

1 THE CLERK: Raise your right hand
2 please.

3
4 (Witness sworn by the clerk.)

5
6 THE COURT: Do you need this part of
7 it?

8 MR. DOUCETTE: Sorry. I can't see it
9 that well.

10 THE COURT: This is part of it.

11 MR. DOUCETTE: No, sir, I do not.

12 THE COURT: All right.

13 THE BAILIFF: Come this way, ma'am,
14 please, right over this way.

15
16 NICOLE HAROLD, was called as a witness,
17 and after having been first duly sworn, was examined
18 and testified on her oath as follows:

19
20 DIRECT EXAMINATION

21 BY MR. DOUCETTE:

22 Q. Could you tell us, the ladies and
23 gentlemen of the jury, your name, please?

24 A. Nicole Harold.

25 Q. Ms. Harold, how are you employed?

1 A. I am a employed as a forensic
2 scientist with the Virginia Division of Forensic
3 Science. It's part of the state crime laboratory
4 system.

5 Q. And you work in a particular location?

6 A. Yes. I work in the Roanoke
7 laboratory.

8 Q. How long have you been there?

9 A. For about five and a half years.

10 Q. Do you have a specialty?

11 A. Yes. I'm a forensic scientist in the
12 forensic biology section.

13 Q. What is your background -- or before
14 we get to the background, you say you're a forensic
15 scientist, biology.

16 What do you do? You go to work. What
17 do you do each day?

18 A. I examine physical evidence for the
19 presence of body fluids, such as blood and seminal
20 fluid, and I also conduct forensic DNA analysis.

21 Q. How long have you been doing that,
22 overall?

23 A. Overall, for about seven years.

24 Q. You have to go to school before you
25 even begin; is that right?

1 A. Yes.

2 Q. Where did you go to school?

3 A. I have bachelors' of science in
4 forensic science from the University of Alabama at
5 Birmingham, and a bachelor of science in biology
6 from the College of William and Mary, Williamsburg,
7 Virginia.

8 Q. Do you have any other work experience
9 outside of working for the Division of Forensic
10 Science in Roanoke?

11 A. Yes. Prior to coming to the Virginia
12 Division of Forensic Science, I was employed as a
13 forensic analyst with the New York City office of
14 the chief medical examiner, forensic biology
15 laboratory.

16 Q. After college and then as a part of
17 your experience and duties as a forensic scientist,
18 have you had any specialized training in your field?

19 A. Yes. I have completed training
20 programs with both the New York City medical
21 examiners' office and the Virginia Division of
22 Forensic Science in body fluid identification and
23 forensic DNA analysis. In addition, I've attended
24 numerous conferences on forensic DNA analysis as
25 well as statistics.

1 Q. And as far as the statistics are
2 concerned, is the statistics part of the DNA --
3 overall DNA analysis process?

4 A. Yes.

5 Q. As a result of your duties and your
6 training, do you belong to any professional
7 organizations related to your career field.

8 A. Yes. I'm a member of the
9 criminalistics section of the Amercian Academy of
10 Forensic Science, as well as a member of the
11 Mid-Atlantic Association of Forensic Science.

12 Q. Have you ever testified in any courts
13 throughout the Commonwealth of Virginia as an expert
14 in -- expert as a forensic scientist?

15 A. Yes, I have.

16 Q. Specifically as far as being a
17 biologist and your work with DNA?

18 A. Yes.

19 Q. About how many times have you
20 testified as an expert?

21 A. About twenty times.

22
23 MR. DOUCETTE: Your Honor, we would
24 offer Ms. Harold as an expert in forensic
25 biology, specifically DNA.

1 THE COURT: Any objection?

2 MR. DREWRY: No, Your Honor.

3 THE COURT: She'll be admitted as an
4 expert in her field.

5
6 BY MR. DOUCETTE: (Continuing)

7 Q. Ms. Harold, some of us watch CSI, we
8 hear the initials DNA.

9 But what is DNA? I mean, we -- we
10 know it's out there. What is it?

11 A. DNA stands for deoxyribonucleic acid.
12 It is the genetic material that is found inside the
13 cells of your body. It controls how you develop and
14 function. You inherit half your DNA from your
15 mother and the other half from your father, and this
16 inherent DNA will stay the same throughout your
17 lifetime.

18 Q. I take it those are some pretty basic
19 principles that are -- are involved in the DNA
20 analysis process --

21 A. Yes.

22 Q. -- the fact that you stay with the
23 same DNA the rest of your life --

24 A. Yes.

25 Q. -- beginning to end?

1 A. Yes.

2 Q. Do I have DNA?

3 A. Yes.

4 Q. Do I have DNA in my fingers?

5 A. Yes. There's -- you have DNA in all
6 of your body fluids and tissues.

7 Q. Is the DNA in my fingers any different
8 than the DNA in my hair?

9 A. No. A persons' DNA is the same in all
10 of the body fluid and tissues. This allows me to
11 compare a DNA profile obtained from a known blood
12 sample to DNA found in evidence samples.

13 Q. What sort of things is DNA found in?

14 A. It's found in blood, seminal fluid,
15 vaginal fluid, saliva, skin cells, perspiration.

16 Q. All those sort of things?

17 A. Yes.

18 Q. Does my DNA differ, say, from
19 Mr. Petty's DNA?

20 A. Yes. With the exception of a --
21 identical twins, all individuals have unique DNA.

22 Q. Now, the ladies and gentlemen of the
23 jury may not have heard these initials before, but I
24 think we probably need to discuss that.

25 PS -- PCR, excuse me, what is PCR?

1 A. PCR stands for polymerase chain
2 reaction. This is the method that I use to conduct
3 DNA analysis. PCR makes millions of identical
4 copies of specific regions of DNA, and these
5 millions of copies allow me to determine a DNA
6 profile, for example.

7 Q. And this PCR process, is this used in
8 other fields of science, as well?

9 A. Yes. PCR is used in many different
10 fields such as disease diagnosis and medical
11 research.

12 Q. There's one other term we need to
13 discuss real briefly, Power Flex.

14 What is Power Flex?

15 A. Power Flex is the name of the
16 commercially-available kit that I use to conduct the
17 DNA testing. Like I said, it's commercially
18 available, and it targets sixteen different regions
19 of the DNA.

20 Q. Now, none of us need to go through a
21 bachelor's or master's program today, but we do need
22 to have some idea as to how it is you do the testing
23 that you do.

24 Can you give us a thumbnail scenario
25 of what you do when you're looking for a -- any sort

1 of DNA on exhibits?

