I see that?

7 A. Not without a microscope, no, sir.

8 Q. Okay. Not visible to the naked eye?

9 A. Not individually. A bunch of them

10 together you may see something, but not individually.

11 Q. Those things are bundled, rolled in a
12 string in that type of screen, aren't they?

13 A. That's right.

14 Q. How many of them in that bundle?

15 A. It could be 100.

16 Q. Some of them have different sizes or
17 diameters?

18 A. Within the group of screen fiberglass
19 fibers, they were within a close range diameter. There
20 was pretty good quality control in that.

21 Q. There was some variation --

22 A. There was some variation, yes, sir.

23 Q. -- in those actual fibers. And you

24 found one of those which was, you say, 40 microns?

25 A. Long.

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2992

1 Q. Long. Translate that to inches for
2 me.

3 A. Well, I can't do it right off hand,
4 but I can give you a comparison.

5 Q. In length?

6 A. Well, in diameter. The diameter of it
7 is about 10 microns.

8 Q. So 10 by 40 microns?

9 A. Yes, sir.

10 Q. Okay. Compared to a head hair, a lot
11 smaller than an individual head hair?

12 A. Yes, sir. And we can use our old --

13 my old drawing. I forget what Defendant's Exhibit No. is
14 on it. But, if indeed, that hair is one of my head

15 hairs, the fiberglass fiber would be like the little hair

16 that I have drawn above it with the indication to root

17 end. That would be a pretty good comparison of how small
18 it is.

19 Q. Okay. And there is no way you can

20 definitively connect that fiberglass rod to any kind of
21 dust, is there?
22 A. The rod as it occurs on the microscope
23 slide is separate from the dust residue.
24 Q. Okay. And you can't tell that those
25 two have ever been married together or bonded together?
Sandra M. Halsey, CSR, Official Court Reporter
2993

1 A. I don't know that they started out
2 together, no.
3 Q. And there is no way to know that, is
4 there?
5 A. Not as they occur, no.
6 Q. And, fiberglass, those fiberglass rods
7 are found in a multitude of items in and around houses,
8 aren't they?
9 A. Yes, sir, they are.
10 Q. Insulation, draperies, clothing, all
11 sorts of stuff, aren't they?
12 A. Well, not so much clothing, but the
13 other items, yes, sir.
14 Q. Draperies certainly?
15 A. Yes, sir.
16 Q. And insulations?
17 A. Sure.
18 Q. Found on boats?
19 A. Yes, sir.
20 Q. And then you said that you found some
21 residue that you called -- did you call that rubbery
22 residue?
23 A. I call it rubber dust particles.
24 Q. Rubber dust particles. Okay. And,
25 there was not enough of that, you couldn't run a test
Sandra M. Halsey, CSR, Official Court Reporter
2994

1 like the DNA test you ran on the hair, you couldn't run,
2 there isn't a test to run on that dust?
3 A. There is a test that can be done. I
4 was not able to get these things removed and to the
5 proper surface in order to do the test. I attempted but
6 couldn't do it.
7 Q. So there wasn't even enough to run a
8 scientific test to back up, and to determine whether or
9 not you could draw a conclusion that that was a
10 particular type of rubbery material.

11 A. That's correct. The absolute chemical
12 identification of that rubber dust was not accomplished.

13 Q. Now, you could identify -- by rubber
14 dust, is that a polymer?

15 A. Yes, sir.

16 Q. I've got some notes here that I need
17 to look at that are escaping me.

18

19 MR. RICHARD C. MOSTY: Your Honor, it
20 looks to me like I may have left some of my notes back at
21 the office. I could go on with another area, or whenever
22 we're going to recess we could have them back without any
23 delay in the recess.

24 THE COURT: Well --

25 MR. RICHARD C. MOSTY: Do you want me
Sandra M. Halsey, CSR, Official Court Reporter
2995

1 to go on for a while?

2 THE COURT: We will take a 10 minute
3 recess for organizational purposes.

4

5 (Whereupon, a short

6 Recess was taken,

7 After which time,

8 The proceedings were

9 Resumed on the record,

10 In the presence and

11 Hearing of the defendant

12 And the jury, as follows:)

13

14 THE COURT: All right. Everybody have
15 a seat and let's bring the jury back in, please.

16 Are both sides ready to bring the jury
17 back in and resume?

18 MR. GREG DAVIS: Yes, sir, we are
19 ready.

20 MR. RICHARD MOSTY: Yes, your Honor,
21 we are ready now.

22 THE COURT: All right, bring the jury
23 in, please, Miss Biggerstaff.

24

25 (Whereupon, the jury
Sandra M. Halsey, CSR, Official Court Reporter
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1 was returned to the

2 courtroom, and the

3 proceedings were

4 resumed on the record,
5 in open court, in the
6 presence and hearing

7 of the defendant,
8 as follows:)

9

10 THE COURT: All right. Let the record
11 reflect that all parties in the trial are present and the
12 jury is seated.

13 All right. Mr. Mosty.

14

15

16 CROSS EXAMINATION (Resumed)

17

18 BY MR. RICHARD MOSTY:

19 Q. Let me cover something else with you
20 briefly. You have testified that -- about these vacuum
21 cleaner wheels?

22 A. Yes, sir.

23 Q. You only testified about the back
24 wheels, am I right?

25 A. That's right.

Sandra M. Halsey, CSR, Official Court Reporter
2997

1 Q. And, did you say there was swabbing
2 done on those back wheels?

3 A. When you do the presumptive blood
4 test, it is with a swab, yes, sir.

5 Q. Okay. But you could not see any blood
6 on the wheels?

7 A. I didn't see any visible, no.

8 Q. Okay. Who was doing that, you and
9 Kathryn Long or just you?

10 A. Kathryn Long primarily did it.

11 Q. The swabbing?

12 A. Right.

13 Q. But you were both looking at it?

14 A. Right.

15 Q. Did you look for blood, did you -- you
16 had on gloves, didn't you?

17 A. Yes, sir.

18 Q. Did you move that wheel around to
19 visually inspect it?

20 A. Yes, sir, I did.

21 Q. And that would be on both sides?

22 A. That's right.

23 Q. Did you make a full rotation?

24 A. At that time?

25 Q. Yeah.
Sandra M. Halsey, CSR, Official Court Reporter
2998

1 A. Yes, sir.

2 Q. Visually?

3 A. Yes, sir.

4 Q. And, neither you nor Kathryn Long saw

5 any blood on that wheel?

6 A. I didn't see any visible, no.

7 Q. None visible?

8 A. No.

9 Q. Nor did she?

10 A. I don't know what she recorded.

11 Q. She didn't say to you, look there, Mr.

12 Lynch?

13 A. No.

14 Q. Or look there, "Charlie, there it is"?

15 A. No.

16 Q. Okay. And then how many swabbing

17 locations did she do?

18 A. Well, again, when you do a swabbing

19 for presumptive blood, you swab and you rotate and then

20 you do a testing. Then you swab some more and rotate,

21 test.

22 Q. So you wouldn't take one swab and --

23 A. Do one spot?

24 Q. And spin the whole wheel around?

25 A. No.

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2999

1 Q. Do you do one location per swab?

2 A. No.

3 Q. You do here and there and --

4 A. No, no, it's more like I described.

5 You would be wiping, moving a little bit, wipe, doing a

6 continuous circle. Then once your swab had played out,

7 then you would test it with the blood reagent.

8 Q. By your swab played out, what do you

9 mean?

10 A. You used up all the surface of the

11 cotton on the applicators.

12 Q. Okay. So, and then you go to another

13 swab?

14 A. That's right.

15 Q. Do you know how many swabs she did?

16 A. No, I don't.

17 Q. You have seen the photographs out
18 there, haven't you?

19 A. Yes, sir.

20 Q. I mean, well, you were there, of
21 course, on the 6th. Am I right?

22 A. Yes, sir.

23 Q. Let me show you, State's Exhibit 43-A.

24

25 THE COURT: Can all members of the
Sandra M. Halsey, CSR, Official Court Reporter
3000

1 jury view that?

