

1 MS. FULLER: Thank you, Your Honor.

2 JULI REHFUSS,

3 having been first duly sworn, testified as follows:

4 DIRECT EXAMINATION

5 Q. (BY MS. FULLER) Good afternoon, Ms. Rehfuss. Who
6 are you employed by?

7 A. I'm employed by the Houston Police Department Crime
8 Laboratory, City of Houston.

9 Q. What do you do at the crime laboratory?

10 A. I am a serologist.

11 Q. What does that mean?

12 A. I screen evidence for the -- for bodily fluids,
13 such as blood and semen.

14 Q. Okay. Can you tell us a little bit about your
15 educational background?

16 A. Yes. I have a bachelor of science degree from
17 North Carolina State University.

18 Q. And what is the bachelor of science degree in?

19 A. Oh, in biology. Excuse me.

20 Q. And any other further education past that?

21 A. No, ma'am.

22 Q. Okay. And are you a member of any type of
23 professional organizations?

24 A. Yes, ma'am. I am a member of the Association of
25 DNA Analysts and Administrators as well as the Southwestern

1 Association of Forensic Scientists.

2 Q. Do you continue to get -- go to classes in the area
3 of serology?

4 A. Yes, ma'am. We do have continuing education.

5 Q. And how often do you do continuing education?

6 A. It's usually about once a year.

7 Q. Okay. And have you testified before in the courts
8 in Harris County?

9 A. Yes, ma'am.

10 Q. And would that be on few or many occasions?

11 A. Few.

12 Q. And have you testified about your work as a
13 serologist?

14 A. Yes, ma'am.

15 Q. Now, when a piece of evidence comes to you, can you
16 describe to the jury what you do with that evidence when
17 you're screening it for serology?

18 A. Yes, ma'am. The first thing we do when we get
19 items of evidence is we want to double-check and make sure
20 that the evidence is actually what we need for that case;
21 so, we'll go and we'll look for the unique identifiers,
22 which is usually the incident number, we'll make sure that
23 they match up, as well as any complainant and/or suspect
24 name associated with the case as well as the item number.
25 So, we want to make sure that we have the correct piece of

1 evidence from the property room.

2 Q. Okay. And what do you do with it when you get the
3 piece of evidence from the property room?

4 A. Once I get the evidence and I double-check that all
5 of the information is correct, I'll go ahead and put the
6 unique identifier again on there, handwritten by me usually,
7 my initials and the date that I receive it.

8 Q. Okay. After you sign the evidence in with your
9 initials, what do you do next?

10 A. After that I will process the evidence. I make
11 sure that the seals are all intact and then after I know
12 that they are, I will go ahead and break the seal and
13 inventory the evidence.

14 Q. Okay. After your inventory is complete, what do
15 you do next?

16 A. After that I'm going to start my serological
17 screening; so, I'm going to do a visual check of all the
18 items of evidence, make sure that they correspond to what
19 the investigator and/or the District Attorney has requested
20 that I test.

21 Q. What does the visual inspection entail?

22 A. The visual inspection entails maybe the
23 manufacturer information, if it's a piece of clothing or if
24 it's a gun, say, that the serial numbers match up with what
25 actually needs to be tested.

1 Q. Once you've done that further check that you're
2 testing the right piece of evidence, what do you do next?

3 A. I'm going to go ahead and do a visual examination
4 of the item. Let's say in this instance it was a piece of
5 clothing, I'm going to go look at all the clothing, inside
6 and out, back and front, and I'm going to look for any
7 possible bloodstains and/or semen stains.

8 Q. Okay. What happens if you see visual signs of
9 bodily fluids, blood or semen?

10 A. If I see something, I'm going to take it into a
11 presumptive test. We have an alternate light source, an
12 ALS, which I'm sure you've seen on TV, you have the goggles
13 with the alternate light source. It's just a UV light. And
14 what happens with that is we usually use it for the
15 presumptive test for semen because it will fluoresce.

16 Q. Okay. And assuming you don't visually see
17 something on a piece of clothing, for example, what would
18 you do next?

19 A. With blood evidence, I usually start with the
20 visual examination because blood is a little bit harder.
21 You can use the UV light on the blood but depending on the
22 color of the clothing, the blood can look -- appear darker.
23 It doesn't fluoresce underneath the light but it's still a
24 good tool to use.

25 Q. Okay. So, what would you do in the event that you

1 don't see blood or semen using the fluorescent light?

