

Monday

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Sandra M. Halsey, CSR,
Official Court Reporter

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C A P T

I O N

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4 BE IT REMEMBERED THAT, on
Monday, the 20th day of

5 January, 1997, in the Criminal
District Court Number 3 of

6 Dallas County, Texas, the above-
styled cause came on for

7 a jury trial before the Hon.
Mark Tolle, Judge of the

8 Criminal District Court No. 3,
of Dallas County, Texas,

9 with a jury, and the proceedings
were held, in open

10 court, in the City of Kerrville,
Kerr County Courthouse,

11 Kerr County, Texas, and the
proceedings were had as

12 follows:

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A P P E A R

A N C E S

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5

HON. JOHN VANCE

6

Criminal District Attorney

7

Dallas County, Texas

8

9

BY: HON. GREG DAVIS

10

Assistant

District Attorney

11

Dallas County,

Texas

12

13

AND:

14

HON. TOBY SHOOK

15

Assistant

District Attorney

16

Dallas County,

Texas

17

18

AND:

19

HON. SHERRI

WALLACE

20

Assistant

District Attorney

21 Dallas County,

Texas

22

23

APPEARING FOR THE STATE OF TEXAS

24

25

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1 ADDITIONAL APPEARANCES:

2

3 HON. DOUGLAS D.

MULDER

4 Attorney at Law

5 2650 Maxus Energy

Tower

6 717 N. Harwood

7 Dallas, TX 75201

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9 AND: HON. CURTIS GLOVER

10 Attorney at Law

11 2650 Maxus Energy

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15 AND: HON. RICHARD

C. MOSTY

16 Attorney at

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21 AND: HON. S.

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22 Attorney at

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23 Wallace,

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1

2 AND:

HON. JOHN

HAGLER

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Attorney at

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901 Main Street, Suite 3601

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Dallas, TX 75202

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ALL ATTORNEYS REPRESENTING

THE

7

DEFENDANT: DARLIE ROUTIER

8

MR. HAGLER HANDLING THE

APPEAL

9 AND:

10

HON. ALBERT D. PATILLO, III

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Attorney at Law

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APPEARING FOR: Witness-

15

Detective Jimmy

Patterson

16

only on one date in

trial

17 AND:

18

HON. STEVEN J. PICKELL

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Attorney at Law

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620 Earl Garrett Street

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Kerrville, TX 78028

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APPEARING FOR: Witness

23

Officer Chris Frosch

24

only on one date in

trial

25

Reporter Sandra M. Halsey, CSR, Official Court

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1
G S

P R O C E E D I N

2

3 January 20th, 1997

4 Monday

5 9:00 a.m.

6

7

(Whereupon, the

following

8

proceedings were held

in

9

open court, in the

presence

10

and hearing of the

11

defendant, being

12

represented by her

attorneys

13

and the representatives

of

14

the State of Texas, but

15

outside the presence of

the

16

jury, as follows:)

17

18

THE COURT: All

right. Are both sides

19 ready?

20

MR. GREG DAVIS:

Yes, sir, we are

21 ready.

22

MR. DOUGLAS

MULDER: Yes, sir, we are

23 ready.

24

THE COURT: All

right. Bring the jury

25 in, please.

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1 (Whereupon, the
jury
2 Was returned to
the
3 Courtroom, and
the
4 Proceedings
were
5 Resumed on the
record,
6 In open court, in
the
7 Presence and
hearing
8 Of the defendant,
9 As follows:)

10
11
12 THE COURT: Good morning, ladies
and

13 gentlemen. Let the record reflect that all parties
in 14 the trial are present and the jury is seated.

15 Mr. Lynch, if you will raise
your
16 right hand, please.

17

18 (Whereupon, the witness
19 Was duly sworn by the
20 Court, to speak the
truth,
21 The whole truth and
22 Nothing but the truth,
23 After which, the
24 Proceedings were
25 Resumed as follows:)

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2

THE COURT: Do you solemnly
swear or

3 affirm that the testimony you are about to give
will be

4 the truth, the whole truth, and nothing but the
truth, so

5 help you God?

6

THE WITNESS: I do.

7

THE COURT: You do understand
the Rule

8 of Evidence?

9

THE WITNESS: Yes, sir, I do.

10

THE COURT: So I don't need to
explain

11 it to you now?