2 MR. RICHARD C. MOSTY: Can you see it?

3 THE COURT: Mr. Mosty, you may want to
4 back away some.

5 MR. RICHARD C. MOSTY: I will get it
6 as soon as I get him to identify it.

7 THE COURT: Oh, okay.

8

9 BY MR. RICHARD C. MOSTY:

10 Q. Have you seen 43-A before?

11 A. I don't believe so, no, sir.

12 Q. Okay. Well, look at 43-B. Have you
13 seen that before?

14 A. I have seen a smaller print version.

15 I haven't seen that.

16 Q. All right. Now, in, 43-B?

17 A. Yes, hold it right there.

18 Q. Well, I can do it right here. Let me
19 do it here. Okay.

20 In 43-B, Mr. Linch --

21

22 THE COURT: Can the end juror see
23 that? Okay. Okay. Yes.

24

25

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3001

1 BY MR. RICHARD C. MOSTY:

2 Q. In 43-B, Mr. Linch, directing your
3 attention to this area over here, this blood mark?

4 A. Yes, sir.

5 Q. Do you recall seeing that?

6 A. At the time of the -- my visit?

7 Q. Yes.

8 A. I don't recall it specifically.

9 Q. Okay. Well, that is an area of blood,
10 isn't it?

11 A. Yes, sir, it is.

12 Q. And it's an area of some blood that
13 had some depth to it?

14 A. Right.

15 Q. And it appears that somehow or another
16 the two edges of that blood have been --

17 A. Furrowed out.

18 Q. -- furrowed out. Okay.

19 A. Yes, sir.

20 Q. Okay. And so there is enough blood

21 there to where whatever went through there pushed it
22 aside and got blood on it?

23 A. Yes, sir.

24 Q. And, wouldn't you expect that had this
25 vacuum cleaner run a wheel through that furrow, that you
Sandra M. Halsey, CSR, Official Court Reporter
3002

1 would have been able to see blood on here?

2 A. Not in the way that we received it.

3 Q. You mean, when did you receive it?

4 A. Well, in the way that we received it.

5 Q. What is the way you received it?

6 A. It was received with a paper sack on
7 the handle and no covering on the bottom of it. So, I

8 don't know, again, I don't know the history of those
9 wheels from possibly making that impression to the
10 laboratory.

11 Q. When did you see it? When did you see
12 this vacuum cleaner?

13 A. First time?

14 Q. Yes.

15 A. I can't find that note right now, but
16 if you want to ask me another question, I'll keep
17 looking.

18 Q. Well, I don't want you -- I don't want
19 you to be thinking about something else while you are
20 answering.

21 You don't remember whether or not you
22 looked at it on the 6th? Is that fair to say?

23 A. I didn't examine it closely on the
24 6th.

25 Q. You did not look for blood on the 6th?

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3003

1 A. Right, right.

2 Q. But it's certainly possible that had
3 that gone -- that had that wheel gone through and created
4 that, what you have described as a furrow, that there
5 would still be visible blood on the wheel?

6 A. On the 6th?

7 Q. Well, afterwards. You know, a week
8 later when you saw it. It's certainly possible that
9 there would be blood still there.

10 A. Well, it depends on how much it's been
11 rolled around.

12 Q. Pardon?

13 A. It depends on how much it's been
14 rolled around after it was collected at the crime scene.

15 Q. Well, of course now, it's been
16 testified that it was very carefully picked up and not
17 rolled at all?

18 A. I'm talking about after it's removed
19 from the house.

20 Q. Well, would you expect that somebody
21 would, after it's removed from the house, pick it up and
22 roll it out to their car?

23 A. I can't testify what somebody else
24 might do.

25 Q. Okay. You would hope that they would
Sandra M. Halsey, CSR, Official Court Reporter
3004

1 be careful with it, wouldn't you?

2 A. Yes, sir, I would.

3 Q. All right. Let's talk about
4 fiberglass and rubber for a while. Fiberglass, there are
5 only, what four, five manufacturers of fiberglass in the
6 United States?

7 A. I think there are two companies that
8 actually make fiberglass. They sell to four other places
9 that incorporate it into the window screen type material
10 that is sold in bulk rolls to any numerous outlets who
11 make the screens.

12 Q. Okay. But I am talking about in the
13 broader perspective, fiberglass, for all sorts of things
14 that goes in drapes, and all that kind of stuff. There
15 are only a few manufacturers of fiberglass in the United
16 States, aren't there?

17 A. Right.

18 Q. And they manufacture all sorts, from
19 these minute things that we have seen to much larger

20 applications?

21 A. That's correct.

22 Q. And then they send that to some

23 distributor and they put their brand on it?

24 A. They make the raw product, fiberglass,

25 in varying diameters with varying adhesives on it. Then

Sandra M. Halsey, CSR, Official Court Reporter

3005

1 they sell that raw product to the people who make

2 those --

3 Q. Boats, drapes, whatever it is?

4 A. Right.

5 Q. Okay. And you just -- some of the

6 things that are fiberglass, for instance, you have

7 fiberglass cutting boards in your kitchen often, don't

8 you?

9 A. I don't know if I have seen a cutting

10 board made of fiberglass.

11 Q. Wrapping materials oftentimes have

12 fiberglass in them.

13 A. What kind of wrapping materials?

14 Q. All sorts. Things that you do at the

15 post office, that, you know, you --

16 A. The tape.

17 Q. Tape?

18 A. Yes.

19 Q. That is what I mean by wrapping

20 materials.

21 A. Yes.

22 Q. Tapes, tapes, packaging tapes?

23 A. Right.

24 Q. We have already covered drapes. We

25 have fiberglass threads, don't we?

Sandra M. Halsey, CSR, Official Court Reporter

3006

1 A. Threads?

2 Q. Right.

3 A. For what kind of thread?

4 Q. Threads to sew, to tie things together

5 with. I'm not an authority on that. I can just tell you

6 what I have read.

7 A. I don't think they would hold very

8 good.

9 Q. All right. Well, it's in yarns and

10 fabrics and insulators?

11 A. Insulators?

12 Q. Insulators, as an insulating material.

13 A. Sure.
14 Q. And that is a common household type
15 usage, isn't it, as some kind of insulator?
16 A. You mean like the pink stuff we see in
17 our attic?
18 Q. Yes.
19 A. Yes.
20 Q. That has got a lot of fiberglass in
21 it?
22 A. It's primarily fiberglass.
23 Q. Okay. Computer circuit boards?
24 A. Yeah.
25 Q. They are made out of fiberglass very
Sandra M. Halsey, CSR, Official Court Reporter
3007

1 commonly, aren't they?
2 A. That's right.
3 Q. Now, let's turn to rubbers a little
4 bit. Actually rubber, natural rubber is under the broad
5 definition of a plastic, isn't it?
6 A. Plastic, polymers, are used
7 interchangeably.
8 Q. Plastic just meaning some material
9 that you can form into a desired shape?
10 A. Right.
11 Q. And, then, and plastics include all
12 sorts of things like natural rubber, or not thought of
13 necessarily as a plastic so much, but it is a plastic

14 type material, natural rubber?
15 A. Are you talking about something
16 straight from the rubber tree, natural rubber when you
17 say that?
18 Q. Um-hum. (Attorney nodding head
19 affirmatively.)
20 A. Well, could you rephrase the question?
21 Q. Well, would you define plastic as
22 organic, polymeric materials?
23 A. Yes.
24 Q. That can be formed?
25 A. Yes.
Sandra M. Halsey, CSR, Official Court Reporter
3008

1 Q. Okay. And, they have different
2 molecular structures?
3 A. Different chemical compositions.
4 Q. They can be the natural or synthetic?
5 A. That's right.

6 Q. Molecular structure?
7 A. That's right.
8 Q. Natural, an example being cellulose?
9 A. I don't know if I would call that a
10 rubber. That is a --
11 Q. I'm calling it an organic polymeric
12 material.
13 A. That's a very broad category it would
14 fit into, right?
15 Q. Okay. That would include things like
16 wax and natural rubber?
17 A. Wax and natural rubber?
18 Q. Right. Organic, polymeric materials.
19 A. Right.
20 Q. Then synthetic ones would be things
21 like polyethylene?
22 A. Right.

