

1                   He may stand down unless she has  
2 something else for you and you have --

3                   MR. MONCRIFFE: Just wanted a break.  
4 That's all.

5                   THE COURT: Oh, you just wanted a break.  
6 Go ahead and bring the Defendant back out  
7 sir.

8                   THE BAILIFF: Yes, sir.

9                   THE COURT: Whose next?

10                   (Witness Sworn)

11                   THE BAILIFF: All rise for the jury.

12                   (Jury Seated)

13                   THE COURT: Please be seated.

14                   MS. FULLER: State calls Juli Rehfuss.

15                   THE COURT: This witness has been  
16 previously sworn.

17                   **JULI REHFUSS,**

18 After having been duly sworn was called to the stand  
19 and testified as follows:

20                   DIRECT EXAMINATION

21 BY MS. FULLER:

22                   Q. Good afternoon. Would you please state your  
23 name for the record?

24                   A. Yes, ma'am. It's Juli Rehfuss.

25                   Q. Who are you employed by?

1           A. I'm a Criminalist with the Houston Forensic  
2 Science Center.

3           Q. Before we get into what a Criminalist is can  
4 you tell the jury about your educational background?

5           A. Yes. I have a Bachelor of Science Degree in  
6 biology from North Carolina State University.

7           Q. And what exactly is a Criminalist?

8           A. Basically I'm a serologist so we screen  
9 evidence for the presence of bodily fluids mainly  
10 blood and semen but we can also swab possible items  
11 for contact DNA.

12          Q. Let's talk a little bit about the two  
13 different types of evidence that you might swab for.  
14 And maybe it would be best to start with you getting a  
15 piece of evidence in the lab what your duties -- what  
16 do you do when you get that piece of evidence; what's  
17 the first thing you do?

18          A. So the first thing I want to do when I get a  
19 piece of evidence into the laboratory is to make sure  
20 that it's the correct piece of evidence so I will  
21 double check the unique identifier which is the  
22 incident number applicable to the case and I want to  
23 make sure that the item of evidence described is  
24 actually what is in front of me.

25          Q. All right. And what would you do next after

1 you verified the identity of the object?

2 A. After I verified that it's the correct item  
3 I'll go ahead and note the seal. I want to make sure  
4 that the evidence came to me properly packaged. A  
5 proper seal, it's a piece of tape, usually evidence  
6 tape with initials on it to let me know that the  
7 person who placed the item into the box or the  
8 envelope properly sealed it, stored it and then when  
9 it got to me it was in the same condition.

10 MS. FULLER: May I approach the witness?

11 THE COURT: You may.

12 Q. (By Ms. Fuller) I'm going to show you what's  
13 been previously marked as State's Exhibit 53. Do you  
14 recognize State's Exhibit 53?

15 A. Yes, ma'am.

16 Q. And how do you recognize it?

17 A. It is the corresponding incident number to  
18 this particular case. It also has my initials, the  
19 date and the item number on it.

20 Q. All right. And are your initials just on the  
21 front or are they on the back?

22 A. They're also on the back.

23 Q. Okay.

24 A. Right here.

25 A. Right there.

1           A.    Yes.  That's the seal I place on the envelope  
2 after I processed it.

3           Q.    All right.  Now inside State's Exhibit 53 are  
4 two pieces.  State's Exhibit 55, State's Exhibit 56  
5 and this which I'm going to refer to as State's  
6 Exhibit 53.

7           Do you recognize these items?

8           A.    Yes, ma'am.

9           Q.    Okay.  How do you recognize these items?

10          A.    They all have my initials, the incident  
11 number and the item numbers on them.

12          Q.    Okay.  So when you received this piece of  
13 evidence into your lab you've verified the unique  
14 numbers, what is the first thing that you did; what  
15 did you do next?

16          A.    Well, actually this is the only item I  
17 originally received.  It was the sealed envelope  
18 containing the unsealed plastic bag containing what  
19 was described as a doo rag.