12

THE WITNESS: No, sir.

13

THE COURT: All right. You are
now

14 under it.

15

Mr. Davis.

16

MR. GREG DAVIS: Thank you,
Judge.

17

18

19

20

21

22

23

24

25

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1 Whereupon,

2

3 CHARLES A. LINCH,

4

5 was called as a witness, for the State of Texas,
having

6 been first duly sworn to speak the truth, the whole

7 truth, and nothing but the truth, testified in

open

8 court, as follows:

9

10

11 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?

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

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

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?

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

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?

Sandra M. Halsey, CSR, Official Court Reporter

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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,

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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Reporter

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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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Reporter

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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

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 black, 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?

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

Sandra M. Halsey, CSR, Official Court Reporter

2811

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.

Sandra M. Halsey, CSR, Official Court Reporter

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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?

Sandra M. Halsey, CSR, Official Court Reporter

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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

Sandra M. Halsey, CSR, Official Court Reporter

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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

Sandra M. Halsey, CSR, Official Court Reporter

2815

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

Sandra M. Halsey, CSR, Official Court Reporter

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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.
Linch, 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.

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

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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?

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Reporter

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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.

Sandra M. Halsey, CSR, Official Court
Reporter

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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

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

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.

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

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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

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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.

Sandra M. Halsey, CSR, Official Court Reporter

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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.

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.

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

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?

Sandra M. Halsey, CSR, Official Court Reporter

2836

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

2837

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

Sandra M. Halsey, CSR, Official Court Reporter

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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

2839

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?

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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Reporter

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. Linch, let me show you
23 State's Exhibit 113. Do you recognize the photographs
on

24 State's Exhibit 113?

25 A. Yes, sir.

Sandra M. Halsey, CSR, Official Court Reporter

2842

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
19 photograph

20 of the deer family hair.

21 Q. Okay.

22

23 MR. GREG DAVIS: Your Honor,

24 at this

25 time we will offer State's Exhibit 113.

THE COURT: Any objection?

26 MR. RICHARD C. MOSTY: No
27 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

Reporter Sandra M. Halsey, CSR, Official Court

2844

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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Reporter

2845

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

Sandra M. Halsey, CSR, Official Court Reporter

2846

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.

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2847

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.

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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2850

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

Sandra M. Halsey, CSR, Official
Court Reporter

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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 refamiliarizing 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?

Sandra M. Halsey, CSR, Official Court Reporter

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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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Reporter

2855

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

14 rail

15 And the proceedings

16 were

17 Resumed as follows:)

18

19 BY MR. GREG DAVIS:

20 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

Sandra M. Halsey, CSR, Official Court Reporter

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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.

Sandra M. Halsey, CSR,
Official Court Reporter

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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.

Sandra M. Halsey, CSR,
Official Court Reporter

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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. Lynch, 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

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. Lynch, 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

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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. Linch, 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

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

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

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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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Reporter

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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

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. Lynch, 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

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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Reporter

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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. Linch, 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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Reporter

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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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Court Reporter

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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. Linch, 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. Lynch,

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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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Reporter

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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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Reporter

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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

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?

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

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. Lynch, 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

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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?

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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Reporter

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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?

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

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.

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

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

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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

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

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

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?

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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2907

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. Lynch, 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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Court Reporter

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 --

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?

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. Linch, 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.

Sandra M. Halsey, CSR, Official Court Reporter

2914

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

Sandra M. Halsey, CSR, Official Court Reporter

2915

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.

Sandra M. Halsey, CSR, Official Court
Reporter

2916

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

Sandra M. Halsey, CSR, Official
Court Reporter

2917

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

2918

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.

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.

Sandra M. Halsey, CSR, Official Court Reporter

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. Lynch, 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

Reporter Sandra M. Halsey, CSR, Official Court

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.

Sandra M. Halsey, CSR, Official Court Reporter

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.

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

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.

 Sandra M. Halsey, CSR, Official Court
Reporter

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

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

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.

Sandra M. Halsey, CSR, Official Court Reporter

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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

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,

Sandra M. Halsey, CSR, Official Court Reporter

2930

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

Sandra M. Halsey, CSR, Official Court Reporter

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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. Lynch, 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.

Sandra M. Halsey, CSR,
Official Court Reporter

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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. Lynch, 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.

Sandra M. Halsey, CSR, Official Court Reporter

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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.