23 Q. Nylon?
24 A. I would call that more of a plastic
25 than a rubber.
Sandra M. Halsey, CSR, Official Court Reporter
3009

1 Q. Would you call it a synthetic
2 polymeric material?
3 A. Sure.
4 Q. Okay. And, you did not ever, these
5 rubber dust particles, you never were able to observe the
6 molecular structure of them, were you?
7 A. Not on the recovered particles from
8 the bread knife, no.
9 Q. So even those rubbery dust materials,
10 could you tell me, from your visual observation, whether
11 they were natural or synthetic?
12 A. They were synthetic.
13 Q. They were synthetic. You could tell
14 me that much?
15 A. Yes, sir, I could.
16 Q. Okay. Now, then, are you, for
17 instance, familiar with a polymerization process?
18 A. I had a year of organic chemistry, I
19 don't know how much I retained, but somewhat.
20 Q. And do you understand that there are
21 two various types of polymers through the polymerization
22 process?
23 A. It would be at least two types, sure.
24 Q. Okay. Well, would you agree that the
25 two basic processes are condensation and addition

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3010

1 reactions?

2 A. Well, are you talking about the actual
3 chemical reaction to get these things to form long,
4 linear chains of molecules?

5 Q. Right. That is exactly what I am
6 trying to do. And maybe we need to go back a little bit.
7 When you take these synthetic materials, you are creating
8 a chain of molecules, are you not?

9 A. That's right.

10 Q. And that is what gives the polymers

11 their strengths and, you know, things like plastics and
12 polyethylenes, those bonded molecules is what gives it
13 its strength.

14 A. Right.

15 Q. And makes it to where you can shape it
16 in like a boat or a pipe or whatever and it's a good
17 solid and strong material?

18 A. Right.

19 Q. Okay. And so, to make that synthetic
20 molecular process, there are essentially two basic
21 processes, aren't there? Two reactions that create that?

22 A. Two, oh at least two. And it is no
23 telling what the technology is doing today.

24 Q. Would you agree with me that the two
25 basic ones are addition and condensation reaction?

Sandra M. Halsey, CSR, Official Court Reporter
3011

1 A. I'm not sure how you are using those
2 terms.

3 Q. Okay. I will tell you.

4 A. Well, are you talking about addition
5 reaction as opposed to elimination type reaction?

6 Q. I'm talking about the process of
7 polymerization where you are molding or combining
8 these --

9 A. Getting the molecules to go together.

10 Q. Right.

11 A. Well, those would be at least two,
12 again, broad categories.

13 Q. All right. Would you agree with me --
14 and you could not tell, other than this was a polymer,
15 you could not tell the process that was used to create
16 this polymer dust?

17 A. No.

18 Q. And would you agree that in
19 condensation polymers, for instance, includes things like
20 nylon?

21 A. I don't know. I'm not really familiar
22 with that term "condensation."

23 Q. Okay.

24 A. Other than water that gets on top of
25 my shower.

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3012

1 Q. Okay. You are not familiar with what
2 types of polymers are created by the condensation
3 process?

4 A. No, not offhand.

5 Q. Do you know whether that includes
6 nylons, polyurethanes and polyesters?

7 A. I'm not sure.

8 Q. Okay. And the addition polymers, the
9 addition reaction polymers, do you know what those are?

10 A. No, I don't.

11 Q. You don't know whether that includes
12 polyethylene, polypropylene, polyvinyl chloride and
13 polystyrene?

14 A. No, I don't know.

15 Q. But in any event, the process whether
16 it be of nylons, the beginning process is a
17 polymerization process?

18 A. Right. You have melted all these
19 materials together.

20 Q. And depending on how it comes down, it
21 may be polyvinyl chloride, PVC?

22 A. Sure.

23 Q. It could be nylon?

24 A. That's right.

25 Q. Polypropylene?

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3013

1 A. But it's not the way it cascades down
2 a line of condensation or addition, the primary thing is:
3 What is your starting material? That is what defines
4 these different polymers you're talking about.

5 Q. And these moleculars -- or the
6 molecules are pulled together to form whatever these
7 different items are, right?

8 A. Right.

9 Q. Okay. And those are the molecular
10 structures that you were not able to observe?

11 A. Nobody would be able to.

12 Q. I don't fault you for it.

13 A. Well, no.

14 Q. I'm just saying that beyond saying

15 it's a polymer, that is it. That's all you can say.

16 A. Synthetic polymer.

17 Q. Okay. And you cannot rule out nylon,

18 polyester, polypropylene, all these other polymers, can

19 you?

20 A. Well, yeah. With polarized light

21 microscopy, you can exclude nylons, polyesters, certainly

22 any natural fibers, rayons and things like that are

23 excluded by polarized light microscopy of this material.

24 Q. Well, did you do that?

25 A. Did I do that?

Sandra M. Halsey, CSR, Official Court Reporter

3014

1 Q. Yes.

2 A. Yes, sir.

3 Q. But you don't have enough to test and

4 you couldn't see the molecular structure, right?

5 A. With polarized light microscopy, if

6 you can see the particle with the comparison microscope,

7 you can see it with the polarized light microscope. And

8 using different filters to determine what it's wave

9 orientation is -- the material from the bread knife was

10 consistent with polyvinyl chloride.

11 Q. But could it also have consisted of a

12 lot of other things too, didn't it?

13 A. That's right. A lot of other polymers

14 with that same polarized light characteristic.

15 Q. I don't want to get into an argument

16 with you about what was there, but the point is that that

17 could have been any number of polymers on that knife,

18 couldn't it?

19 A. Well, not the ones I just excluded.

20 Q. Well, it could be a substantial

21 number, how about that?

22 A. Substantial number with --

23 Q. Of polymers, that have similar

24 characteristics?

25 A. With the addition of the pigmentation

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3015

1 that you see.

2 Q. Okay. Let's talk about pigmentation.

3 What color is that screen?
4 A. From a distance with the naked eye, it
5 appears black.
6 Q. And what, upon closer observation,
7 what color is it?
8 A. If you cut it on a thin section, it
9 appears gray. The thinner the section, the lighter gray
10 it becomes.
11 Q. Okay. And the most you will ever say
12 about that screen and that knife is that it is possible
13 that that screen could have cut that knife?
14 A. Well, it's the other way around.
15 Q. Good. You are listening.
16 A. Yes.
17 Q. Okay. That the knife cut the screen,
18 how about that?
19 A. Yes, sir, that knife could have cut
20 that screen.
21 Q. That is a possibility?
22 A. Yes, sir.
23 Q. All right. I just want to clarify a
24 couple of things on some of these photographs. Of
25 course, if that knife cut that screen, it had to somehow
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3016

1 get back in the chopping block too, didn't it?
2 A. That's right.
3 Q. Now, let me see if I can put these
4 where you can see both of these exhibits. The exhibit on
5 top is your experimental exhibit?
6 A. The exhibit on top has photographs of
7 known debris from the screen compared to debris taken
8 from the knife.
9 Q. Okay. And all of these are -- that
10 are on the left, were controls, am I right?
11 A. That's right.
12 Q. And on the right are things that you
13 observed in your experimentation process?
14 A. No.

15 Q. Okay.
16 A. On the right is material collected
17 from that knife.
18 Q. Okay. And, Exhibit 116 is, I guess,
19 those are materials collected from the knife similar to
20 what is on the right side of 117?

21 A. That's right.
22 Q. All right. Let me talk about 116 for

23 a minute. The brown in here, is that the same
24 magnification as the gray?
25 A. May I step down?
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3017

1 Q. Yes, sir.

2

3 (Whereupon, the witness
4 Stepped down from the
5 Witness stand, and

6 Approached the jury rail
7 And the proceedings were
8 Resumed as follows:)
9

10 BY MR. RICHARD C. MOSTY:

11 Q. Right here. I'll tell you why I am
12 asking, if that will help. This other Exhibit,
13 everything is in brown.

14 A. That's right.

15 Q. And in this one, the background is in
16 gray and --

17 A. Right.

18 Q. -- and the cutouts are in brown. And
19 it occurred to me that we have got different
20 magnifications.

21 A. Oh, it's not a difference in
22 magnifications. It's a difference in the filtration that
23 was used in doing the photography.

24 Q. Can you tell me in 116 is the
25 magnification different in the brown from the gray?
Sandra M. Halsey, CSR, Official Court Reporter
3018

1 A. Some are and some are not.

2 Q. Okay. Now, go ahead and have your
3 seat back up there.

4

5 (Whereupon, the witness
6 Resumed the witness
7 Stand, and the
8 Proceedings were resumed
9 On the record, as
10 Follows:)

11 BY MR. RICHARD C. MOSTY:

12 Q. When you did your experiments, you cut
13 a screen with the knife that you had found the residue
14 on?

15 A. At the end of all of my testing?

16 Q. Yes.

17 A. I did do a test with that knife, yes.

18 Q. Okay. And, where did you get the

19 screen that you tested, who supplied that?