2 A. The whole process we go through?

3 Q. Well, no. Without -- so that they
4 will -- so that all of us lay people can understand
5 it.

6 A. Okay.

7 Q. Yes, ma'am.

8 A. The first thing I do is I act -- I
9 examine the piece of evidence and I collect a
10 sample, whether it's a blood stain or if it's skin
11 cells that I'm recovering from an item. I will then
12 take that sample and extract the DNA from it. I --

13 Q. How do you extract DNA from it?

14 A. Using a series of chemicals as well as
15 heat, I'm able to break open the cells and release
16 the DNA.

17 Q. Okay. Once you've got that extracted,
18 then what do you do?

19 A. I then quantitate the samples to
20 determine how much DNA that I have in each one of
21 them. And after I determine how much DNA is present
22 in a sample, I will then contact the PCR, or
23 preliminary chain reaction.

24 Q. That's where you multiply it or --

25 A. Right. It basically makes millions of

1 copies of specific regions of the DNA, sort of like
2 Xeroxing the regions of the DNA.

3 Q. Once you do that PCR, what do you do
4 then?

5 A. After I end up these multiple copies
6 of these specific regions, I then run what is called
7 an electrophoretic gel, which is just -- is sort of
8 like gellish side between two glass plates, and I
9 load my samples into the top of those, into the top
10 of that gel, and apply an electrical current. And
11 DNA is negatively charged, so it will migrate toward
12 the positive side and will separate based on its
13 size. So I'm able to determine the size of each
14 individual DNA band.

15 Q. Once you've got those separated like
16 that, then what do you do?

17 A. I then go through a computer program
18 that assists me in analyzing what DNA types are
19 present for each sample. And at the end of this, I
20 have a DNA profile for that sample.

21 Q. You say DNA types.

22 What do you mean by that?

23 A. Like I said before, I'm testing
24 sixteen different regions of the DNA. And each one
25 of these regions you have two types, one type from

1 your mother one type from your father. And these
2 are represented by numerical values. So each region
3 of the DNA, you have two numbers.

4 Q. Okay. You -- you look at, you go
5 through the program. Do you stop there? When I say
6 program, the computer program. You stop the
7 computer program?

8 A. Well, when I'm finished with computer
9 analysis, I will have a complete DNA profile for the
10 samples.

11 Q. Well, do you stop there? Do you stop
12 with just the DNA profiling?

13 A. Oh, well, I then would compare these
14 DNA profiles from evidence to DNA profiles obtained
15 from the case.

16 Q. You mentioned something before about
17 statistics, that you had had training in statistics.

18 Where is -- where do the statistics
19 come in as far as this analysis is concerned?

20 A. After the comparison of DNA profiles
21 from evidence to the DNA profiles from known
22 standards, if I determine that a profile is
23 consistent with a known standard, I will then
24 calculate statistics on that evidence profile to
25 determine how rare or how common it is in the

1 general population.

2 Q. And I take it at that point you're
3 pretty much done?

4 A. Well, I then have to write up my
5 report, but, yes, that's the end of the analysis.

6 Q. Okay. I want to direct your attention
7 to a number of exhibits. I'm going to hand these to
8 you all at one time.

9 I want to show you what's previously
10 been introduced into evidence as Commonwealth 139.
11 There is also some related items to that. I want to
12 show you previously been introduced into evidence as
13 Commonwealth Exhibit 200. And I want to show you
14 what's previously been introduced into evidence as
15 Commonwealth's Exhibit Number 201.

16 Take a look at that and see if you
17 recognize having seen those items before.

18 A. (Witness perusing documents.)

19 Yes. I recognize each one these as
20 the items that I looked at.

21 Q. Okay. Now, I want to show you what
22 has previously been introduced as Commonwealth
23 Exhibit 400 --

24
25 MR. PETTY: Your Honor, it's on the

1 witness stand, I believe.

2 MR. DOUCETTE: Oh, okay.

3

4 BY MR. DOUCETTE: (Continuing)

5 Q. -- and ask you if you recognize
6 Commonwealth's Exhibit Number 400?

7 A. Yes.

8 Q. And you -- you've done something there
9 to help you identify it.

10 A. Yes. I attached a tag, which has the
11 R -- or forensic laboratory number on it as well as
12 my initials.

13 Q. Okay. I want to show you what's been
14 previously introduced as Commonwealth's Exhibit
15 Number 403 and ask you if you are able to recognize
16 that?

17 A. Yes.

18 Q. Okay.

19 A. I -- again, it has my initials on it
20 as well as the laboratory number.

21 Q. Okay. And let me just put this back
22 here for right now.

23 I want to show you what's previously
24 been introduced as Commonwealth's Exhibit Number 33,
25 34 and 5401 and ask you to take a look at those.

1 A. (Witness complies.)

2 Yes. These are the items that I had
3 examined, and all have my initials on them.

4 Q. All right. Let's start first of all
5 with the last three I showed you, 34 -- excuse me --
6 33, 34 and 5401.

7 What are those items?

8 A. These are the known standards from
9 David Hardy, Kevin Brown and Leon Winston.

10 Q. Okay. Which one is Leon Winston,
11 number-wise?

12 A. Number 33.

13 Q. Okay. Which one is Kevin Brown's?

14 A. 34.

15 Q. Okay. And which one is David Hardy's?

16 A. 5401.

17 Q. When you say these are the known
18 standards, what do you mean by that?

19 A. These are the samples that were
20 collected and submitted as buccal swabs from
21 Kevin Brown, Leon Winston and David Hardy. Buccal
22 swabs are just cotton swabs that are rubbed inside
23 the cheek of an individual. We use these to
24 determine the known DNA profile from a person.

25 Q. I'm going to step back here so we're

1 sure that everybody hears us.

2 I want to direct your attention, first
3 of all, to Number 139. And that should be in front
4 of you there. Yes.

5 A. Yes.

6 Q. What is 139?

7 A. 139 I describe as a stocking cap.

8 Q. Now, what did you do as far as 139 is
9 concerned to determine whether or not it contained
10 any DNA? And then what did you do if that -- you,
11 in fact, found any DNA on number 139?

12 A. Item 139 I examined with which -- with
13 what we call an alternant light source. This is
14 a -- it is basically a light shining at a specific
15 wavelength that will -- when it hits the suspected
16 body fluid will produce a glow. So I was able to
17 identify one area that was glowing, and I swabbed
18 that area with a cotton-tipped swab, and then I took
19 that swab and cut it for DNA.

20 Q. You went through PCR process --

21 A. Yes.

22 Q. -- computer program?

23 A. Uh-huh.

24 Q. All right. And you were able to
25 develop what you call a DNA profile; is that

1 correct?