Sandra M. Halsey, CSR, Official Court Reporter

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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.

Sandra M. Halsey, CSR, Official Court Reporter

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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

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

Sandra M. Halsey, CSR, Official Court
Reporter

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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

Sandra M. Halsey, CSR, Official Court
Reporter

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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?

Sandra M. Halsey, CSR, Official Court Reporter

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
23 is
24 unique to itself, isn't it?

25 A. Sure.

26 Q. And it's got to be viewed that
27 way,

Sandra M. Halsey, CSR, Official Court Reporter

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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,

Sandra M. Halsey, CSR, Official Court Reporter

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.

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

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. Linch 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. Linch, 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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Halsey, CSR, Official
Court Reporter

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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

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?

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

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?

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

Sandra M. Halsey, CSR, Official Court Reporter

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

Sandra M. Halsey, CSR, Official Court Reporter

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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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Reporter

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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

 Sandra M. Halsey, CSR, Official Court
Reporter

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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. Lynch? 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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Reporter

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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.

Sandra M. Halsey, CSR, Official Court
Reporter

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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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Reporter

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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.

Sandra M. Halsey, CSR, Official Court Reporter

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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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Reporter

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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?

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?

Sandra M. Halsey, CSR, Official Court Reporter

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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?

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,

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?

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?

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.

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

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?

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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

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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

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

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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.

Sandra M. Halsey, CSR, Official Court Reporter

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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?

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.

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

did?

Q. What is the first thing you

20

start with

A. The first thing I did was

21 what I call knife Number 1, collecting debris

from it.

22

Q. Okay.

23

then to

A. And then to knife Number 3,

24 Number 4.

25

Q. Okay.

Sandra M. Halsey, CSR, Official Court
Reporter

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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,

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?

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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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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.

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?

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

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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

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

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1
the
2
the
3
were
4
record,
5
the
6
hearing

was returned to

courtroom, and

proceedings

resumed on the

in open court, in

presence and

of the defendant,
as follows:)

7
8
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.

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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.

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CSR, Official Court Reporter

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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.

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

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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. Lynch --

21

22

THE COURT: Can the end juror see

23 that? Okay. Okay. Yes.

24

25

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1 BY MR. RICHARD C. MOSTY:

2 Q. In 43-B, Mr. Lynch, 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

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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?

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

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,
19 from

20 these minute things that we have seen to much larger
21 applications?

22 A. That's correct.

23 Q. And then they send that to some
24 distributor and they put their brand on it?

25 A. They make the raw product,
fiberglass,
26 in varying diameters with varying adhesives on it.
Then

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?

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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

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1 commonly, aren't they?

2 A. That's right.

3 Q. Now, let's turn to rubbers a
4 little

5 bit. Actually rubber, natural rubber is under the
6 broad

7 definition of a plastic, isn't it?

8 A. Plastic, polymers, are used
9 interchangeably.

10 Q. Plastic just meaning some
11 material

12 that you can form into a desired shape?

13 A. Right.

14 Q. And, then, and plastics include
15 all

16 sorts of things like natural rubber, or not thought
17 of

18 necessarily as a plastic so much, but it is a
19 plastic

20 type material, natural rubber?

21 A. Are you talking about something
22 straight from the rubber tree, natural rubber when
23 you

24 say that?

25 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.

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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.

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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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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?

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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?

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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

Sandra M. Halsey, CSR, Official Court Reporter

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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Court Reporter

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?

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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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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

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Reporter

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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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Reporter

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

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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?

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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Reporter

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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

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

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

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

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. Lynch, 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?

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
22 pokes

23 through an extended T-shirt. And in 16 years I have
24 not

25 seen a killer perform in that fashion.

Q. Well, in your 16 years, have you
26 ever

27 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. Linch, 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
22 to 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 RE-CROSS 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

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

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

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

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

1 right to the point.

2 MR. GREG DAVIS: Yes, sir.

3

4

5

6 Whereupon,

7

8 JUDITH FLOYD,

9

10 Was called as a witness, having been first duly
sworn by

11 the Court to speak the truth, the whole truth, and

12 nothing but the truth,

testified in open court, as

13 follows:

14

15 DIRECT

EXAMINATION

16

17 BY MR. GREG DAVIS:

18 Q. Ms.

Floyd, your name is Judy Floyd;

is

19 that right?