20 A. That was taken at my request from the

21 window next to the point of entry, alleged point of entry

22 window at the crime scene.

23 Q. You actually made -- how did you go

24 about that process? Of your saying, "Here is how I want

25 to test this." And let me say first, as a scientific

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3019

1 test, you are trying to eliminate as many variables as

2 you can, are you not?

3 A. Within limits, yeah.

4 Q. Well, as many as are feasibly

5 possible?

6 A. Sure.

7 Q. All right. And so how did you go

8 about your cut experiments?

9 A. The first thing I did was to cut it

10 with scissors and I quickly determined that the defect

11 was not caused by scissors. The others, I would cut to

12 see if you could tell the direction of travel of a

13 serrated blade across it.

14 Q. And on those, you are just looking at

15 it? Or did you look at it under the microscope after

16 having cut it?

17 A. Both.

18 Q. Okay. And after all of that, you

19 concluded that -- could you tell the direction of travel

20 or not?

21 A. I believe I could, yes, sir.

22 Q. Okay. That is what you described

23 as --

24 A. The --

25 Q. Like this?

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3020

1 A. That's right. Denuding in the

2 direction of blade travel.

3 Q. Now, that would seem to me that that

4 would be somebody left-handed cutting like that? That is

5 the direction of cut, right?

6 A. Well --

7 Q. I mean, this is down low, so maybe the

8 person is on their knees. It's seems to me like the cut
9 is like that?

10 A. Right.

11 Q. It's generally downward to the left,
12 isn't it a little bit?

13 A. Are you left-handed?

14 Q. No.

15 A. Well, the right hand -- a right-hand
16 dominant person would cut it with their right hand.

17 Q. And go down?

18 A. Sure.

19 Q. It seems like it is just as easy, it
20 would be left-handed. If they are left-handed dominant,
21 they would cut it with their left hand down?

22 A. Well, when you overextend this arm,
23 you don't have as much control as if you were entering
24 with this arm.

25 Q. But you are not worrying about
Sandra M. Halsey, CSR, Official Court Reporter
3021

1 entering that thing, are you? You enter by slicing it.

2 A. Well, you have to do a punch.

3 Q. So you can't -- can you conclude
4 either way, right-handed or left-handed?

5 A. No.

6 Q. Okay.

7 A. But I can conclude that if cut from
8 the outside it goes right to left. If cut from the
9 inside, it goes left to right.

10 Q. But you think -- do you think that is
11 more likely a right-handed person or not, or if you got
12 no --

13 A. If it's from the outside, it would be
14 more likely a right-handed person.

15 Q. Okay. And the shirt that you talked
16 about cutting, that was more likely a left-handed person,
17 wasn't it?

18 A. No, it could be either.

19 Q. Could be either?

20 A. Yes.

21 Q. Even though Mr. Davis described it as
22 a left-handed person doing the stabbing?

23 A. It could be either hand.

24 Q. Okay. You got no preference on that
25 one?

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3022

1 A. No.
2 Q. Okay. Now, let's talk about the
3 experiments that you did that you then looked at the
4 knife itself. You cut -- cut the screen?
5 A. Right.

6 Q. And then did you make one cut or more
7 than one cut?

8 A. No, there were numerous cuts.

9 Q. But in between, as you cut, did you
10 then look at it?

11 A. I would make a slash and then go see
12 what material was present on the blade.

13 Q. Okay. And then you would clean the
14 blade?

15 A. Remove it with tweezers and make up
16 the microscope slide.

17 Q. Okay. And then before your next test,
18 how would you clean it?

19 A. Clean the tweezers?

20 Q. Clean the knife.

21 A. With a swipe of a chem wipe.

22 Q. Okay. Now, you would agree with me,
23 for instance, the cellulose that you found on -- was that
24 on this knife?

25 A. That hasn't been testified to, but
Sandra M. Halsey, CSR, Official Court Reporter
3023

1 there was a microscopic fragment of cellulosic material
2 on this bread knife.

3 Q. Okay. That could have been cutting
4 lettuce six months or nine months before, couldn't it, or
5 from the butcher block itself?

6 A. Yeah, could have.

7 Q. And of all this stuff, cellulose,
8 rubber, fiberglass, you have absolutely no way of telling
9 anybody how long that has been on that knife, do you?

10 A. No.

11 Q. And for instance, if it's cellulose --
12 were there hairs on this knife, on the Number 4 knife?

13 A. I think there was a very, very thin
14 hair.

15 Q. Okay. So even if it had been through
16 the dishwasher, in all likelihood, would still have some
17 kind of particle on it?

18 A. It could, sure.

19 Q. Okay.

20 A. Well, it could have cellulose.

21 Q. Okay. So how do you know that before

22 you did your second experiment that your knife was clean?

23 A. I don't know that it was absolutely

24 clean.

25 Q. Okay. So, as you are doing more and

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1 more experiments, you could be having from cut number 1,

2 you could have various debris, cut number 2, various

3 debris and some of 2 was actually from the number 1 cut?

4 A. Sure.

5 Q. All right. Now, did you ever cut --

6 or how many cuts did you make in your experimental

7 process?

8 A. There were numerous, the -- I used

9 very much of the screen.

10 Q. Ten, fifteen?

11 A. Yeah, at least, yes.

12 Q. Okay. And after all of that was done,

13 is that when you started taking these pictures? That are

14 shown in Exhibit No. 117?

15 A. Right.

16 Q. Okay. So, the pictures in -- but

17 after every time, you cleaned the knife, right? With

18 your chem wipe? Between those?

19 A. I'm not sure if we're -- could you

20 rephrase your question? This poster is -- I'm not sure

21 how that is related to the test cutting.

22 Q. Well, didn't the poster -- doesn't it

23 photograph some of what you found?

24 A. Yes. On the test cuts? Right.

25 Q. On this left side?

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3025

1 A. Right.

2 Q. Okay. And, after you had done your

3 test, your miscellaneous test cuts, and you never did a

4 full T-cut for a test, did you?

5 A. I did a pretty long one, but not as

6 big as on the evidence screen.

7 Q. And in all of your tests, you found,

8 more or less consistent rubber particle compared to what

9 you found on the knife?

10 A. Yes, sir, I did.

11 Q. But in all of your tests, you found

12 more fiberglass rods than what you found on Number 4?

13 A. Yes, I did.

14 Q. So, in that sense, your testing was

15 inconsistent with what you found on Exhibit Number 4,
16 wasn't it?

17 A. Well, with the note, that after the

18 test was done, I went immediately to the microscope to

19 remove this material. I don't know if that Number 4

20 bread knife cut the screen, I don't know where it went

21 prior to being placed in the butcher block. In the

22 activity of putting it in the butcher block, you can lose

23 some material.

24 Q. But, of course, you can also lose some

25 of the rubber dust material, too?

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1 A. Sure.

2 Q. So, in -- but the two tests, the

3 rubber dust is similar from the test to the knife, but

4 the fiberglass rods are dissimilar from the test to the

5 knife?

6 A. Only in the number found.

7 Q. Well, since you found one on the knife

8 and you found --

9 A. -- one intact rod, right.

10 Q. Right. So in that sense, the testing

11 was inconsistent with what you found on the knife.

12 A. Not necessarily.

13 Q. Not necessarily?

14 A. No.

15 Q. But someone could certainly interpret

16 it that way, couldn't they?

17 A. Well, you can't expect to do a test,

18 and have exactly the same amount of debris wind up at the

19 examining table.

20 Q. So, the --

21 A. In a control laboratory situation, you

22 are doing the test, you take the knife straight to the

23 microscope.

24 Q. So the point of that is, we ought to

25 be very dadgum careful what conclusions we draw from

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1 these tests, shouldn't we?

2 A. The conclusion that could be drawn

3 from the test is that the similar debris is created when

4 you cut the screen.

5 Q. And you could also draw the conclusion
6 from the test that what you found on the screen was
7 inconsistent with your testing.

8 A. No.

9 Q. You could never draw that conclusion?

10 A. No. It's not inconsistent, it is very

11 consistent.

12 Q. But there are a lot more fiberglass

13 rods on one than the other?

14 A. Three or four more, it's not a lot

15 more.