2 A. That's correct.

3 Q. And once you have a DNA profile, did
4 you -- what did you do as far as trying to match
5 that up to any of the known samples that were
6 provided to you?

7 A. I then compared it to all of the
8 known sam -- the known samples that were provided to
9 me.

10 Q. Okay. And what did you come up with?

11 A. The DNA profile from the stocking cap
12 was consistent with the DNA profile of
13 David Ralph Hardy and different from the DNA profile
14 of Leon Winston and Kevin Brown.

15 Q. There were some other known standards
16 that were also submitted to you, as well?

17 A. Yes. The DNA profile from the samples
18 was also different from the DNA profile of
19 Rhonda Robinson and Anthony Robinson.

20 Q. I noticed you said it's consistent
21 with David Hardy's, but you didn't say it was
22 David Hardy's.

23 A. That's correct.

24 Q. What do you mean by that?

25 A. Simply that I can compare his DNA

1 profile from this evidence to the DNA profile of
2 Hardy and at the sixteen regions of the DNA that I
3 test, they are identical.

4 Q. Now, is this where the statistics come
5 in?

6 A. Yes.

7 Q. Tell us about how the statistics come
8 in as far as Item Number 139 is concerned.

9 A. Okay. The probability of randomly
10 selecting an unrelated individual with the DNA
11 profile I obtained from item 139 is one in greater
12 than six billion, which is approximately the world
13 population in the Caucasian, black and Hispanic
14 population.

15 Q. It's greater than six billion; is that
16 right?

17 A. That's correct.

18 Q. One in six billion.

19 Would you stop there?

20 A. Yes.

21 Q. Why?

22 A. The population of the world is six
23 billion. So numbers greater than that, when you get
24 into the septillion, the octillion, sort of lose
25 their distinction.

1 Q. So if it's consistent with
2 David Hardy's to that degree, at least one in
3 greater than six billion?

4 A. Yeah. I would say --

5 Q. And I -- I know I'm not being exact in
6 my terminology. Please correct me.

7 A. Go ahead.

8 Q. Oh, I was going to say it's -- the
9 chance of a random match, someone unrelated, is
10 greater than one in six billion?

11 A. Right. I would expect to see this DNA
12 profile from this piece of evidence one time in
13 greater than the population of world.

14 Q. Let's talk about Item Number 200.
15 Do you have that in front of you?

16 A. Yes.

17 Q. Okay. What is Item Number 200?

18 A. Item Number 200 is two gloves.

19 Q. Do they appear to be a pair of gloves?

20 A. No. They were different. One was --
21 they're slightly different in color, and also I
22 think -- and they are also slightly different in
23 size.

24 Q. Does one appear to be a left-handed
25 glove and one appear to be right-handed?

1 A. Yes. One is right-handed, and one is
2 left.

3 Q. All right. Let's talk about the left
4 handed glove first.

5 What did you do as far as examining
6 the left-handed glove, Item 200, to see whether or
7 not there was any DNA; and if so, what did you do
8 with that?

9 A. For the left glove, I just took two
10 cotton swabs and I swabbed around on inside of the
11 glove to collect any skin cells that may have been
12 present.

13 Q. And did you come up with anything at
14 that point?

15 A. Yes. I was able to determine a DNA
16 profile from that sample, as well.

17 Q. So I take it when you took that sample
18 and you went through the PCR process, everything you
19 described before; is that right --

20 A. Yes.

21 Q. -- computer program, all that sort of
22 stuff and you got a DNA profile.

23 A. Yes.

24 Q. And, again, now we deal with the
25 statistics; is that right?

1 A. Well, first I compared it to the
2 people that I had the standards from.

3 Q. Okay. Let's do that first.

4 A. The DNA profile obtained from the
5 sample from the left glove is consistent with a
6 mixture, which means there's DNA from more than one
7 person present. Leon Jermain Winston,
8 Kevin Eugene Brown and David Ralph Hardy cannot be
9 eliminated as possible co-contributors of this
10 genetic material. And Rhonda Robinson and Anthony
11 Robinson are each eliminated as a possible
12 contributor to this genetic material.

13 Q. Okay. Now, at this point this is
14 where the statistics come in?

15 A. Yes.

16 Q. And tell us about that. What were the
17 results there?

18 A. The DNA profile I obtained from the
19 sample from the glove is one point eight billion
20 times more likely if it originated from Leon Winston
21 to Kevin Brown and David Hardy than if it originated
22 from three unknown individuals in a Caucasian
23 population. It's one point one billion times more
24 likely it originated from these three individuals
25 than if it originated from three unknown individuals

1 than the black population, two point nine billion
2 times more likely to have originated from these same
3 three individuals than if it originated from three
4 unknown individuals in the Hispanic population.

5 Q. So the lowest number of those three
6 was one point one billion?

7 A. One point one billion, yes, that's
8 correct.

9 Q. That number obviously isn't as high as
10 the six billion -- greater than six billion in
11 the -- in Item Number 139.

12 Is there any reason for that?

13 A. The DNA profile that came from the
14 glove, it was -- there were very low levels of the
15 DNA present on the gloves, so the sample was not
16 that high of a quality sample so in order to
17 calculate statistics, I have to have the -- to do a
18 complete DNA profile of these three individuals at
19 each region that I was testing, and I only had their
20 complete profile at five of the sixteen regions.

21 They're eliminated in -- they're
22 included in all of the other regions, but because of
23 the quality of the sample, sometimes their DNA type
24 would be too weak for me to call as a -- as a DNA
25 type in that sample. So that's why the statistics

1 are somewhat lower.

2 Q. But still, again, lowest one is one
3 point one billion?

4 A. Yes.

5 Q. Let's talk about the right glove.
6 Did you find any DNA on the right
7 glove?

8 A. I examined the right glove in the
9 same manner as I examined the left glove; and,
10 again, I obtained a DNA profile from this sample, as
11 well.

12 Q. Okay. And once again going through
13 the whole process of PCR --

14 A. Yes.

15 Q. -- come to DNA profile?

16 A. Yes.

17 Q. And compared the DNA profile between
18 what you recovered off of the right glove to your
19 knowns?

20 A. That's correct.

21 Q. And what did you come up with there?

22 A. The DNA profile from the sample of the
23 right glove is also consistent with the mixture.
24 Leon Jermain Winston, Kevin Eugene Brown and
25 David Ralph Hardy could not be eliminated as

1 possible co-contributors to the genetic material,
2 with the exception of the D eighteen, S fifty-one
3 locus, which is a region of the DNA that I was
4 testing.