2 A. Well, depends on the clothing. If I see a sheen or
3 something on the item of clothing, then I'll go ahead and do
4 the presumptive test for the blood just to be sure.

5 Q. The presumptive test is the test with the light.

6 A. That is one presumptive test. It's just a tool.
7 It just gives me an indication that some bodily fluid might
8 be there, and then I'll do some more presumptive testing.
9 Say if it fluoresces, I'll go ahead and do a presumptive
10 test for the presence of semen, which we call the acid
11 phosphatase test, and it's just a protein that's found in
12 seminal fluid that will react.

13 Q. Okay. What if you continue doing your presumptive
14 tests and you're not finding anything?

15 A. If I don't find anything, let's say I've tested all
16 the stains that have either fluoresced with the UV light
17 and/or I've noticed, visually seen and pressed out for the
18 presence of blood or semen, if they come back negative, then
19 we stop.

20 Q. Okay. When you say "stop," does that mean no
21 further DNA testing -- you don't do DNA testing but the
22 testing does not go forward on to the DNA analyst?

23 A. No, ma'am. If it doesn't give me a positive for
24 blood and/or semen, then that probably means that the
25 biological fluid is not present. It could be another stain

1 and we will cease testing on that. It does not go to DNA.

2 Q. Because there would be nothing for the DNA analyst
3 to actually extract and test.

4 A. Exactly.

5 Q. Okay. I'd like to turn your attention to this
6 case. You were requested to do some testing in this case;
7 is that correct?

8 A. Yes, ma'am.

9 Q. Can you tell me what items of evidence you were
10 requested to test?

11 A. Yes, ma'am. I was requested to test a pair of
12 panties, a pair of sandals, a left sandal and a right
13 sandal, a T-shirt, a second T-shirt, a pair of pants and a
14 pair of jeans.

15 Q. Okay. Were there any other tests or any other
16 items of clothing that you were requested to test?

17 A. No, ma'am, not at the time.

18 *MS. FULLER:* May I approach the witness?

19 *THE COURT:* You may.

20 Q. *(BY MS. FULLER)* I'm going to show you what has
21 been marked as State's Exhibit 93 and State's Exhibit 94.
22 Do you recognize these bags?

23 A. Yes, ma'am. It has the unique identifier on it,
24 which is the incident number in this case, my initials, as
25 well as the item numbers.

1 Q. Okay. And at what point they were sealed with
2 evidence tape; is that correct?

3 A. Yes, ma'am. Yes, ma'am. That is the date that it
4 was sealed as well as my initials.

5 Q. Okay. So, after you took these items out and
6 tested them, when you were finished, you put them back in
7 the bags, sealed them with evidence tape and initialed and
8 dated that you sealed the evidence back up.

9 A. Yes, ma'am.

10 Q. Okay. I'm going to take these away from you in
11 case -- you want them up there still?

12 A. No, that's fine.

13 Q. Okay. So, you were asked to test the panties and
14 the sandals in this case and some other items of clothing.

15 A. Yes, ma'am.

16 Q. Okay. Were you able to -- well, first of all, tell
17 me what condition these items of clothing were in when they
18 came to you.

19 A. May I refer to my notes?

20 Q. Yes, please.

21 A. Thank you. Item 2.1 were the panties. They were
22 Haynes size 6, the color was blue and I noticed that the
23 items were covered in apparent leaf litter, dirt, debris,
24 they were odorous, very crusty and covered in brown stains.

25 Q. Were you able to -- once you did your visual and

1 you saw the condition of the panties, were you able to
2 extract any blood or semen from the panties or find the
3 presence of any blood or semen?

4 A. No, ma'am. Other than those stains, I did not
5 notice anything else. I took the item into our alternate
6 light source room and used the UV light on the panties. I
7 had one, two, three, four -- I had approximately four areas
8 on the panties that did fluoresce and I went ahead and did
9 an acid phosphatase test, a press out to see if there was
10 semen, and they were negative.

11 Q. Okay. So, on the panties there were no blood, no
12 semen found on the panties.

13 A. Correct.

14 Q. Okay. Now, the sandals and the rest of the
15 clothing, can you tell me the condition that they were in?

16 A. Yes, ma'am. They were in a similar condition. I
17 also noted that there was a lot of debris covering all of
18 the items and the sandals did match. They seemed to be
19 similar to one another. They were both a size 6. And I did
20 not see any visual bloodstains on the item.