16 Q. When you did this testing, what did

17 you have on your hands? Anything?

18 A. Nothing.

19 Q. Okay. Did you look at your hands and

20 see if you had gotten anything on your hands, any

21 fiberglass particles or any dust particles on your hands?

22 A. Well, as you are looking under the

23 stereo microscope, the fingers are in the visual field.

24 Q. Gosh, it would seem to me like you

25 wouldn't be able to focus your fingers compared to those

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3028

1 things. Wouldn't your fingers be out of focus?

2 A. Well, they --

3 Q. I mean, if you are looking at

4 something that minute and you get your fingers under

5 there, wouldn't your finger be out of focus?

6 A. No.

7 Q. No?

8 A. No.

9 Q. Okay. So, did you look at your

10 fingertips to see if you had any fiberglass particles on

11 those?

12 A. Not specifically, no.

13 Q. Okay. So you might have had

14 fiberglass on there, maybe not?

15 A. Maybe so.

16 Q. Let's go back to the shirt, just very

17 briefly. And your testimony was that either a

18 left-handed person could have lifted that up and stabbed

19 right-handed, right? Similar to what I am doing?

20 A. Yes, sir.

21 Q. Or a right-handed, or someone could

22 have done it, pulled it up with their right shirt (sic)

23 and stabbed through?

24 A. Yes, sir.

25 Q. Okay. Now, Mr. Linch, in each of
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1 those circumstances, I put my thumb or my fingers, as the
2 case may be, on the back of my shirt, didn't I?

3 A. Right.

4 Q. Now, if my hands were bloody, you

5 would expect there to be blood back there, wouldn't you?

6 A. Right, a smudge.

7 Q. Okay. And on this shirt, there isn't

8 a fingerprint smudge, is there?

9 A. Yeah, there is.

10 Q. Where?

11 A. Let's see it. It's right here by this

12 circle labeled L-10.

13 Q. Right on top?

14 A. That would be consistent with a bloody

15 finger.

16 Q. You aren't testifying that is a

17 fingerprint, are you?

18 A. No, I'm not.

19 Q. Farther back, back here? There aren't

20 any?

21 A. Down that low, there aren't any, no.

22 Q. Beyond the seam, and that is the seam,

23 is it not, of the shirt itself? Not on the cut part, but

24 the seam of the shirt itself? Can you see where that is?

25 A. Finish your question and let me think

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1 about it.

2 Q. Well, do you see where the seam of the

3 shirt is?

4 A. Yes, I do.

5 Q. Okay. The little smudge that you just

6 pointed to was on the front of that seam, isn't it?

7 A. It's just in front of the seam.

8 Q. Okay. So behind the seam on the back

9 of it, you are now assuming how this shirt is on someone,

10 but behind the seam on the back of the shoulder, there

11 aren't any fingerprints, are there?

12 A. No, but there are several in front of

13 the seam.

14 Q. Of course, somebody has got to get

15 both sides, don't they? I mean, somehow or another they

16 have got to get the back of that seam, don't they? Or
17 can you say?

18 A. You mean with their hand?

19 Q. Yes.

20 A. Not necessarily.

21 Q. You don't think that blood would run

22 through this shirt on to something else?

23 A. I think that blood would drip from

24 that shirt.

25 Q. Okay. And drip through on other

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1 objects?

2 A. When it was initially held up, I

3 imagine it was probably dripping into the sack and then

4 it was dropped into the sack.

5 Q. And as it -- just one more thing.

6 There is no way at all to run a test like we ran the DNA

7 test on your hair observation -- there is no way to run

8 any kind of testing on either the rod or this dust to

9 verify?

10 A. There is a way. I was, however,

11 unsuccessful in getting this stuff removed.

12 Q. Let me clarify: In this case?

13 A. With these particles?

14 Q. There is no way to verify those

15 observations that you made?

16 A. Well, another microscopist could look

17 at it and verify that, yeah, that is a glass rod.

18 Q. Well, but another hair sample person

19 could have looked at that hair forever and --

20 A. Sure.

21 Q. -- and would have come to the same

22 conclusions you came to?

23 A. Right.

24 Q. What I'm talking about is a way to

25 scientifically verify, like we did on the hair, your

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1 observations. And there is no way, am I understanding

2 that right?

3 A. Well --

4 Q. Based upon the minuteness of these

5 particles?

6 A. Well, you can make certain judgments

7 about it, just from a microscopic view, but the --

8 Q. That wasn't the question. I don't

9 mean to get --

10 A. I --

11 Q. I know that you have talked about your
12 observations. And I'm not quarreling with you about
13 that.

14 What I'm talking about now is, after
15 you have made your observations, whether it be about hair
16 or about these, I'm talking about taking it to that next
17 step. To take it into a lab and running a DNA for
18 fiberglass or whatever it might be called.

19 A. The next possible step was not
20 accomplished.

21 Q. And was impossible to accomplish, I
22 guess?

23 A. By me, it was.

24 Q. That is because those particles were
25 so minute that there was not even enough suitable for
Sandra M. Halsey, CSR, Official Court Reporter
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1 testing?

2 A. That's right, not suitable for
3 additional testing.

4 Q. All right.

5

6 MR. RICHARD C. MOSTY: I'll pass the
7 witness.

8 THE COURT: Mr. Davis?

9 MR. GREG DAVIS: Yes, sir.

10

11

12 REDIRECT EXAMINATION

13

14 BY MR. GREG DAVIS:

15 Q. Mr. Linch, just a few questions here.

16 Let's talk about the rubber dust material. Before you

17 saw this material on the blade of the Number 4 knife that
18 came out of the butcher block, sir, had you ever, in all
19 of your experience ever seen this type of rubber dust
20 material before?

21 A. Not specifically that type of
22 material, with that density of pigmentation particles. I
23 don't recall it.

24 Q. Okay. You said it was synthetic; is
25 that right?

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1 A. Yes, sir.
2 Q. How about the polymer that you found
3 on the screen, synthetic?
4 A. Yes, sir.
5 Q. You indicated using some sort of
6 polarized light, that you were able to exclude certain
7 types of polymers; is that right?
8 A. Yes, sir.
9 Q. What all were you able to exclude?
10 A. Nylons -- nylons, acrylics,
11 polyesters, rayons.
12 Q. Okay. The pigment that you found in
13 the rubber dust material, was it consistent with the
14 color of the screen?
15 A. It would be consistent with that
16 color. You have to keep in mind though that these are
17 thin sections of material, and color, the thinner the
18 section, the so-called color that you observe would be
19 different.
20 Q. All right. Let's talk for a moment
21 about fiberglass. Mr. Mosty asked you about other
22 sources of fiberglass. Did you look through that house
23 to determine if there were other possible items inside
24 the house that might be sources of the fiberglass?
25 A. Yes, sir.
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1 Q. Okay. What all did you look at?
2 A. In the house?
3 Q. Yes, sir, in the house.
4 A. I just looked through the house, and
5 the only fiberglass I found was some burned fiberglass
6 material in the upstairs fireplace. That was a different
7 type of fiberglass. It was more consistent with
8 insulation origins.
9 Q. He had mentioned insulation. Is that
10 a different type of fiberglass that you saw there on that
11 knife blade?
12 A. Yes, sir.
13 Q. All right. Other possible types, did
14 you consider other possible types, tape, other things
15 also?
16 A. Yes, sir.
17 Q. Did you look at those, did you compare
18 them against the fiberglass that you found on the knife
19 blade?
20 A. Yes, I did.
21 Q. What was the result? Were they

22 consistent or inconsistent with what you found on the
23 knife blade?

24 A. The combination of rubber and the
25 glass, I didn't find that combination together again in
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1 another fiberglass source. The fiberglass fiber alone,
2 there was maybe one other source that had the same
3 diameter and appearance-type rod.

4 Q. All right. But if -- as I understand,
5 it was not in combination with this rubbery dusty
6 material; is that correct?

7 A. No, it was a very different type of
8 material.

9 Q. Mr. Mosty asked you about computer

10 boards. Have you had an opportunity to look at computer
11 boards and determine if they are made of fiberglass or
12 not?

13 A. Yes, I have.

14 Q. Have you looked at the fiberglass that
15 makes up a computer board and compared it against what
16 you found on the Number 4 knife blade?

17 A. Yes, I have.

18 Q. When you look at computer board, do

19 you see the same type of rubber dust material connected
20 with that computer board that you found connected with
21 the fiberglass on the knife blade of Number 4?