20          Q.    Okay.  I'm going to refer to that as State's  
21 Exhibit 53 the bag and its contents.

22          A.    Okay.

23          Q.    Okay.  So you received State's Exhibit 53 in.  
24 What did you do next?

25          A.    After that I photographed the item and I also

1 noticed that there were apparent hairs and/or fibers  
2 attached to the item so I created item 2.3 which is  
3 basically just a tape lift of the item and then I  
4 packaged that separately which is here.

5 Q. And you're referring to State's Exhibit 56?

6 A. Yes, ma'am.

7 Q. Okay.

8 THE COURT: I'm sorry. What was 2.3?

9 MS. FULLER: State's Exhibit 56.

10 THE COURT: Okay.

11 Q. (By Ms. Fuller) And it was the trace tape  
12 lift. Is that right?

13 A. Yes, ma'am.

14 Q. Okay. And then what else did you do?

15 A. After I collected the tape lift I went ahead  
16 and spread the item out and as it was received to me  
17 it was the seam side out so it looks basically like a  
18 stocking cap with a seam around one end.

19 Q. Okay.

20 A. I took one swab. It's a sterile cotton swab  
21 that I swabbed with sterile react water and I went  
22 over the whole side with the seam out with one swab  
23 and flipped it over and continued with the same swab  
24 and swabbed that whole entire side and then I  
25 packaged that then I turned it right side in with the

1 seam side in and I did basically the same thing. I  
2 took one sterile cotton swab moistened with sterile  
3 reagent grade water and swabbed that whole side,  
4 flipped it over and then swabbed the whole other side  
5 and packaged that.

6 Q. All right. So essentially you swabbed both  
7 the inside and outside of the doo rag and also all  
8 surfaces of it?

9 A. Yes, ma'am.

10 Q. What is State's Exhibit 55?

11 A. 55 is item 2.2 which is the swab from the doo  
12 rag after I took my swabs, the first swab I took with  
13 the seam side out on the inside I labeled that item  
14 2.1 and then I took approximately half of that swab  
15 and I packaged it in a tube for DNA analysis. The  
16 other half of the swab I packaged in a coin envelope  
17 much like this and packaged it back with the parent.  
18 I did the same thing for the other swab. I do with  
19 the seam side in. I cut approximately half of that  
20 swab, put it in a tube for DNA analysis and then I  
21 packaged the remainder of that swab into this coin  
22 envelope which is 2.2.

23 Q. And that would be State's Exhibit 55?

24 A. Yes, ma'am.

25 Q. All right. So once you get the swabs from

1 the inside and the outside you portion each of those  
2 two swabs so now you essentially have four pieces. Is  
3 that correct?

4 A. Yes four pieces total so I would just -- I'm  
5 basically making a chipped item from the parent which  
6 would be the doo rag and then I further make a  
7 grandchild from that when I cut half of the swab for  
8 DNA.

9 Q. Okay. So DNA then would receive swabs from  
10 both the inside and the outside of the doo rag?

11 A. Yes, ma'am. That would be labeled as items  
12 2.1.1 and 2.2.1.

13 Q. Okay.

14 MS. FULLER: Your Honor, at this time  
15 State moves to admit State's Exhibit 53 the bag and  
16 its contents, State's Exhibit 56 and State's  
17 Exhibit 55.

18 MR. MONCRIFFE: No objections Your Honor.

19 THE COURT: State's Exhibit 53, 55 and 56  
20 are admitted.

21 MS. FULLER: Thank you.

22 Q. (By Ms. Fuller) I want to talk about the  
23 process. You're saying that you're swabbing it. What  
24 does a swab look like?

25 A. It's basically just a cotton swab on a wooden

1 shaft. Looks almost like a Q-tip.

2 Q. Okay. And you started to explain or you did  
3 explain the process of having to use a sterile agent  
4 to help you?