5 At this locus, it's -- the profile is
6 consistent with Leon Jermain Winston,
7 Kevin Eugene Brown and David Ralph Hardy and another
8 individual; however, due to limited information of
9 this region of the DNA, no conclusion can be
10 regard -- be made regarding this DNA type.

11 Q. Now, I've got your report in front of
12 me. It doesn't have any numbers, doesn't have any
13 stats?

14 A. Yes, that's correct.

15 Q. It doesn't it have the -- the
16 randomness, if you will.

17 Why is that?

18 A. Because the conclusions were basic --
19 were the same for the right glove and the left
20 glove, I calculated statistics for the sample from
21 the left glove because it was the more complete
22 profile.

23 Q. This was a -- not as complete as found
24 on the left glove; is that correct?

25 A. That's correct.

1 Q. You have Item Number 201 in front of
2 you.

3 A. Yes.

4 Q. Okay. And what's 201?

5 A. 201 is a bandanna.

6 Q. Once again, did you examine 201 to see
7 whether or not there was any DNA on that?

8 A. Yes. Again, I asked examined it with
9 the alternate light source to see if there were any
10 visible areas of staining; however, I did not
11 observe any.

12 But on item 201, there is -- it's a
13 bandanna, but it's tied in a knot. It's right here,
14 but you can't really see it. And what I did was I
15 assumed that the person who had tied that would
16 have, you know, tied that knot fairly strongly and
17 possibly left some the DNA from their hand on the
18 knot. So what I did was I took a cotton-tipped swab
19 and I swabbed that area of the knot.

20 Q. Did you come up with anything?

21 A. Yes. I was able to obtain a DNA
22 profile from the sample.

23 Q. Okay. And once again went through
24 whole process, the PCR process, the DNA profile,
25 compared to your knowns.

1 And what did you come up with?

2 A. The DNA profile from the sample from
3 the bandanna is also consistent with the mixture.
4 Leon Jermain Winston and another individual cannot
5 be eliminated as possible co-contributors to this
6 genetic material. Kevin Brown, Rhonda Robinson,
7 Anthony McKinley Robinson and David Hardy are each
8 eliminated as a possible contributor.

9 And the portion of the DNA profile
10 that was not consistent with Leon Winston was
11 unsuitable to search through the Virginia DNA data
12 bank.

13 Q. So as far as 201 is concerned, you've
14 got a mixture?

15 A. Yes.

16 Q. Leon Winston cannot be eliminated as a
17 contributor?

18 A. That's correct.

19 Q. And somebody else is a contributor?

20 A. Yes.

21 Q. We have -- were you provided a known
22 sample to compare that matched up with this
23 individual that is mixed in with Leon or this
24 other --

25 A. No. There was none of the known

1 standards that were provided to me were consistent
2 with unknown DNA types.

3 Q. Before I asked that last question,
4 though, you finished up with saying that it was
5 unsuitable for a Virginia DNA data bank search.

6 What do you mean by that?

7 A. In many situations when we have
8 unknown DNA profile, what we will do is we'll search
9 it through the Virginia DNA data bank to see if
10 it -- if this unknown profile will hit on the
11 individuals in the data bank.

12 However, this profile, the foreign
13 part or the part not consistent with Leon Winston,
14 there was not enough genetic material there. I did
15 not have enough DNA types for this sample for it to
16 be suitable for a data bank search.

17 Q. You have Item Number 400 in front of
18 you; is that right?

19 A. Yes. That's a pistol.

20 Q. Did you examine Item 400 to see
21 whether or not there was any DNA on that?

22 A. Yes. I examined and I tested several
23 orange staining on the gun, on the pistol, to
24 determine if they were blood; however, there was no
25 blood detected on it. I then swabbed, using

1 cotton-tipped swabs, the textured portion of the
2 grip, and I cut those down for use for DNA.

3 Q. You were able to find something on the
4 textured portion of the grip; is that right?

5 A. Yes.

6 Q. Skin cells?

7 A. That's what I would assume it would
8 be, from skin cells, but I couldn't -- I can't
9 identify that specifically.

10 Q. Okay. But you were able to get
11 something?

12 A. Yes. I was able to obtain a DNA
13 profile from the sample.

14 Q. Okay. Again, same thing, you went
15 through the PCR process, got the DNA profile and
16 compared it to your knowns?

17 A. Yes.

18 Q. What did you find out on Item Number
19 400, that pistol?

20 A. The DNA profile obtained from the
21 sample from the pistol is consistent with the DNA
22 profile of Leon Winston and different from the DNA
23 profile of Kevin Brown, Rhonda Robinson,
24 Anthony Robinson and David Ralph Hardy; therefore
25 Leon Winston cannot be eliminated as a possible

1 contributor of this genetic material.

2 Q. I noticed you didn't say anything
3 about a mixture on this one.

4 A. That's correct. There was not a
5 mixture on this sample.

6 Q. Just from one source?

7 A. Yes. It was a single-source sample.

8 Q. All right. Did you -- having looked
9 at that, did you come up with any statistics as far
10 as that one is concerned?

11 A. Yes. The probability of randomly
12 selecting an unrelated individual with a DNA profile
13 matching the DNA profile obtained from this sample
14 from the pistol is one in greater than six billion,
15 again, which is approximately the world population,
16 in the Caucasian, black and Hispanic populations.

17 Q. So once again, as before, with the 139
18 greater than -- greater than six billion.

19 A. Yes. Again, I would expect to see
20 this DNA profile one time in the great -- greater
21 population in the world.

22 Q. Item 403, the jacket that I've put
23 back over here on the table, did you have occasion
24 it take a look at that?

25 A. Yes.

1 Q. And were you able to find any DNA on
2 that?

3 A. Again, I examined it for blood;
4 however, I did not detect any blood on it. I then
5 examined it with the alternate light source to find
6 areas of possible body fluid staining. There
7 weren't any, really, areas of specific body fluid
8 staining. So what I did was, in order to determine
9 the possible -- determine -- obtain the DNA profile
10 of the person who had been wearing it, I took swabs
11 and I swabbed the neckline and the cuffs of the
12 sweatshirt, which I would assume would be the areas
13 that would be in the most contact with a person's
14 skin.

15 Q. Okay. Were you able to find anything
16 from there?

17 A. Yes. I was able to obtain a DNA
18 profile from the sample.

19 Q. Okay. For the last time, you go
20 through the whole PCR process, cut the DNA profile
21 and compared it to known samples; is that right?

22 A. Yes.

23 Q. And what did you come up with there?

24 A. The DNA profile at the Power Flex
25 sixteen loci, with the exception of the FGA locus,

1 obtained from this sample is consistent with the DNA
2 profile of Leon Winston and different from the DNA
3 profiles of Kevin Brown, Rhonda Robinson,
4 Anthony Robinson, David Ralph Hardy and
5 Warren Darrel Hairston; therefore, Leon Winston
6 cannot be eliminated as a possible contributor of
7 this genetic material.