22 A. In the one I looked at, it was
23 different. The computer boards are not made of rubber.

24 Q. All right. So, the answer is, no, it
25 was not there?

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1 A. That's right.

2 Q. Let me ask you about one other source
3 of fiberglass. Fingerprint brushes, are they also made
4 of fiberglass?

5 A. Yes, they are. Some of the most

6 common fingerprint brushes used by the police are made of
7 fiberglass.

8 Q. Okay. Over this past weekend, did you
9 meet with Officer Charles Hamilton of the Rowlett Police
10 Department?

11 A. No, sir.

12 Q. Okay. Did you obtain a fingerprint
13 brush from Rowlett?

14 A. Officer Hamilton left his fingerprint
15 brush at my laboratory over Saturday.

16 Q. All right. Did you compare the

17 fiberglass that made up his fingerprint brush with
18 fiberglass that you found on the knife blade and the
19 screen also?

20 A. Yes, I did.

21 Q. All right. What were your findings

22 when you looked at his fingerprint brush and fiberglass
23 that made it up?

24 A. The fiberglass rods that make up these
25 fingerprint brushes are almost twice as thick as the
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1 fiberglass in the screen. So they are very, very
2 different. The fingerprint brush rods are much larger.

3 Q. Let me ask you, when you looked at the
4 butcher block and the eight knives were still in the
5 block, correct?

6 A. Right.

7 Q. When you looked at it? Did you ever
8 find any black fingerprint powder inside the butcher
9 block?

10 A. Not inside. The only fingerprint
11 powder I observed was on the knives on either side of the
12 open slot. None of the other knives had been printed.

13 Q. Okay. The Number 4 knife that you
14 tested where you found the fiberglass and the rubbery

15 material, was there any fingerprint powder on that knife?

16 A. No, sir.

17 Q. Let's talk about fiberglass on the
18 other knives inside the butcher block. Besides Number 4,
19 the knife where you found the fiberglass and the rubber
20 material, did you look at the other seven knives to
21 determine whether or not you could find any fiberglass or
22 rubbery material on them?

23 A. Yes, I did.

24 Q. Okay. What was the result?

25 A. Didn't find any fiberglass on any of
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1 the other knives in the block.

2 Q. Okay. So the only knife in the
3 butcher block where you did find this fiberglass was on
4 Number 4; is that right?

5 A. That's right.

6 Q. That is the same knife that has the
7 black rubbery material on it also?

8 A. That's right.

9 Q. Do you have an opinion whether or not
10 the rubbery -- the dusty, rubbery material and the
11 fiberglass that you found on Number 4 were deposited at
12 the same time or not?

13 A. With regards to the intact rod, they
14 may or may not have been in the same substance. However,
15 the glass debris that is smaller than the rod that was --
16 had mixed with the rubbery material, they were at one
17 time together. That would be my opinion.

18 Q. Okay. So the black, rubbery material
19 and the glass fragments that were in the material, in
20 there at the same time, right?

21 A. Right.

22 Q. And when you did the test cutting on
23 the screen, you looked at the material, did you find on
24 your test knife, the rubbery material and the glass
25 fibers again wed together?

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1 A. Not the fibers, but the debris that
2 doesn't have shape but it's glass and smaller than the
3 rod, yes.

4 Q. Okay. So the rubbery material and

5 let's say the flakes, if you will, were they together on
6 your test knife?

7 A. Yes, sir.

8 Q. Okay. Mr. Linch, you were indicating
9 to Mr. Mosty a range that you could show the jurors, just
10 an approximate range where you found the fiberglass rod
11 and the black, rubbery material. Can you indicate for
12 the jury the range where you found those two items on the
13 knife blade?

14 A. Yes, sir.

15 Q. Okay.

16 A. It would be approximately an inch in
17 from the tip and maybe in the broad area of an additional
18 five or six inches, maybe this far, but none was
19 collected from the area right up close to the handle.

20 So, broadly speaking, it would be in
21 this area here.

22 Q. Okay. With regard to the pattern that
23 you saw there on the carpet, where you laid number --
24 State's Exhibit 67, the knife, do you recall that?
25 A. Yes, sir.
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1 Q. Again, sir, did you find anything
2 inside that house that would fit in this pattern like
3 State's Exhibit 67?
4 A. No, I didn't.
5 Q. Mr. Mosty asked you about the

6 possibility of this knife actually, No. 67, having blood
7 on it, being laid on this carpet and then pulling up, a
8 possibility of carpet fibers being left on the knife
9 blade. Do you recall that?
10 A. Right.
11 Q. I believe that you testified it would
12 be possible for carpet fibers to actually remain on the
13 blade once it's lifted, right?
14 A. They may or may not transfer.
15 Q. Okay. Possible that you could leave

16 67 down here with blood on it, leave this pattern and not
17 have any carpet fibers transfer off to the blade, is that
18 also possible?
19 A. That is possible.
20 Q. Let me give you a different scenario
21 Mr. Linch. Assume that 67, State's Exhibit 67, was laid
22 on this carpet, sir. That blood transferred from this
23 knife to this carpet to produce this stain. That carpet
24 fibers were left on the blade. Okay?
25 Then assume that that knife blade came
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1 in contact with something else. For instance, a T-shirt.
2 Would it be possible in that contact for those carpet
3 fibers to be transferred from that knife blade, State's
4 Exhibit 67, to the other material, so that when you see
5 it in your lab, you don't see carpet fibers.
6 A. Yes, sir.
7 Q. For instance, if it was used to attack
8 another person after it was laid on the carpet?
9 A. Yes, sir.
10 Q. Or it was used to produce defects in a
11 T-shirt?
12 A. Yes, sir.
13 Q. By the way, did you examine State's

14 Exhibit No. 25, the defendant's T-shirt, for evidence of
15 carpet fibers, Mr. Linch?

16 A. Yes, sir, I did.

17 Q. What was the result of that?

18 A. There were three carpet fibers that

19 were microscopically the same as the carpeting in the

20 family room of the crime scene.

21 Q. Okay. Carpet fibers consistent with

22 this carpet found on the defendant's T-shirt; is that

23 right?

24 A. Yes, sir.

25 Q. Well, how about the boy that was

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1 actually laying on the carpet, Damon Routier. Did you

2 look at his T-shirt for evidence of carpet fibers?

3 A. Yes, sir, I did.

4 Q. Did you find any?

5 A. I found two.

6 Q. Two? Now, this is the boy that is

7 laying down, right?

8 A. That's right.

9 Q. So for him, he is laying on the

10 carpet. You found two carpet fibers, for the defendant

11 and her T-shirt, you found three; is that right?

12 A. That's right.

13 Q. Those defects that Mr. Mosty was

14 showing you up there around the right shoulder area, Mr.

15 Linch?

16 A. Yes, sir.

17 Q. The defects that are shown in the

18 photograph that we looked at earlier today. Mr. Linch,

19 do you have an opinion whether or not it's more

20 consistent for these defects to have been self-inflicted,

21 rather than having an intruder come up and produce these

22 types of defects?

23

24 MR. RICHARD C. MOSTY: I'm going to

25 object to that. That is not within the purview of an

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1 expert witness under the Daubert Supreme Court case.

2 Because it is not in any manner independently verifiable,

3 and for the other reasons set out in Daubert as adopted

4 by the Texas courts.

5 THE COURT: Thank you. Overruled.

6 I'll let him testify if he knows.

7

8 BY MR. GREG DAVIS:

9 Q. Do you have an opinion?

10 A. It would be my opinion that they were
11 self-inflicted.

12 Q. Why is that?

13 A. Well, doing testing with the T-shirt
14 and with the knife, to cause those defects, at that depth
15 of penetration, you need to have tension on the shirt and
16 it needs to be a short measured jab.
17 If you go at the material slowly,
18 contact the material and continue to push, when the blade
19 does eventually go through, you get a large tear, much
20 larger than what you have there.

21 Those are more consistent with pokes
22 through an extended T-shirt. And in 16 years I have not
23 seen a killer perform in that fashion.

24 Q. Well, in your 16 years, have you ever
25 seen an intruder enter a house, get a knife from the
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1 victim's kitchen, go back out of the house, use the knife
2 that was obtain from the victim's house, cut a screen and
3 then re-enter a house?