20 A. Judith,

that's correct.

21 Q. All
right. And you work for Gene

22 Screen; is that right?

23 A. That's
correct.

24 Q. Did you
receive certain blood samples
25 from SWIFS personnel
regarding a T-shirt shown here
in

Sandra M. Halsey,
CSR, Official Court Reporter

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1 State's Exhibits 120 and
121?

2 A. Yes, I
did.

3 Q. Okay. Did you receive those from
4 Charles Linch?

5 A. I received some from Charles Linch
and
6 some cuttings from Caroline Van Winkle.

7 Q. Okay. And prior to your
testifying

8 today, did I have you go through the dots here and
the

9 blood samples shown on the front and back of this
10 T-shirt? And did you initial the dots or the
samples

11 that you yourself tested at Gene Screen?

12 A. Yes, I did.

13 Q. Okay. And did you also verify
the

14 results shown on the board, the coloring, to make
sure

15 that they matched with your results? For instance,
what

16 we show as a green dot, that being the blood of

Darlie

17 Routier, for instance, shown in D-6. Did you go
back

18 through your reports to verify that that in fact is
the

19 result that you gathered through your DNA analysis?

20 A. Yes, sir.

21 Q. All right. Now, the D samples
then

22 you tested, you have also tested samples that are
listed

23 with L's; is that right?

24 A. That's correct.

25 Q. All right. You have also tested

Sandra M. Halsey, CSR, Official Court Reporter

1 samples, the T samples, beginning with T up, right?

2 A. That's right.

3 Q. And you also tested the LS
samples.

4 Is that also correct?

5 A. I believe that's correct.

6 Q. Well, let me just ask you. Do you
7 have, right now, do you have a method by which you
could

8 refer to these samples and then give your numbers or
some

9 sort of method so that the other side can track what
10 we're talking about here? So, that as we talk about
11 these they can refer to a report that you have
issued or

12 findings that you have gathered, so that when I talk
13 about L-2, for instance, that you can look at that
one

14 and then you can look at your number. Do you have
that?

15 A. Yes, sir.

16 Q. Okay. If we could, let's just
start

17 kind of, I guess, backwards. But let's talk about
the D

18 samples, D-1 through 14.

19 A. D-1 through D-14?

20 Q. Right. And those -- will they
be

21 shown on your report of January the 8th, 1997?

22 A. January the 7th of 1997.

23 Q. Okay. Right. And will they be
shown

24 on page 2, down there at the bottom, where it says
25 T-shirt, cuttings, D-1 through D-14?

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1 A. They are shown also on page 1 at
the
2 bottom.

3 Q. Right. Those are the cutting --
4 T-shirt cuttings hand delivered to Judith
Floyd by
5 Charles Linch on December 20, 1996; is that
right?

6 A. That's correct.

7 Q. And those numbers would
then be 1879
8 through 9010; is that right?

9 A. That's correct. 9010
includes all 14
10 of the cuttings.

11 Q. All of those results are
similar,
12 correct? They are all Darlie Routier?

13 A. That's correct.

14 Q. All right. Let's go back,
if we can
15 then, and we have handled the D's. Let's
just go to the
16 T samples, T-8 through T-15. I believe those
will be the

17 first samples that you obtained, right?

18 A. Actually, I have the L
samples before

19 the T samples.

20 Q. All right.

21 A. That would be L-2, L-3, L-
4, L-6, and

22 L-10.

23 Q. Okay. And those
corresponding numbers

24 would be 4942, right?

25 A. That's correct.

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Reporter

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1 Q. That will be on your
report of

2 December 2, 1996; is that right?

3 A. That's right.

4 Q. It will be on the front page; is
that

5 right, also?

6 A. Yes.

7 Q. Where it says, T-shirt stain,
blood

8 stain. D1S80 type of 2425, possible contributor to

9 Darlie Routier, correct?

10 A. Correct.

11 Q. In general, those will be the
stains

12 that we see on the right, upper right portion of
the

13 T-shirt, right?

14 A. That's right.

15 Q. Okay. So, we've done the D's
and we

16 have done the L's. Next on the same report of
December

17 2nd, 1996, do we have the T's, we have T-8, 9, 10,
11,

18 12, 13, 14 and 15; is that right?