8 Again, the DNA type of the FGA locus
9 was consistent with a mixture of Leon Winston and
10 another individual; but, again, because I only had
11 this one DNA type, it was unsuitable for a data bank
12 search, and I couldn't make any conclusions
13 regarding it.

14 Q. Okay. So -- and when you say it was
15 unsuitable -- sometimes we here the term cold hit.

16 Is that what you mean by a data bank
17 search?

18 A. Yes. I have -- if I have a complete
19 DNA profile and I search it through the data bank,
20 it is possible that it will hit on an individual in
21 the data bank, and that would be a cold hit.

22 Q. As far as when you're -- you come to
23 the -- you looked at this, it's consistent with
24 Leon Winston, did you then check with the statistics
25 to see what the statistical probability on this

1 particular DNA was?

2 A. Yes. The probability, again, of
3 randomly selecting an unrelated individual with the
4 DNA profile matching this DNA profile obtained from
5 the sample from the sweatshirt. Is one greater than
6 six billion in the Caucasian, black and Hispanic
7 populations.

8 Q. So as far as 139 is concerned, it's
9 consistent with David Hardy?

10 A. That's correct.

11 Q. As far as 200 is concerned, it's
12 consistent with Leon Winston, Kevin Brown and
13 David Hardy?

14 A. Yes.

15 Q. As far as --

16

17 MR. DREWRY: Judge, objection. It's
18 been asked and answered.

19 THE COURT: Overruled.

20

21 BY MR. DOUCETTE: (Continuing)

22 Q. As far as 201 is concerned, that's
23 consistent with -- I forget now. That's consistent
24 with Leon Winston and somebody else that we don't
25 know?

1 A. Yes.

2 Q. That's a mixture.

3 As far as item 400, the pistol, is
4 concerned, it is not a mixture, and that's
5 consistent with Leon Winston?

6 A. Yes, that's correct.

7 Q. And 403 is consistent with
8 Leon Winston, the jacket?

9 A. Yes. The major profile from that
10 sample is consistent with Leon Winston.

11 Q. The statistics that you talk about,
12 where does statistics come from?

13 A. The -- for each region of the DNA, for
14 each DNA type, a frequency is determined on how
15 common that is seen in the general population. I
16 then take these frequencies for all of the DNA types
17 that I have in a specific sample and I multiply them
18 together using formulas, and it determines the
19 overall frequency of that DNA profile.

20 Q. The statistics are based on actual
21 testing?

22 A. Yes.

23 Q. And as far as the formulas that you
24 discussed, are these formulas recognized in your
25 profession as being the way to do this?

1 A. Yes. These are the same formulas that
2 are used by all the labs in the country.
3

4 MR. DOUCETTE: Ms. Harold, thank you
5 very much. Those are all the questions I
6 have. Counsel for the defense may have
7 some.

8 THE COURT: Mr. Drewry.
9

10 CROSS-EXAMINATION

11 BY MR. DREWRY:

12 Q. Ms. Harold, is it safe to say that
13 every cell in our body that has a nucleus has DNA in
14 it?

15 A. Yes, that's correct.

16 Q. So you're looking for anything that
17 has a cell; correct?

18 A. Yes.
19

20 (Discussion was held off the record.)
21

22 MR. DREWRY: Judge, may I approach the
23 bench?

24 THE COURT: Yeah. You need something?

25 MR. DREWRY: I need -- yes, sir.

1 THE COURT: Tell me what. I might be
2 able to help you.
3

4 BY MR. DREWRY: (Continuing)

5 Q. Ms. Harold, Mr. Doucette has already
6 asked you about -- where's the green hat -- oh --
7 has already asked you about Item 139, the green
8 stocking hat; is that correct?

9 A. Yes.

10 Q. And that indicated that the only
11 person's DNA on that was David Hardy's; is that
12 correct?

13 A. (Witness perusing report.)

14 Yes. With the exception of one of the
15 regions of the DNA that I tested, it was consistent
16 with David Hardy and another individual.

17 Q. And, I believe, you also tested an
18 item known to you as one thirty-six, the New York
19 baseball cap; is that correct?

20 A. Yes, that's correct.

21 Q. Does this appear to be the same hat
22 that you tested? It's identified as Defendant's
23 Exhibit C.

24 A. It appears to be, and the -- really,
25 the only thing I'm basing that on is the word that's

1 written on it, because I have that word in my notes,
2 Corleone name or --

3 Q. Okay.

4 A. -- whatever it says.

5 Q. So you tested item one thirty-six that
6 was collected by Bobby Moore and submitted to the
7 lab; is that correct?

8 A. Yes, I did.

9 Q. And what was the results of your DNA
10 test at that time?

11 A. The DNA profile obtained from a sample
12 from this baseball cap is consistent with a mixture.
13 Leon Winston, Kevin Brown, Rhonda Robinson and
14 Anthony McKinley Robinson and David Ralph Hardy are
15 each eliminated as a possible contributor to this
16 genetic material.

17 Subsequently, I searched the major DNA
18 profile from the sample from the baseball cap
19 against the Virginia DNA data bank; however, no DNA
20 profiles consistent with this major DNA profile were
21 found in the Virginia DNA data bank at this time.

22 Q. Now, the sixteen areas that you're
23 talking about, individually they're called locus; is
24 that correct?

25 A. Yes.

1 Q. And together they're called loci?

2 A. Yes.

3 Q. In the items that you're looking for
4 at each individual -- I believe you refer to them as
5 you're looking for something -- a DNA band in those
6 sixteen regions or sixteen loci, you're looking for
7 two alleles; is that correct?

8 A. Alleles, yes.

9 Q. Alleles.

10 And one comes from the father and one
11 comes from the mother to make up us?

12 A. That's correct.

13 Q. And that's what contributes to or
14 constitutes your band; is that correct?

15 A. Yes.

16 Q. In order to do these statistics that
17 you're looking at, you refer to -- in the Caucasian
18 black and Hispanic populations; is that correct?

19 A. Yes, that's correct.

20 Q. And those statistics are based upon it
21 being a homogeneous ethnic group. All -- everybody
22 is all white, every is all black, everybody is all
23 Hispanic?

24 A. The way the frequencies are determined
25 for our database that we use for our statistics is

1 individuals were tested and based -- classified
2 according to their race. So we had -- so a -- a
3 certain number of people who are classified as
4 Caucasian, and they're DNA profiles were determined
5 and frequencies were determined based on these DNA
6 profiles.

