

1 (Court reconvened at 9:00 the next morning on the 18th  
2 day of December, and the following was made of  
3 record, to-wit:)

4 BY THE COURT: Who does the State call as your  
5 next witness?

6 BY MR. ROSENBLATT: Your Honor, the State would  
7 call Mrs. Amy Winter.

8 **AMY WINTER,**  
9 having been duly and legally sworn, answered  
10 questions on her oath as follows, to-wit:

11 BY MR. ROSENBLATT: May I proceed?

12 BY THE COURT: You may proceed.

13 DIRECT EXAMINATION

14 BY MR. ROSENBLATT:

15 Q. Ms. Winter, we thank you for being with us this  
16 morning. Would you tell the jury where you work, please,  
17 ma'am.

18 A. I am employed at the Mississippi Crime  
19 Laboratory in Jackson.

20 Q. And that's a big place, and what part of it do  
21 you work?

22 A. I am employed as a forensic biologist, and I'm  
23 assigned to the bioscience section of the laboratory, and  
24 this is the area in which I look at items of evidence to  
25 determine if there might be any blood, semen, or other  
26 body fluids on it. Attempt to identify those as a body  
27 fluid, and then after that, I would perform DNA testing on  
28 these items to determine what their source might be, who  
29 could have left that stain and to testify to that in

1 court.

2 Q. Mrs. Winter, would you tell the jury what sort  
3 of educational background you have that qualifies you for  
4 this work.

5 A. Yes, sir. I earned a Bachelor of Science degree  
6 in General Science from Mississippi State University in  
7 May of 1992.

8 Q. And have you had any other specialized training  
9 after that?

10 A. Yes. I have completed two training programs at  
11 the Mississippi Crime Laboratory. The first one is in  
12 serological analysis which is the study of body fluids,  
13 blood and semen. In this training program, I examine  
14 different items of evidence for blood or semen or other  
15 body fluids under an experienced analyst. I also  
16 underwent practical exercises, examinations, and tests and  
17 qualifying tests to determine that I was competent, and  
18 then just recently I've completed a DNA training program  
19 in which I underwent the same type of training. I  
20 analyzed samples to determine if there was any DNA there  
21 and what the profile would be in comparison to other  
22 samples and was given a competency test to determine that  
23 I was competent to perform these tests.

24 Q. So when you say a competency test, you are  
25 certified to do the work that you do?

26 A. Yes. The crime laboratory has certified me to  
27 perform these tests.

28 Q. As far as national organizations of forensic  
29 experts, do you belong to any organizations in your work?

1 A. Yes. I'm a member of several professional  
2 organizations. I am a member of the American Academy of  
3 Forensic Sciences. I am also a member of the Southern  
4 Association of Forensic Scientists and the Mississippi  
5 division of the International Association for  
6 Identification. In addition, I hold certification as a  
7 criminalist with the American Board of Criminalistics.

8 Q. Mrs. Winter, how long have you been doing  
9 serology and DNA analysis?

10 A. In total, I've been employed at the crime  
11 laboratory for almost eight years. I've been performing  
12 serological testing for about six years and DNA testing  
13 casework since January.

14 Q. And have you ever been qualified as an expert  
15 witness in a circuit court in this state before?

16 A. Yes, I have.

17 Q. About how many times?

18 A. I've been qualified as an expert around  
19 thirty-four or thirty-five times in both -- combined in  
20 serology and DNA analysis.

21 BY MR. ROSENBLATT: Your Honor, we move at this  
22 time to offer Mrs. Winter as an expert in the field  
23 of serology and DNA analysis.

24 BY THE COURT: Any voir dire on her  
25 qualifications?

26 BY MR. SERMOS: We accept her, Your Honor.

27 BY THE COURT: All right. Let the record show  
28 that the Court is going to accept the witness as an  
29 expert in the field of serology and DNA analysis by

1 virtue of her education, training, skill, and  
2 experience. Ladies and gentlemen, the significance  
3 of an expert witness or a witness being accepted as  
4 an expert in a field is that they are allowed to give  
5 opinions about matters where normally a normal lay  
6 witness is not. All right. Mr. Rosenblatt, you may  
7 proceed.

8 BY MR. ROSENBLATT:

9 Q. Mrs. Winter, I know it's hard to do briefly.  
10 We hear a lot about DNA on television and trials and that  
11 sort of thing. Would you tell the jury briefly -- just  
12 give us an overview about what is DNA and the  
13 significance.