5 A. Yes, ma'am we just use -- we spritz the swab  
6 with sterile reagent grade water. You can do it dry  
7 or wet. In my experience I feel that if I moisten the  
8 swab a little bit it actually helps lift possible DNA  
9 onto the swab.

10 Q. All right. Now you did the -- in State's  
11 Exhibit 56 you lifted some hair fibers or hairs off of  
12 the doo rag as well. Is that correct?

13 A. Yes, ma'am. We just call it trace collection  
14 because we're not trained in hair analysis. We just  
15 say apparent hair and fibers.

16 Q. And State's Exhibit 56 --

17 Permission to publish Your Honor.

18 THE COURT: Yes.

19 Q. (By Ms. Fuller) In State's Exhibit No. 56  
20 can you tell us the process for collecting this trace  
21 evidence?

22 A. Yes, ma'am. So we have these taped folds.  
23 It's basically just almost like a cellophane wrap and  
24 you open it and it's a sticky side and so I will just  
25 take that whole entire square and tape lift or stick



1 it on the item front and back, inside and outside to  
2 collect any possible hairs or fibers that might be  
3 there.

4 Q. All right. Now did you do any other testing  
5 for blood or you also mentioned semen. Did you test  
6 anything for those?

7 A. No, ma'am just possible contact DNA on this  
8 item.

9 Q. Okay. And why is it that you tested just for  
10 the possible contact DNA?

11 A. Well, it was inferred to me that it was  
12 possibly worn by someone so then we're just looking  
13 for contact DNA or touched DNA on that.

14 Q. All right. Can you explain to the jury what  
15 contact and touched DNA is?

16 A. Yes. Basically I'm not a qualified DNA  
17 analyst but the layman's terms it -- touched DNA  
18 contact, DNA can be anything from shed skin cells to  
19 dandruff, anything like that.

20 Q. After you swabbed the entire doo rag and  
21 submitted those samples off for DNA testing did you  
22 have any other further involvement with DNA testing of  
23 the doo rag?

24 A. No, ma'am.

25 Q. All right. So that would go on to a DNA

1 analyst to do that process?

2 A. Yes, ma'am.

3 MS. FULLER: Pass the witness Your Honor.

4 MR. MONCRIFFE: May I proceed Your Honor?

5 THE COURT: You may.

6 **CROSS EXAMINATION**

7 BY MR. MONCRIFFE:

8 Q. Good afternoon ma'am.

9 A. Good afternoon.

10 Q. Just a few questions. You said there was a  
11 hair collection of analysis, hair analysis?

12 A. There was a possible trace collection of  
13 apparent hairs and/or fibers.

14 Q. Can you trace hairs to an individual?

15 A. I'm not a hair expert. We don't perform that  
16 service at our laboratory.

17 Q. Are there people who can perform that  
18 service?

19 A. Yes sir.

20 Q. Okay. Is it possible, if you know, that two  
21 people can wear say hypothetically a doo rag, DNA only  
22 comes from one?

23 That question confuse you?

24 A. Yes, sir. Can you rephrase that?

25 Q. Two people wear a doo rag, but after you test

1 it you only get DNA from one person. Is that  
2 possible?

3 A. Actually that might be a better question for  
4 the DNA analyst. Sorry.

5 Q. Okay.

6 MR. MONCRIFFE: No further questions Your  
7 Honor.

8 MS. FULLER: Nothing further Your Honor.

9 THE COURT: You may stand down.

10 THE WITNESS: Thank you.

11 MS. FULLER: State calls Clay Davis.

12 THE BAILIFF: Your Honor this witness has  
13 not been previously sworn in.

14 THE COURT: Thank you.

15 (Witnesses Sworn).

16 **CLAY DAVIS,**

17 After having been duly sworn was called to the stand  
18 and testified as follows:

19 DIRECT EXAMINATION.

20 BY MS. FULLER:

21 Q. Would you please state your name for the  
22 jury?

23 A. My name is Clay Davis.

24 Q. Mr. Davis who are you employed by?

25 A. The Houston Forensic Science Center.