please.

(Witness sworn)

THE COURT: Have a seat.

PRISCILLA ANCIRA HILL,

having been first duly sworn, testified as follows:

DIRECT EXAMINATION

Q. *(BY MS. ONCKEN)* Good afternoon.

A. Good afternoon.

Q. Can you please introduce yourself to the jury?

A. Hi. My name is Priscilla Hill.

Q. And were you, up until recently, Priscilla Ancira?

A. I was.

Q. Okay. And did you recently get married?

A. Yes, ma'am.

Q. Congratulations.

A. Thank you.

Q. I want to turn your attention to H.P.D.'s Case Number 045698410-S, like Sam. Did you have any association with that H.P.D. case number in your job?

A. Yes, I did.

Q. And where is it that you work?

A. Houston H.P.D. crime laboratory.

Q. And what kind of work do you do in the

crime lab?

A. My title is criminalist, but I'm a serologist and DNA analyst for the lab.

Q. And how long have you been doing that?

A. Over six years now.

Q. Okay. Here in Houston at the H.P.D. crime lab or somewhere else also?

A. No, all six years at H.P.D.

Q. Okay. And what kind of schooling do you have?

A. I have a Bachelor's of Science Degree from Baylor University in forensic science and a Master's of Science in forensic DNA analysis from the University of Central Lancashire.

Q. And have you been working in the forensic DNA line for the whole time you've been doing DNA work?

A. I've been a DNA analyst for probably four of the six years, strictly doing DNA.

Q. Okay. What did you do for the first two years?

A. First two years, well, it was training; and then I was a serologist or a screener. So, that's the initial analysis of the evidence, identifying biological fluids, specifically blood and semen. And

then I became a DNA analyst, which takes it to the next step. Once the biological fluid is identified, then you can take it on for DNA. And that's now what I solely do.

Q. And back in May of 2011, did you receive a request -- it would have been either from myself or from an officer -- to test a known sample from an individual named Nathaniel Flowers?

A. Yes.

Q. Now, were you able to review notes of any other analyst or serologist that worked on this case before you did?

A. Yes. There had already been one what we call "round" of DNA in this case. And I was to do a comparison between the new evidence, being a reference -- or not evidence -- being a reference sample to the evidence that had been analyzed in the first round.

Q. And the item that it came from that we were trying to analyze, was it an infant's T-shirt, if you know, or a baby shirt?

A. Yes. I specifically compared it to a portion of red-brown stain from baby shirt.

Q. Okay. And you had used the term "reference sample." What does that mean?

A. That is a known sample from an individual. In this case the item was known buccal swabs from Nathaniel Flowers.

Q. And a buccal swab is what?

A. It's a cheek swab, a swab looking like a Q-tip. And you rub it along the lining of the cheek collecting the cells. And we'll use that as their known reference to develop a profile. That profile can then be compared to evidence to see if there's a consistency between the two.

Q. And in this case, specifically the baby shirt, was there -- was it a mixture of DNA profiles?

A. Yes. A mixture had been obtained from that particular item of evidence.

Q. Okay. And had we been able to identify one of the contributors to that mixture?

A. Yes. I believe that was in Mrs. Guidry's report in the first round of DNA.

Q. Okay. Now, in a situation where you have a mixture and you're talking about blood in a homicide case, would you expect one person over the other to be the major contributor?

A. Well, it just depends on how much DNA is donated by the contributors to that sample. If you have somebody that contributes more DNA, you would

expect to see them more prominently than you would somebody who contributes less.

Q. Okay. Could you determine if the infant whose DNA profile you knew, was he a major contributor on the T-shirt mixture or a minor contributor?

A. He was a major -- or identified as the major.

Q. Okay. And we know from the prior screening done by Ms. Schoonover that the bodily fluid we're talk about is blood; is that correct?

A. I believe so. I'd have to look at her report.

Q. That's okay. So, am I correct that you are trying to figure out who was the minor contributor to this mixture?

A. I -- yes. In my comparison, I was seeing if the minor that was available in the data was consistent with the known reference that I had.

Q. Okay. And did you make that analysis or comparison?

A. I did do that comparison.

Q. Okay. And what did you determine?

A. Nathaniel Flowers cannot be excluded as a possible contributor to this DNA mixture.

Q. Now, when you use the term "cannot be excluded," what does that mean?

A. It means that when I compared the evidence to the reference, I did see a consistency between the two that I was able to not exclude him. Had I not seen any similarities between the two, then I could have excluded and said that his DNA profile was not consistent with the evidence contained, the data obtained from the evidence.

But in this case I was able to see something, a consistency there, so I could say "not excluded."