4 A. No.

5

6 MR. JOHN HAGLER: Your Honor, that is
7 irrelevant under 401, as far as what he has seen in his
8 past experience.

9 THE COURT: Overruled.

10

11 BY MR. GREG DAVIS:

12 Q. Well, your answer was?

13 A. No.

14 Q. Mr. Mosty asked you about what you

15 might expect to see as far as blood. Do you recall that,
16 with an intruder?

17 A. Yes, sir.

18 Q. All right. I want you to assume for
19 me that an intruder comes in to a home, that intruder
20 stabs a child four times in the back, those wounds being
21 anywhere from two to four and a half inches deep --
22

23 MR. RICHARD C. MOSTY: May we approach

24 the bench?
25 THE COURT: Well, yes, you may. What
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1 do we need to talk about?

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: You can have a continuing

11 objection.

12 We need to have a record on this

13 outside of the presence of the jury, please.

14 How long will it take?

15 MR. DOUGLAS MULDER: About two

16 minutes.

17 THE COURT: Well, will the jury step

18 into the jury room briefly, please.

19

20 (Whereupon, the jury

21 Was excused from the

22 Courtroom, and the

23 Proceedings were held

24 In the presence of the

25 Defendant, with his

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1 Attorney, but outside

2 The presence of jury

3 As follows:)

4

5 THE COURT: Let the record reflect

6 that these proceedings are being held outside of the

7 presence of the jury, and all parties at trial are

8 present.

9 Gentlemen, let's keep our questions

10 right on point. This is not discovery. Let's go on.

11 MR. RICHARD C. MOSTY: Well, I think

12 the question is what is Mr. Davis going to ask.

13 THE COURT: All right. Well, Mr.

14 Davis, ask those questions.

15

16 BY MR. GREG DAVIS:

17 Q. Mr. Linch, Mr. Mosty had asked you

18 whether it's possible for an intruder to, I believe, stab

19 two children, attack an adult and flee a scene and not

20 have much blood on him. Do you recall that?

21 A. Yes, sir.

22 Q. My question to you would be, I want

23 you to assume that an intruder comes into the house, that

24 he stabs two children, one child is stabbed four times,

25 the other child is stabbed two times, that he inflicts

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1 three wounds to an adult, gets into a struggle with that

2 adult, flees the scene, drops the knife; is it also

3 possible under that set of facts for the intruder to have

4 a considerable amount of blood on him, also?

5 A. He could have.

6 Q. Okay.

7 A. It could go from minimal on the hands

8 to some on the front of the shirt and hands. But I would

9 expect some on the hands.

10 Q. Okay.

11

12 THE COURT: That is the question?

13 MR. GREG DAVIS: Yes, sir. That is

14 the question I intend to ask.

15 THE COURT: Any objection?

16 MR. RICHARD C. MOSTY: No, sir.

17 THE COURT: All right. If the jury is

18 ready, bring the jury back in, please.

19

20 (Whereupon, the jury

21 Was returned to the

22 Courtroom, and the

23 Proceedings were

24 Resumed on the record,

25 In open court, in the

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1 Presence and hearing

2 Of the defendant,

3 As follows:)

4

5 THE COURT: Let the record reflect
6 that all parties at trial are present and the jury is
7 seated. Mr. Davis.

8

9 BY MR. GREG DAVIS:

10 Q. Thank you, sir. Mr. Lynch, again, let
11 me ask you to assume that an intruder comes into a house,
12 and he stabs one child four times, he stabs another child
13 twice. He then inflicts three wounds to an adult. That
14 he gets into a struggle with that adult, while holding a
15 bloody knife.

16 That he then runs through the house
17 holding a bloody knife, throws that bloody knife down on
18 the floor before fleeing through the garage and the
19 window.

20 Under that scenario, do you also
21 believe that it would be possible for that intruder to
22 have blood on him at the time that he leaves that utility
23 room, or flees into that garage?

24 A. It could be possible, yes.

25 Q. Now, do you recall being asked by Mr.
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1 Mosty if all crimes scenes are different?

2 A. Yes, sir.

3 Q. Okay. Sir, in your 16 years, how many
4 crime scenes have you seen where adult survived a child
5 who died there at the scene?

6 A. At the institute we received an
7 average of 600 victims of homicide a year. And, I have

8 never been made aware of an instance where the children
9 are killed and the adult survives or has minimal
10 injuries.

11 Q. All right.

12

13 MR. GREG DAVIS: I'll pass the
14 witness.

15 THE COURT: Anything, Mr. Mosty?

16 MR. RICHARD C. MOSTY: Yes, sir.

17 THE COURT: All right.

18

19

20 RECROSS EXAMINATION

21

22 BY MR. RICHARD MOSTY:

23 Q. Mr. Linch, you are familiar with
24 centimeters?

25 A. Yes, sir.

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1 Q. Would you point out, or tell the jury,
2 if I have between my thumbs there, three -- is that three
3 or four centimeters? I can't see.

4 A. You are thinking about millimeters.

5 Q. All right. Millimeters. That is how
6 little I know about it. Have I got about three
7 millimeters in between there?

8 A. That is about right.

9 Q. Okay. And, do you know whether or not
10 that three millimeters is the distance between Darlie
11 Routier being alive or dead?

12 A. No, I don't know that.

13 Q. You don't know, for instance, how
14 close that slash wound came to cutting her carotid artery
15 open, do you?

16 A. Well, I am aware that a probing injury
17 went near the carotid sheath.

18 Q. If it was within three centimeters --
19 three millimeters, then that is within three millimeters
20 of being fatal, isn't it? If it's within three
21 millimeters of the artery itself. Two to three, I think.

22

23 MR. GREG DAVIS: Your Honor, I'm
24 sorry. If we're going to get into medical areas with
25 this witness, I would ask for a hearing. I don't believe
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1 this witness is qualified to answer medical questions.

2 MR. RICHARD C. MOSTY: He is the one
3 who testified --

4 THE COURT: Just a minute, please.

5 Do you know the answer? If you know,
6 from your own knowledge, I'll let you answer it. If you
7 don't know, please say so.

8 THE WITNESS: I have done neck
9 dissections on deceased persons, but never living, so I
10 can't answer that.

11 THE COURT: Next question.

12

13 BY MR. RICHARD MOSTY:

14 Q. So, when you say you have never seen a

15 mother survive, you don't know whether or not three
16 millimeters in this case would have made any difference
17 in those statistics, do you?

18 A. No, I don't know.

19 Q. You don't know that had that cut been
20 three millimeters deeper, then Darlie Routier would have
21 been the same statistic as what you have seen. That is,
22 dead?

23 A. That would be a very different type of
24 fatal neck injury than I have ever seen before.

25 Q. I'm just asking you within three
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1 millimeters?

2 A. Well, a straight jab back does not
3 involve the strap muscle. It is very different than any
4 other kind of neck injury I have been aware of.

5 Q. That is not my question, Mr. Linch.

6 A. What is the question?

7 Q. Well, I think we all hear it. We have
8 got that. Now, you talked about the fiberglass on the
9 brush. How thick did you tell me that diameter was?

10 A. On --

11 Q. On Mr. Hamilton's fiberglass dusting
12 rod?

13 A. It is at least 25 percent thicker than
14 the fiberglass rods that make up the screen.

15 Q. All right. Fiberglass rods that make
16 up the screen were, 10 microns?

17 A. Diameter, yes, sir.

18 Q. Okay. So, 25 percent more makes this
19 12.5 microns?

20 A. Yes, sir.

21 Q. All right. Now, you told me that a
22 400 hundred percent difference in the number of
23 fiberglass particles on this photograph was not
24 significant; didn't you?

25 A. I don't recall 400 hundred percent
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1 coming out of my mouth today.

2 Q. Well, you said four times, there were
3 three or four times the number of glass particles on your
4 experiments.

5 A. Right.

6 Q. That is 3 or 400 percent more?

7 A. Yes, sir.

8 Q. You didn't find that significant?

9 A. No, I didn't.

10 Q. Okay. So, instead of about 10

11 microns, these fiberglass particles in the fingerprint

12 brush are about 12 and a half, say, 25 percent more?

13 A. They're probably a little larger than

14 that. I didn't put them on --

15 Q. Well, those were your words, weren't

16 they? Twenty-five percent.

17 A. I said about 25 percent more and

18 before that I said they are almost twice as thick. I

19 didn't do the exact measurement.