21 Q. Okay. And that's the sandals?

22 A. Oh, yes, ma'am.

23 Q. Okay.

24 A. The sandals were Items 2.2 and 2.3.

25 Q. And were you able to find any semen or blood on the

1 sandals?

2 A. No, ma'am. I did an alternate light source
3 examination and it gave negative results.

4 Q. Okay. Now, how about -- we can group these
5 together but the T-shirt and the pants, there was a pair of
6 pants and a pair of jeans, were you able to find any semen
7 or blood on the T-shirt or the pants and jeans?

8 A. No, ma'am. All of my testing was negative.

9 Q. Okay. Now, can you tell us some of the factors
10 that would be needed in order for semen or blood to stay on
11 an article of clothing?

12 A. It depends on the item where the bodily fluid might
13 be located and how that item was stored.

14 Q. Okay. Let's say for example that the piece of
15 clothing was in -- was outside for over a month in May and
16 June in Houston. What are the chances of finding blood or
17 semen off of a piece of clothing that is exposed to the
18 elements?

19 A. Yes. While DNA might be very robust, it does
20 depend on the elements that it's in. A lot of things can
21 degrade DNA, including being out in the Houston weather in
22 the summer, like heat, humidity, sunlight, rain, anything,
23 any of those conditions can actually affect and degrade any
24 possible DNA that would have been there.

25 Q. Okay. So, since there was no blood or semen found

1 on these items, State's Exhibit 93 and -- 92 and 93, DNA --
2 the items did not go on to a DNA analyst because there was
3 nothing for them to test?

4 A. Exactly. There were no samples to take on to DNA.

5 MS. FULLER: Okay. Pass the witness.

6 THE COURT: Mr. Cornelius.

7 **CROSS-EXAMINATION**

8 Q. (BY MR. CORNELIUS) Rehfuss? Does that sound
9 right?

10 A. Yes, sir.

11 Q. Is that right?

12 A. Rehfuss. Rehfuss.

13 Q. Rehfuss. All right. Sorry.

14 Okay. Ms. Rehfuss, my name is Skip Cornelius.
15 I don't think we've ever met, right?

16 A. No, sir.

17 Q. So, I've never talked to you about this case
18 before?

19 A. No, sir.

20 Q. I'm the defense attorney. I just have a very few
21 questions for you.

22 Did you make any attempt to get a swab or
23 however -- any other way you might try to do it, skin cells?

24 A. No, sir. Contact DNA, while not requested by the
25 investigator at the time -- well, due to the conditions of

1 the items, contact DNA would not be feasible in this case.

2 Q. So, you didn't try?

3 A. No, sir.

4 Q. What about hair?

5 A. Hair and fiber were not requested by the
6 investigator.

7 Q. Hair and fiber --

8 A. And/or tested in this case.

9 Q. Okay. Well, that was my next question. No attempt
10 to get hair, fiber or skin cells?

11 A. No, sir.

12 Q. On your report it says that there was trace
13 evidence. What are you referring to about trace evidence?

14 A. Trace evidence is probably referring to all of the
15 leaf litter and the debris that was noted. And the items, I
16 retain them in butcher paper just to retain any debris that
17 had possibly fallen off of the clothing items.

18 Q. So, for example, if the police had a suspect and on
19 that suspect they might find something, you kept this in
20 case this trace evidence or something like this trace
21 evidence might be found on their suspect?

22 A. That could be a possibility.

23 Q. So, just to be clear and I'll be quiet, there was
24 never any attempt to develop a DNA profile because you
25 didn't find anything that you thought a profile could be

1 developed from?

2 A. There was no blood or semen on the items that I
3 tested.

4 Q. So, there was no attempt to develop a DNA profile
5 because you didn't have anything you thought a DNA profile
6 could be developed from?

7 A. Yes, sir.

8 MR. CORNELIUS: Pass the witness.

9 THE COURT: Ms. Fuller?

10 MS. FULLER: Just briefly.

11 **REDIRECT EXAMINATION**

12 Q. (BY MS. FULLER) You talk about contact DNA, which
13 is skin cells?

14 A. Yes, usually.

15 Q. Okay. And hair and fiber also. Are they items or
16 substances that are also going to be exposed to the
17 elements?

18 A. Yes, ma'am.

19 Q. Meaning weather, rain, humidity, heat?

20 A. Yes, ma'am.

21 Q. Okay.

22 MS. FULLER: Pass the witness.

23 MR. CORNELIUS: Nothing further, Judge.

24 THE COURT: May this witness be excused?

25 MS. FULLER: Yes, Your Honor.