7 Q. All right. So if someone identified
8 themselves as being Caucasian, or white, that's the
9 way the statistics would compile?

10 A. That person would be included in the
11 Caucasian database.

12 Q. Okay. But if they were a mixed race,
13 combination of African-Americans and Caucasians,
14 they would not be included in your database?

15 A. I don't believe so, no.

16 Q. Now, in looking at Item 200, you did
17 the left and the right glove; is that correct?

18 A. Yes.

19 Q. And then in order to come up -- you
20 look -- you're looking at sixteen areas of this DNA?

21 A. That's correct.

22 Q. All right. One of those areas -- and
23 excuse me for the pronunciation -- is called the
24 amyliit -- where the sex gene is.

25 A. It's called amelogenin, yes.

1 Q. Okay. So that's where you tell
2 whether or not the contributor is a male or a
3 female?

4 A. Yes, that's correct.

5 Q. So if you throw that out, you've got
6 fifteen points; is that correct?

7 A. Yes. There are fifteen other regions
8 other than amelogenin, yes.

9 Q. All right. And in order to come up
10 with your statistics for the gloves, the Item 200
11 that's in front of you, you only used five of the
12 points; is that correct?

13 A. Yes. I used five of the remaining
14 fifteen regions.

15 Q. Okay. So you came up with your
16 statistics using one-third of the fifteen available?

17 A. Yes.

18 Q. Bear with me just a minute because
19 I'm -- do you have your statistics or your report
20 there?

21 A. Yes, I do.

22 Q. All right. Let's go to the Item 200,
23 the sample from the right glove and the sample from
24 the left glove.

25 You came up with a profile at THO one,

1 O one; right?

2 A. Where exactly are you in my report?

3 Q. Page six of your August 26th, 2002
4 report.

5 A. Okay.

6 Q. You've got the known on the top and
7 your sample of unknown at the bottom; correct?

8 A. I'm not sure I understand.

9 Q. Turn over to page six where your chart
10 is.

11 A. Okay.

12 Q. All right. You got your chart there?

13 A. Yes.

14 Q. Go to THO one. That's one of the loci
15 that you're testing; right?

16 A. Yes, that's right.

17 Q. And the known band at -- you got five
18 known samples, one from Rhonda Robinson, one from
19 Leon Robinson -- I mean Anthony Robinson, one from
20 Leon Winston, Kevin Brown and David Hardy; is that
21 correct?

22 A. Yes, that's correct.

23 Q. All right. And in that situation, you
24 found that Rhonda Robinson had a band that measured
25 out or was given an amount -- value of seven, comma,

1 eight; is that correct?

2 A. Yes, that's correct.

3 Q. And in your samples from the glove,
4 the left glove and the right glove, you came up with
5 the band that's seven, comma, eight; is that
6 correct?

7 A. Yes. I detected two types in those
8 samples, a seven and an eight.

9 Q. All right. And in your report, there
10 are some on the -- on this chart, there's some that
11 are in bold, and then there's -- or not bold, but --
12 but there's some in parentheses and some not in
13 parentheses; is that correct?

14 A. Yes, that's correct.

15 Q. Okay, all right. And it says these
16 alleles generally travel in pairs.

17 Well, let me back up.

18 Do these alleles generally travel in
19 pairs?

20 A. What do you mean travel in pairs?

21 Q. Well, if I have a one allele from my
22 father and one from my mother, if I give you some of
23 my genes, you're going to find those -- that pair
24 there; right?

25 A. Yes. If you received a different

1 allele from your mother and a different allele from
2 you father, I would see two. However, it -- it's
3 also possible that you got the same allele from your
4 mother and the same allele from your father. So in
5 that case I would only see one.

6 Q. Go over to the loci -- or the locus
7 rather, marked D seven, S eight twenty.

8 A. Okay.

9 Q. And there you found in the right glove
10 an eleven eleven and in the left glove an eight
11 eleven; is that correct?

12 A. Yes, that's correct.

13 Q. Now, Leon Winston has a nine ten at
14 that location; is that correct?

15 A. Yes, that's correct.

16 Q. So none of his alleles are in that
17 sample of the right or the left glove?

18 A. That's correct.

19 Q. You didn't include that locus in your
20 calculations, did you?

21 A. No, because, like I said before, in
22 order to calculate statistics, I only chose the loci
23 that had the three individuals I was including in --
24 their complete profiles in.

25 Q. So if you take -- if you take it where

1 you know that they are, but you're not including
2 where they're obviously not; right?

3 A. Yes.

4 Q. Okay. When you did this, you used a
5 likelihood calculation?

6 A. Yes. It's -- the statistical
7 calculation I used for the sample was -- it's called
8 a likelihood ratio.

9 Q. That's assuming that you do not know
10 any of the contributors to the unknown gloves -- or
11 to the gloves; correct?

12 A. Yes. What it does is it takes two
13 different hypothesis and makes -- it's -- the number
14 provided is a ratio of this hypothesis. The first
15 one is that -- is these three individuals, and then
16 the second hypothesis is that it is three unknown
17 individuals.

18 Q. And in order to come up with
19 statistics of likelihood of someone having this
20 particular band at this particular locus, multiply
21 that by the likelihood of another locus at another
22 band -- or another band at another locus, correct,
23 and then multiply it out?

24 A. Yes.

25 Q. Okay. That's my knowledge from basic

1 statistics in college.

2 Did you anybody associated with the
3 Lynchburg Police Department or the Lynchburg
4 Commonwealth's attorney's office tell you that these
5 gloves, Item 200, belonged to David Hardy?

6 A. No.

7 Q. All right. If they had told you that
8 they belonged to David Hardy, then that would upset
9 your thesis of unlikely -- using a likelihood
10 situation; correct?

11 A. It would, yes. It would have changed
12 the two hypothesis that I would have been
13 calculating my statistics at.

14 Q. Because at that point you'd be
15 operating with one known individual versus three
16 unknown individuals?

17 A. Yes.

18 Q. Did anybody with the Lynchburg Police
19 Department or anybody with the Lynchburg
20 Commonwealth attorney's office tell you that they
21 knew for a fact that Kevin Brown got those gloves
22 from David Hardy?

23 A. No.

24 Q. All right. So that would change your
25 hypothesis even more; correct?

1 A. Yes.

2 Q. So you would then be dealing with two
3 known individuals versus three unknowns or an
4 unknown and a sample; correct?

5 A. Right.

6 Q. And the proper calculation at that
7 point would be used -- would be to use a mixture
8 calculation that would take all of the elements that
9 I've just given you into account?