20 Q. Well, see, you have bounced around a

21 little bit, haven't you?

22 A. The rods that make up the fingerprint

23 brush are much bigger than the rods that make up the

24 screen.

25 Q. Okay. And you told us 25 percent

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1 bigger, just a minute ago?

2 A. To be conservative.

3 Q. Okay. Thank you. Now, and the rods

4 in the screen vary in size, too, don't they?

5 A. Yes, they do.

6 Q. Did you say you had looked at one

7 computer board?

8 A. Just one, yes, sir.

9 Q. Just one?

10 A. Yes, sir.

11 Q. How big was it?

12 A. It was a small board.

13 Q. Measurement by inches, maybe?

14 A. Maybe 6 by 8.

15 Q. 6 by 8? Okay. Now, you said that you

16 tested the other knives in the block and you made the

17 statement that you did not find fiberglass on the other

18 knives in the block?

19 A. Yes, sir.

20 Q. Did you find the rubber dust

21 particles?

22 A. No, sir.

23 Q. The -- you talked about the carpet

24 fiber and whether or not that carpet fiber might still be

25 on the knife?

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1 A. Right.
2 Q. Do you remember that?
3 A. Yes, sir.
4 Q. Somehow or another that cat hair or
5 dog hair, whichever it was, survived and stayed on that
6 knife, didn't it?
7 A. The bloody knife?
8 Q. Yes, sir.
9 A. Yes, sir, it did.
10 Q. Now, all of this stuff about, "Could
11 have been self-inflicted," is that how you said that?
12 A. Yes, sir.
13 Q. These -- that these cut holes?
14 A. Yes, sir.
15 Q. Could have been self-inflicted?
16 A. Right.

17 Q. And it's also possible that they could
18 not have been, isn't it?
19 A. Well, mechanically, I don't know how
20 it would happen from another.
21 Q. The point of that is that there is no
22 way, there is no test for that, is there? We can't run
23 DNA on your opinion on that, can we?
24 A. Well, the test would be to have
25 someone put on the shirt, and then have an attacker grab
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1 it and lift it up and do the punctures.
2 Q. Of course, now you don't know where
3 that shirt was, how it was or anything else, on the body,
4 when all this happened, do you?
5 A. I think it was worn right side out.
6 Q. Okay. Other than that, you don't
7 know?
8 A. No, sir.
9 Q. The point is that there is no way to
10 scientifically validate or invalidate the opinion you
11 just expressed, is there?
12 A. Well, you do the test.
13 Q. But you would have to assume a whole
14 lot of variables, wouldn't you?
15 A. You would have to assume some, yeah.
16 Q. Now, you said that perhaps an intruder
17 might flee with blood on their hands?
18 A. Right.
19 Q. That would be consistent with finding
20 some blood, for instance, on a doorknob, or an exit door?
21 A. Right.

22 Q. It might or might not leave, it would
23 depend on which hand it was on?
24 A. Sure.
25 Q. All right. You saw blood on an exit
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1 door, didn't you, on a handle, on the utility room door?
2 A. On the facing area, yes, sir.
3 Q. Now, did you ever see this maroon
4 pillow?
5 A. Yes, I did.
6 Q. Did you take that?
7 A. No, I didn't.
8 Q. Who collected that?
9 A. That was collected by the Rowlett
10 Police Department.
11 Q. And, it had blood, it had -- this
12 maroon pillow had blood on both sides of it, didn't it?
13 A. Right.
14 Q. But did you collect any of that blood?
15 A. Did I actually remove it from the
16 pillow?
17 Q. Yes.
18 A. No, sir.
19 Q. Did Kathryn do that?
20 A. Kathryn did some, yes.
21 Q. Remove that from the maroon pillow?
22 A. Right.
23 Q. Did you do any testing on it to
24 determine whose blood was on one side of the pillow and
25 whose blood was on the other side of the pillow?
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1 A. I didn't, no.
2 Q. Where was it done? Was it done?
3 A. I think some of it was done down at
4 our laboratory and some was done at Gene Screen.
5 Q. Are you aware of the results of that?
6 A. Yes, sir.
7 Q. You know that on that maroon pillow,
8 on one side is the blood of Darlie Routier and on the
9 other side is the blood of Damon Routier?
10 A. Yes, sir.
11 Q. You know that?
12 A. Right.

13 Q. Okay.
14

15 MR. RICHARD C. MOSTY: That's all I
16 have.
17 MR. GREG DAVIS: No further questions.
18 THE COURT: You may step down. Thank
19 you for coming.
20 Now, this witness will be excused
21 subject to recall to return to Dallas. Is that clear to
22 both sides?
23 MR. GREG DAVIS: Yes, sir.
24 THE COURT: All right. Thank you for
25 coming.
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1 Who is your next witness?
2 MR. GREG DAVIS: Judith Floyd. It's
3 going to be a long witness. Well, if we can approach a
4 minute?
5 THE COURT: Yes. That is fine.
6
7 (Whereupon, a short

8 Discussion was held
9 Off the record, after
10 Which time the
11 Proceedings were resumed
12 As follows:)
13
14 THE COURT: Ladies and gentlemen of
15 the jury, we do have to have a hearing outside of your
16 presence which we're going to do now. So, you are going
17 to be excused until 1:15 tomorrow afternoon.
18 Now, wait a minute. Wait a minute.
19 Now, by agreement, we're going to go
20 to approximately 6 o'clock tomorrow night. Is that
21 satisfactory?
22 THE JURY: Yes, sir.
23 THE COURT: All right. The same

24 instructions as always. Do no investigation on your own.
25 Decide this case from the testimony you hear and the
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1 evidence you receive in this courtroom. Do not discuss
2 the case among yourselves. It's not over yet.
3 You may discuss it among yourselves
4 after all of the evidence is in and you have heard the
5 arguments, and then it will be yours to decide at that
6 time.

7 Don't talk to anyone about the case.
8 If someone tries to talk to you about anything that

9 happens in this case, tell the bailiff, who will be with
10 you at the time.

11 See you tomorrow at 1:15 P.M. Thank
12 you.

13

14 (Whereupon, the jury
15 Was excused from the
16 Courtroom, and the

17 Proceedings were held
18 In the presence of the
19 Defendant, with her

20 Attorney, but outside
21 The presence of jury
22 As follows:)

23

24 THE COURT: Mr. Davis, you can call
25 your witness, please. We will go ahead and have the
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1 hearing.

2 Ms. Floyd, come up here, please. If
3 you will raise your right hand, please, ma'am.

4

5 (Whereupon, the witness

6 Was duly sworn by the
7 Court, to speak the truth,
8 The whole truth and
9 Nothing but the truth,
10 After which, the

11 Proceedings were
12 Resumed as follows:)

13

14 THE COURT: Do you solemnly swear or
15 affirm that the testimony you are about to give will be
16 the truth, the whole truth, and nothing but the truth, so
17 help you God?

18 THE WITNESS: I do.

19 THE COURT: All right. Ma'am, you're
20 now under the Rule of Evidence. Do you understand what
21 that means? It simply means you have to remain outside
22 the courtroom when you are not testifying. Don't talk to

23 anybody who is testifying about your testimony. In other
24 words, don't compare it. You may talk to the attorneys
25 for either side. If someone tries to talk to you about
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1 your testimony, tell the attorney for the side who called
2 you.

3 If you will just speak right into that
4 microphone loudly, please, ma'am. And spell your last
5 name when you're asked.

6 Go ahead, Mr. Davis.

7 These proceedings are being held
8 outside the presence of the jury and all parties at trial
9 are present.

10 Go ahead, please.

11 MR. GREG DAVIS: Just so I can shorten
12 this down and get right to the point here. We are
13 talking about the T-shirt. Is that what you would like
14 for me to talk about?

15 MR. RICHARD C. MOSTY: Yes. There is
16 one other thing which is just a matter of, I don't know
17 if they want to do it. We have always been somewhat

18 confused about the numbering sequence. If y'all can
19 either give us some reports or cover some of that, it
20 would speed things up tomorrow.

21 THE COURT: Okay. So the purpose of
22 the hearing is the chain of custody on the T-shirt.

23 MR. RICHARD C. MOSTY: Yes, that is
24 it.

25 THE COURT: All right. Let's get
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1 right to the point.

2 MR. GREG DAVIS: Yes, sir.