Q. Do y'all ever say, "It's him"? Is that ever scientifically appropriate to say "This DNA is this person's"?

A. We don't use the word "match."

Q. Okay.

A. If that's what you mean.

Q. I do.

A. We can say to a scientific degree of certainty that someone would be the source or it would be highly unlikely to ever see that profile in another individual besides identical twins in the population. So, we can give a degree of certainty; but we avoid "match" for that random possibility.

Q. Sure. And, so, am I correct that the options that you have are either this person's excluded or they're not excluded?

A. Yes.

Q. Okay. So, in terms of the minor contributor and when you looked at it in comparison to the defendant's DNA, could he be excluded or not excluded?

A. Not excluded.

Q. Okay. And were you able to make a statistical analysis, some sort of, you know, to give us the numbers, so to speak?

A. Yes.

Q. Okay. And what was that?

A. The probability that a randomly chosen unrelated individual would be included as a possible contributor to this DNA mixture is approximately one in 39,000 for Caucasians, one in 2,000 for African Americans, one in 14,000 for Southeast Hispanics, and one in 5,600 for Southwest Hispanics at eight of the 16 locations that we analyzed.

Q. Okay. And the fact that there were only eight of the 16 locations that you could look at, does that mean that it's any less him? Or does that just -- that's just something that you have to see or

that you have to report?

A. The eight locations is what I was able to use for statistical purposes. So, that is what -- eight of the 16 he was consistent in the evidence, and I was able to use that to give weight to how consistent it was.

Does that mean he wasn't there in the other eight? Not necessarily. Because he was a minor contributor, a major obviously gave more and he was minor. So, a major can sometimes mask over the minor contributor. And we can't always see them in all 16 places. But I was able to match up where he was consistent. And that's then the weight that I was able to give.

Q. And the fact that he's a minor contributor, does that have anything to do with the fact that the numbers that we're seeing aren't as astronomical as one in quintillion or whatever?

A. Yes, ma'am.

Q. Okay. Does that mean it's any less or you're any less definite that it's the defendant, or it has to do with just how much DNA was there?

A. Well, it just means that in the locations that he was consistent, it wasn't all 16. So, I am dealing with partial data. If we were able to deal

with full amount of data and a single source, obviously there's less room for other possibilities of other contributors. Because you're talking about a mixture, we take into account all the different combinations at that particular location that a person could have. So, these statistics are less because there are more people that could have that particular combination of alleles at that location.

Q. Okay. And that does make sense. So, it is tied to how much DNA was there for you to be able to look at and make statistical analysis of?

A. Yes.

Q. Okay. And in your portion of the testing, am I correct that you cannot distinguish the type of bodily fluid or cells that it came from? Is that correct?

A. Right. No, I cannot.

Q. That would be the original screening test if someone like Shauna Schoonover said, "This is blood" or "This is semen," we have that. But your portion -- you're just looking at, well, the different 15 or 16 areas and the alleles that are associated with that, correct?

A. Right. We're concerned with the fact that we obtained DNA. Now, where that DNA was -- what

cell it was located in, I -- a sperm cell, a saliva cell, I do not know that.

Q. Okay.

MS. ONCKEN: We'll pass the witness.

CROSS-EXAMINATION

Q. *(BY MR. MARTIN)* So, when you say there was a mixture, as I understand the previous testimony, there were some bloodstains that they compared that came back to the child, Kamron?

A. Yes, sir.

Q. All right. Do you know what type of material from Mr. Flowers was on the -- whatever you -- did you look at the T-shirt or the towel or both?

A. It was a portion of a red-brown stain from the baby shirt.

Q. Okay. What bodily fluid came from Mr. Flowers? Can you tell me that?

A. No, I cannot. I just know that the DNA that we obtained in the mixture --

Q. Uh-huh.

A. -- that that was consistent with Mr. Flowers' DNA.

Q. By the numbers you gave us earlier?

A. Correct. And by my comparison.

Q. Can you tell me how long the DNA that was on that item had been there?

A. No, I cannot.

Q. All right. Thank you.

MR. MARTIN: Pass the witness.

MS. ONCKEN: Nothing further.

THE COURT: Thank you, ma'am. You can step down.

MS. ONCKEN: State rests.

THE COURT: State having rested, what says the defense?

MR. MARTIN: May we approach real quick?

THE COURT: Yes.

(At the Bench)

MR. MARTIN: We're going to rest. We're not going to put on anything. Can I just rest and then later --

THE COURT: Well, what I can do is just -- what I wanted know was whether or not y'all would have any witnesses or not.

MR. MARTIN: No, your Honor. We're not.

THE COURT: What I'm thinking is we can come back Monday morning. And based on your