10 A. It would have changed my hypothesis.
11 So I would have then been calculating based on the
12 theory that it was Leon Jermain Winston,
13 Kevin Eugene Brown and David Ralph Hardy. I
14 would -- let's see. I'm trying to think.

15 The statement would be it's so many
16 times for likely originated from Leon Winston,
17 Kevin Brown and David Ralph Hardy than if it had
18 originated from Kevin Brown, David Hardy and an
19 unknown individual.

20 Q. Okay. Would it surprise you to know
21 that using a mixture calculation and accepting the
22 two gives, that -- that Leon -- that David Hardy and
23 Kevin Brown had the gloves in the past, using the
24 same five areas that you calculated, that the
25 calculations would then change to one in a hundred

1 and ninety-five among the black population?

2 A. I'm not sure what exactly -- what
3 mixture calculation are you talking about?

4 Q. Well, that's a part of the problem.

5 The likelihood ratio that you have
6 is -- or in order to come up with the statistics
7 that Mr. Doucette had from you or got from you, you
8 plug in your information and you use a computer
9 program; correct?

10 A. Yes, that's correct.

11 Q. Okay. It's not like you and I sit
12 down with a piece of paper and calculate it out by
13 hand?

14 A. That's right.

15 Q. All right. That same type of program
16 allows for computations of mixtures; is that
17 correct?

18 A. Well, for the Virginia Division of
19 Forensic Science, we -- the likelihood ratio is the
20 procedure we use for mixtures. It is the
21 statistical calculation we use for mixtures.

22 Q. You never use -- you never use a
23 different type of calculation?

24 A. There is another calculation called a
25 combined probability of exclusion, which is another

1 type of mixture calculation that we use.

2 Q. And you don't use or are you -- you do
3 use that one?

4 A. Yes, but that's a different computer
5 program.

6 Q. All right. And you don't have that
7 program with you today?

8 A. No, I do not.

9 Q. So if I were to tell you it was one in
10 a hundred and ninety-five for the blacks, one in two
11 hundred and twenty-seven for the Caucasians and one
12 in two hundred and forty-two for the Hispanic
13 population at the five loci that you tested, you
14 wouldn't be able to confirm or deny it today?

15 A. That's correct.

16 Q. Go back to your office with the
17 program, you could do that?

18 A. Yes.

19 Q. And to go back to the areas that you
20 were looking at the loci, looking -- still sticking
21 with your chart on page six of nine pages from
22 August 26th, there's another loci known as the D
23 seven, S eight twenty; is that correct?

24 A. Yes.

25 Q. And I believe in the right-hand glove,

1 it came up strong for an eleven eleven; is that
2 correct?

3 A. Yes. For the D seven region, the only
4 DNA type that I detected was an eleven.

5 Q. Okay. So that is either all by
6 yourself, Kevin Brown leaving just his eleven as
7 opposed to his eight and eleven, or it's a fourth
8 individual; correct?

9 A. No. Both Kevin Brown and David Hardy
10 have an eleven in their DNA profile, so it could be
11 from either one of them.

12 Q. All right. But David Hardy has an
13 eleven fourteen, Kevin Brown has an eight eleven --

14 A. Right.

15 Q. -- correct?

16 So you would either have to get just
17 the eleven from Kevin Brown or just the eleven from
18 David in order to come up with that or it may be a
19 fourth person who has an eleven eleven at that
20 locus; correct?

21 A. To the extent of -- I guess that's a
22 possibility; however, it's not uncommon for me to
23 see just one of the DNA types at a specific region
24 if the sample is of poor quality or if there was low
25 level -- low level of DNA in that sample.

1 It's what we call allelic dropout,
2 which is what happens when -- like, say for example,
3 Kevin Brown being an eleven, but I'm am only seeing
4 the eleven, that eighth allele -- or that eight type
5 has just dropped out of the sample.

6 Q. Okay. But along those lines,
7 Mrs. Harold, you don't know whether or not that
8 eight from Kevin Brown or the fourteen from
9 David Hardy dropped out or not, do you?

10 A. Just give me one moment.

11 Going back to my -- to my original
12 data where I have my computer analysis and my visual
13 analysis of this sample, there were several DNA
14 types present at this region that were not at the
15 level where I could report them; however, they were
16 present, and those alleles are consistent -- or some
17 of these alleles that are -- that could have dropped
18 out.

19 So those alleles are -- those types
20 are there weakly, but they're not on a level that I
21 could call them as actually alleles.

22 Q. So it's one of two possibilities.
23 It's allele drop out or there's a fourth person in
24 these gloves; correct?

25 A. Yes.

1 Q. And in doing your calculations, go
2 back to D seven, and using those calculations -- or
3 create those calculations, you did not use that
4 particular situation, is that correct, in coming up
5 with your statistics?

6 A. That's right. I did not use the D
7 seven, S eight twenty locus in my statistical
8 calculation.

9 Q. You also did, I believe -- you also
10 got a -- a -- I believe a Play Station 2 box at some
11 point, which was --

12
13 MR. BERGER: It is four-o-one.

14
15
16 BY MR. DREWRY: (Continuing)

17 Q. -- which would have been item
18 four-o-one?

19 A. Yes, that's correct.

20 Q. Didn't find any of Leon Winston's DNA
21 on that; is that correct?

22 A. Yes, that's correct. The DNA profile
23 from the Play Station 2 box was a mixture. And
24 Leon Winston as well as Kevin Brown,
25 Rhonda Robinson, Anthony Robinson, David Hardy and

1 Warren Hairston were each eliminated as the
2 contributors to this sample.

3 Q. Okay. Now, DNA, because it's coming
4 from a nucleic cell is a fairly small piece of
5 material; correct?

6 A. Yes.

7 Q. And it doesn't take much for you to
8 find DNA, so it's only a small matter of any
9 substance?

10 A. Yeah. I -- it -- in order for me to
11 obtain a DNA profile, I really only need a handful
12 of cells, maybe a hundred cells.

13 Q. And those hundred cells are easily
14 transferred from my pen, if I've been sucking on it
15 like that and then wipe it across something, or if I
16 find some fluid gathered up and then dump it on
17 another item; is that correct?

18 A. Yes. DNA can be transferred from one
19 item to another.

20 Q. And you don't know when the DNA was
21 left on any particular item that you find it on?

22 A. That's correct.

23 Q. It's also subject to deterioration
24 on -- either because of the environment, being out
25 in the weather --

1 A. Uh-huh, yes.

2 Q. -- or not being properly collected?

3 A. Yes. It can -- it's possible if it
4 was not properly collected.

5 Q. Okay. And, then, it's not properly
6 preserved.

7 If I collect something properly and
8 then stick it in and don't allow it to properly air
9 dry, it could cause degradation of the sample; is
10 that correct?