19 A. That's correct.

20 Q. Those are shown here on the
diagram.

21 Will they also have the corresponding number of
4972?

22 A. Yes.

23 Q. Now, the numbers that follow
that

24 4972, T-8R, T-9R, T-10R, T-11R, and T-10R. What do
those

25 numbers represent? Are those repeats of the T-8, 9,
10

1 and 11; is that right?

2 A. That's correct.

3 Q. The R is just simply your
designation

4 for the fact that you repeated that test at Gene
Screen;

5 is that right?

6 A. Right, yes, sir.

7 Q. Okay. All right. The stains
that are

8 marked up here as LS's, will we see that on your
report

9 of January 7, 1997?

10 A. I believe that's correct, but let
me

11 cross-reference to the chain of custody.

12 Q. Okay.

13 A. Yes, that's correct.

14 Q. Okay. So, for instance, L-1,
will

15 that be your sample 505 -- 6 or 57.

16 A. 5057.

17 Q. Okay. And then LS-2 then will be
18 5058; is that right?

19 A. That's correct.

20 Q. Then LS-3 will be 5059, right?

21 A. That's right.

22 Q. 5060 would have been LS-4, but

you

23 didn't report out a result on that one, right?

24 A. That's right.

25 Q. Now, those LS's, 5057, 5058 and
5059,

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1 how did you obtain those? Were they also from
Charlie

2 Linch?

3 A. Also from Charlie Linch.

4 Q. Did he hand deliver those to you
also?

5 A. Yes, he did.

6 Q. Okay. As I understood it, D-1
through

7 D-14 were hand delivered by Charlie Linch also; is
that

8 right?

9 A. That's correct.

10 Q. How about the L samples, 4942, L-
2

11 through L-10. How did you obtain those?

12 A. 4942 samples were also hand
delivered

13 by Charles Linch.

14 Q. The 4972 T-8 through T-15. How
did

15 you obtain those samples?

16 A. 4972 samples were hand delivered
by

17 Carolyn Van Winkle.

18 Q. All right. And, Carolyn Van
Winkle is
19 here in Kerrville, correct?
20 A. That's correct.
21 Q. Has she been down here to the
22 courtroom with you most of the day?
23 A. Yes, she has.
24 Q. All right. Have we -- there is
one
25 other stain up here that we have identified as a TB-
3I.

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1 A. That particular specimen is our
number

2 5056.

3 Q. Okay. I see. That is going to
be on

4 the January 7, '97 report, right?

5 A. That's correct.

6 Q. This is -- this is TB-3I. Okay.
That

7 is the one shown on January 7th of 1997, with the
8 contributor being Darlie Routier, correct?

9 A. Correct.

10 Q. Okay. How did you obtain that
sample?

11 Was that also hand delivered by Charles Linch?

12 A. Yes. That's correct.

13 Q. Have we now covered all of the
samples

14 that you obtained, that you tested on this shirt
where

15 you got a result?

16 A. Yes, we have.

17

18 MR. GREG DAVIS: Okay. Those
will be

19 the questions regarding the T-shirt, that we're
going to

20 go over in general tomorrow in front of the jury.

21 THE COURT: Okay. Do you have
the

22 numbering system straightened out?

23 MR. GREG DAVIS: Yes, sir.

24 THE COURT: All right.

25

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1

CROSS EXAMINATION

2

3 BY MR. RICHARD C. MOSTY:

4

Q. There are only two reports,

December

5

2nd and January 7th?

6

A. That's correct.

7

Q. And all of those are reflected on

--

8

9

MR. RICHARD C. MOSTY: What is

that

10 number, Greg? Or all of the ones you are going to

11 testify about.

12

MR. GREG DAVIS: They are going

to be

13 on State's Exhibit 120 and 121. She has already

14 initialed those samples.

15

MR. RICHARD C. MOSTY: I think if

we

16 need to clarify anything else, we can look at that

and

17 get it done.

18

MR. GREG DAVIS: Okay.

19

THE COURT: All right. Any

further

20 questions for this witness for the purpose of this
21 hearing?

22 MR. RICHARD C. MOSTY: We don't
have

23 any questions.

24 MR. GREG DAVIS: No, sir.

25 THE COURT: All right. Then for
the

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1 purpose of this hearing, the chain of custody is
deemed

2 satisfactory; is that correct?