11 A. Yes. If it's not properly air dried,
12 the sample can deteriorate or mold and bacteria can
13 grow on it.

14
15 MR. DREWRY: Judge, if I might have
16 just a minute.

17 THE COURT: All right.

18
19 (Discussion was held off the record.)
20

21 MR. DREWRY: I don't have any other
22 questions, Judge.

23 THE COURT: Redirect?

24 MR. DOUCETTE: Briefly, Your Honor.
25 If I may approach.

REDIRECT EXAMINATION

BY MR. DOUCETTE:

Q. Ms. Harold, you have your report?

A. Which one?

Q. I'm sorry. You have lots of them.

You have a report from August the 26th
of 2002, a nine-page report?

A. Yes.

Q. I want you to go to page five of that
particular report.

A. Okay.

Q. And I'm referring to -- I'm going to
refer to two items, Number 33 and Item Number 400.

A. Uh-huh.

Q. What was item Number 33?

A. 33 was the buccal swabs from
Leon Winston.

Q. Item Number 400?

A. 400 is the sample from the grip of the
pistol.

Q. This pistol right here?

A. Yes.

Q. What is the value -- let's start the
FGA locus.

1 MR. DREWREY: Judge, I object, asked
2 and answered, and also not covered in
3 cross.

4 THE COURT: All right. Overruled.
5

6 BY MR. DOUCETTE: (Continuing)

7 Q. At the FGA locus, what is the value --
8 numeric value for Leon Winston?

9 A. Leon Winston is twenty-two twenty-two
10 FGA.

11 Q. Okay. Let's go down to FGA on item
12 Number 400, this pistol.

13 What is the numeric value on -- from
14 the grip of this pistol?

15 A. The value is twenty-two twenty-two
16 FGA.

17 Q. Let's go to the next locus, T-POX,
18 T-P-O-X.

19 What is the value at thirty-three,
20 Leon Winston?

21 A. I was not able to determine a DNA
22 profile for Leon Winston at this sample.

23 Q. 400, what was the value for T-POX on
24 400?

25 A. Again, I did not have a DNA profile

1 for this particular region.

2 Q. In both of these you have I-N-C in
3 your report.

4 What does that mean?

5 A. It means inconclusive.

6 Q. Let's go to the next locus, D eight S
7 one one seven nine.

8 What is the value for Number 33,
9 Leon Winston?

10 A. Fourteen fourteen.

11 Q. Going down to 400, what's the value at
12 that same locus?

13 A. A fourteen fourteen.

14 Q. Going to the next locus, V, capital,
15 W-A.

16 What's the value for Leon Winston.

17 A. Sixteen sixteen.

18 Q. Going down to 400 at the same locus,
19 VWA, what's the value?

20 A. Sixteen sixteen.

21 Q. The -- you're going to have to
22 pronounce it for me, the next locus.

23 A. Amelogenin.

24 Q. All right. What is the value there
25 for Number 33, Leon Winston?

1 A. An XY.

2 Q. What is the value for 400?

3 A. XY.

4 Q. Next one, Penta E, what's the value
5 for Penta E, Leon Winston?

6 A. Twelve fifteen.

7 Q. What's the value for 400, this pistol?

8 A. Twelve fifteen.

9 Q. The next one, D one eight, S five one,
10 what is the value for Leon Winston?

11 A. Fifteen fifteen.

12 Q. What is the value for the pistol?

13 A. A fifteen fifteen.

14 Q. D twenty-one, S eleven, the next
15 locus, what is the value for Leon Winston?

16 A. Thirty-two point two, thirty-two point
17 two.

18 Q. What's the value in Number 400, this
19 pistol?

20 A. A thirty-two point two, thirty-two
21 point two.

22 Q. Let's go to the next page, the next
23 locus, DH zero one, what is the value for
24 Leon Winston?

25 A. Seven seven.

1 Q. What is the value for this pistol?

2 A. Seven seven.

3 Q. The next locus D three, S one three
4 five eight, was is the value for Leon Winston?

5 A. Sixteen sixteen.

6 Q. What is the value for this pistol?

7 A. Sixteen sixteen.

8 Q. Penta D, the next locus?

9 A. Again, I had an inconclusive results
10 for both the Penta D and the next locus, CSF one PO.

11 Q. All right. As far as Leon Winston is
12 concerned?

13 A. Yes.

14 Q. All right. And as far as those two
15 same locus -- those two same loci for this pistol?

16 A. These were both also inclusive.

17 Q. The next locus, D one six, S five
18 three nine, what is the value for the defendant,
19 Leon Winston?

20 A. A nine nine.

21 Q. And what the value for this pistol?

22 A. A nine nine.

23 Q. The next locus, D seven, S eight two
24 zero, what is value for Leon Winston?

25 A. A nine ten.

1 Q. And what is the value for this pistol?

2 A. A nine ten.

3 Q. D one three, S three one seven, the
4 next locus, what is the value for Leon Winston?

5 A. An eleven twelve.

6 Q. And what is value for the pistol?

7 A. An eleven twelve.

8 Q. And the last locus, D five, S eight
9 one eight, what is the value for Leon Winston?

10 A. Eleven twelve.

11 Q. And for this pistol?

12 A. An eleven twelve.

13

14 MR. DOUCETTE: Thank you, ma'am.

15 Those are all the questions I have.

16 THE COURT: Mr. Drewry.

17

18 RECROSS-EXAMINATION

19 BY MR. DREWRY:

20 Q. Ms. Harold, you don't know what type
21 of cell -- body cell was left on that pistol, do
22 you? It could have come from a hand, it could have
23 come from blood, it could have come from sweat;
24 correct?

25 A. I didn't detect any blood on it, on

1 the pistol.

2 Q. It could have come from sloughed-off
3 skin cells, could have come from sweat, it could
4 have come from saliva?

5 A. That's true, yes. I can't identify a
6 specific body fluid that these cells came from.

7 Q. And it was a fairly small amount?

8 A. Actually, it was probably -- it wasn't
9 a small amount of DNA. There was actually quite a
10 bit of DNA in the sample.

11 Q. All right. But a hundred cells, a
12 thousand cells, it was in one part of the gun;
13 correct?

14 A. Yes.

15 Q. Okay. And you don't know when it was
16 left there --

17 A. That's correct.

18 Q. -- or how it got there?

19 A. Yes.

20

21 MR. DREWRY: I don't have any other
22 questions, Judge.

23 THE COURT: All right. Do you want
24 this lady to return tomorrow?
25