3 MR. JOHN HAGLER: No, your
Honor.

4 THE COURT: Oh, it is not? Well,
5 let's have the objections.

6 MR. GREG DAVIS: Could this
witness go

7 ahead and step down?

8 THE COURT: This witness may step
9 down, yes. Thank you very much. You may step
down,

10 ma'am. All right.

11 Watch yourself up there. Go
back in

12 the witness room. Thank you.

13 All right, Mr. Hagler.

14 MR. JOHN HAGLER: Your Honor, as
far

15 as the offer of these various Exhibits, as the
Court

16 knows, the T-shirt itself, State's Exhibit No. 25,
was

17 earlier offered and admitted into evidence, over

our

18 objection, by the way, as to the chain of custody.

19 And, there has been a -- as the

Court

20 will recall, that witness (sic) was offered through

the

21 witness of a paramedic named Byford?

22 THE COURT: Yes, sir.

23 MR. JOHN HAGLER: Now, the

testimony

24 will show, that after Byford had this shirt, another

25 paramedic or medical person by the name of Zimmerman
had

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1 it.

2 He has not been called as a
witness by

3 the State. And furthermore, there apparently -- we
pick

4 up again, as far as the shirt and the various
exhibits

5 through Kathryn Long, who is the serologist.

6 But as far as what has happened to
7 this shirt, where it's been, the condition it has
been

8 in, and what have you, there is no testimony as to
that.

9 I might also point out to the
Court,

10 that there has already been testimony presented
during

11 this trial, that the shirt is in this bag, in this
paper

12 bag and there is blood in the bottom of the bag.

13 Now, at this point in time, it
picks

14 up with the testimony of Kathryn Long. And now we

15 discover also that there is apparently another
witness by

16 the name of Carolyn Van Winkle, who although may be
17 present and may have been present during portions of
the
18 trial, has not testified at the present time in this
19 trial or before the Court.

20 Now, the State at this time is
making
21 the offer, and just to make it easy, we're going to
22 object to the offer of any and all exhibits obtained
from
23 State's Exhibit No. 25; including but not limited to
the
24 D-1 through 14 which is the Linch exhibits; the L-2,
I
25 think it's L-2 through 10, or perhaps it's 2, 3, 6
and

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14 of a sudden, they have not called apparently, for
reasons
15 unknown to us, they do not want to call Zimmerman,
or any
16 of these other links in the chain, to establish
the
17 condition of the shirt, how it was packaged, how
it was
18 transported, how it was folded, and what have you.
19 The reason why this is going to
be
20 significant, and I'm sure the Court realizes this,
is
21 that the position of these blood stains on the
shirt are
22 going to -- that the position will be important,
and that
23 the State's going to argue to this Court and to
this jury
24 that as being important evidence.
25 The fact of the matter is, and
again,

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Reporter

1 there has already been a lot of testimony
presented that

2 we have no idea of knowing how these blood stains
got

3 where they were.

4 And, again, there is voluminous
5 evidence showing that there has been -- that the
shirt

6 was in the bag. We don't know the conditions or
how the

7 stains got to where they were.

8 Now, the Court knows, of
course, that

9 normally a chain of custody is going to go to the
weight

10 rather than the admissibility. However, if there
has

11 been any showing of any type of tampering or any
12 indication that there could be co-mingling or
13 contamination of the exhibits, then we enter a
different

14 area.

15 In this case there has been --
there

16 are missing links in the chain. And furthermore,

we have

17 gone -- furthermore, the evidence itself shows
that there

18 has been contamination of the exhibit.

19 Now, as a result, the State has
failed

20 to carry its burden of showing that the exhibits
that

21 they now intend to offer through this witness are

22 uncontaminated. And that they are in the same
condition

23 as they were at the time the shirt was originally
taken,

24 which they have failed to do.

25 And we would vigorously urge
the

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Reporter

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1 Court, that they simply failed to carry their
burden

2 under Rule 901-A.

3 THE COURT: All right. Thank
you.

4 Objection overruled. And, you will not have to
object

5 before the jury, you can have a running objection -
- is

6 that what you want, a running objection?

7 MR. JOHN HAGLER: Yes, your
Honor.

8 THE COURT: All right. Thank
you.

9 You may have it. Anything else?

10 MR. JOHN HAGLER: Well, in
addition,

11 this evidence is apparently going to come in,
obviously

12 with the Court's ruling, and this is going to affect
the

13 testimony of their latter expert witnesses. So, and
we

14 can reach this at a later point, if you would like,
but

15 again, it's going to affect their ability to testify

as

16 to their opinions as to how blood got there, et
cetera

17 and various expert opinions and conclusions.

18 Well, so anyway, we will reurge
that,

19 but as far as admissibility of the exhibits, we would
ask

20 for a running objection.

21 THE COURT: You can have a running
22 objection. Okay.

23 MR. RICHARD C. MOSTY: There is
one

24 other thing we need to take up.

25 THE COURT: Okay

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1 MR. RICHARD C. MOSTY: I
understand

2 Mr. Bevel was in during the lunch hour taking
3 photographs, and we wondered when we could have the
4 opportunity to look at those.

5 THE COURT: Well --

6 MR. GREG DAVIS: What he did was
he

7 took photographs of these boards here of State's
Exhibits

8 120, 121 and also 122.

9 My understanding is, that is all
he

10 took photographs of. So he could, instead of taking
the

11 boards back to hotel this evening.

12 MR. RICHARD C. MOSTY: It is not
13 something you were going to offer into evidence.

14 MR. GREG DAVIS: No. It was just
for

15 his purpose. But if, for some reason, I think I'm
going

16 to offer them for any reason, I will certainly will
let

17 you know before I mention that before the jury.

18 THE COURT: Okay. Anything else?

19 MR. JOHN HAGLER: The only thing

20 again, we are going to object to Bevel's testimony.

We

21 are going to need a hearing on that.

22 THE COURT: Okay.

23 MR. JOHN HAGLER: At the

appropriate

24 time.

25 THE COURT: Okay. Let's cross all

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1 these bridges when we come to them. If we can
telescope

2 these hearings, I think that would be worthwhile.

3 MR. DOUGLAS MULDER: Let's find
out if

4 we're still on track to finish Wednesday.

5 THE COURT: Well, so far as I
know.

6 Mr. Davis?

7 MR. GREG DAVIS: Yes.

8 THE COURT: We're right on track.

9 MR. GREG DAVIS: I think we are.
I

10 think it's still possible.

11 THE COURT: Well, then, we will
get it

12 on then.

13 MR. GREG DAVIS: That is what
we're

14 shooting for.

15 THE COURT: All right.

16 Ladies and gentlemen, in the
spectator

17 audience, if you can clear the courtroom, briefly,
18 please. Thank you.

19

20

21

(Whereupon, the jury was

22

Previously excused for the

23

day, and the parties

24

were excused for the day

25

to return on the

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next day, January 21, 1997,
at 1:15 p.m.)

(These proceedings are continued

the next volume in this cause.)

Sandra M. Halsey, CSR, Official Court Reporter

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CERTIFICATION PAGE

THE STATE OF TEXAS)
THE COUNTY OF DALLAS)

I, Sandra M. Halsey, was the Official Court
Reporter of Criminal District Court Number 3, of

Dallas

County, Texas, do hereby certify that I reported in
Stenograph notes the foregoing proceedings, and that

they

have been edited by me, or under my direction and the
foregoing transcript contains a full, true, complete

and

accurate transcript of the proceedings held in this
matter, to the best of my knowledge.

I further certify that this transcript of the
proceedings truly and correctly reflects the

exhibits, if

any, offered by the respective parties.

SUBSCRIBED AND SWORN TO, this _____ day of
_____, 1997.

Sandra M. Day Halsey, CSR
Official Court Reporter
363RD Judicial District

Court

Dallas County, Texas

22

Phone, (214) 653-

5893

23

24 Cert. No. 308

25 Exp 12-31-98

Sandra

M. Halsey, CSR,

Official Court

Reporter

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1 STATE OF
TEXAS)
2 COUNTY OF
DALLAS)

3

4

JUDGES CERTIFICATE

5

6

7

8 The above and foregoing transcript, as
certified

9 by the Official Court Reporter, having been
presented to

10 me, has been examined and is approved as a true and
11 correct transcript of the proceedings had in the
12 foregoing styled cause, and aforementioned cause
number

13 of this case.

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MARK TOLLE, JUDGE

20

Criminal District Court Number 3

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Dallas County, Texas

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Sandra M. Halsey, CSR, Official Court Reporter

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