14 A. DNA stands for deoxyribonucleic acid,  
15 and it is the genetic blueprint that determines what we're  
16 going to look like and our physical characteristics. It's  
17 present in every cell in our body. For example, you can  
18 find it in skin cells, blood cells -- white blood cells  
19 that is. A sperm cell, things of that nature. So it's  
20 found throughout the body, and it's consistent throughout  
21 the body. So whatever your DNA type is in your skin cells  
22 is the same as what would be in your white blood cell or  
23 in a sperm cell. You inherit your DNA from your  
24 biological parents. So half your DNA comes from your  
25 biological mother, and the other half comes from the your  
26 biological father. And we test several different areas of  
27 the DNA molecule to achieve a DNA profile that can be used  
28 to compare a known sample of an individual. In other  
29 words, we know what their DNA is by testing that sample,

1 to questioned DNA samples, such as a piece of evidence  
2 that has a blood stain on it. This is what we're  
3 referring to in DNA testing, and the type of testing that  
4 I perform is called short tandem repeat analysis, and I am  
5 testing thirteen different areas of the DNA molecule, and  
6 in that, I am attempting to achieve a profile of all  
7 thirteen of these different areas for comparison purposes.

8 Q. So we're not concerned about the DNA that we  
9 all share as humans, then, are we? You're looking at  
10 those areas in which we differ one from another?

11 BY MR. SERMOS: Objection, Your Honor. He's  
12 testifying for the witness.

13 BY MR. ROSENBLATT: This is a preliminary  
14 matter, Your Honor. I'm just trying to get an  
15 explanation from the witness.

16 BY THE COURT: I understand, but let the  
17 witness testify. You may go ahead and answer that.

18 A. That is correct. Only a small portion of our  
19 DNA varies from individual to individual. About 99.9  
20 percent of our DNA is the same. That .01 percent that is  
21 different is what is being tested in forensic science,  
22 and it's that variation that can be used to differentiate  
23 between an individual and between blood stains and pieces  
24 of evidence in a case.

25 Q. And, Mrs. Winter, if I were just to hand you a  
26 blood sample and have you test it and tell me whose DNA  
27 this is, could you do that by itself?

28 A. No. At this point with the technology and the  
29 scientific procedures that we have in place, we do not

1 necessarily identify an individual based solely on their  
2 DNA type. What is done is it is -- a comparison is made  
3 to determine if the type found from the questioned stain  
4 or the evidence is the same as what we have found in the  
5 known blood sample of individual. If the DNA profiles  
6 match or they are the same, we say it's consistent. Once  
7 we determine it's consistent, we determine how significant  
8 that match is. How likely is it that it came from that  
9 individual, and at that point we would apply a statistical  
10 analysis to attach a probability that it could come from  
11 somebody else other than the person involved in the case  
12 that it matched to.

13 Q. Mrs. Winter, in general, would you tell us the  
14 steps that you go through in performing such an analysis.  
15 In other words, from the time you get a sample to  
16 submitting a report, how is that done?

17 A. Well, there are several basic steps in the  
18 testing procedure. The first one is to actually extract  
19 the DNA from the sample. A small cutting of the stain  
20 would be tested. It would be extracted in a small tube to  
21 pull the DNA out of the sample. We would determine how  
22 much DNA is actually there, and then we would perform a  
23 process called PCR or polymerase chain reaction which  
24 allows us to copy the areas of the DNA molecule that we  
25 want to type so that we can get information from a very  
26 small stain. Whereas without this process, we may not be  
27 able to get the information we need. Then we would type  
28 that sample and then we would also type the known samples  
29 that -- of blood that were drawn from the individuals in

1 the case and do a comparison. As I mention earlier, from  
2 the questioned evidence found at the crime scene or  
3 collected from an item and compare that to the individuals  
4 in the case to see if it could have come from one of those  
5 individuals.

6 Q. Now, you confirm for me, not only are you  
7 certified but your laboratory is certified; is that  
8 correct?

9 A. The laboratory at this point is undergoing  
10 certification or accreditation by an outside laboratory.

11 Q. And your work is checked somehow?

12 A. Yes. There are a lot of measures and procedures  
13 in place with forensic DNA testing to ensure the quality  
14 of our work. There are guidelines that determine how we  
15 will go about testing a stain. We have protocols in place  
16 that are to be followed at all times, and we have checks  
17 and balances or quality control measures that we use to  
18 ensure that when we test these stains, we do it accurately  
19 and achieve the correct results all the time.

20 Q. Now, Mrs. Winter, did you perform this sort of  
21 analysis for us in this case?

22 A. Yes. I did perform DNA testing in the case  
23 that is being presented today.

24 Q. Mrs. Winter, I'm going to hand you what's been  
25 marked for identification Exhibits D, E, and F, and just  
26 ask you in general what these represent in terms of what  
27 you explained to us about comparisons.

28 A. The first item that was marked Exhibit D for  
29 identification is a small manilla envelope that is labeled



1 "One purple top of tube of blood drawn from white female"  
2 or WF, Rebecca Britt. It's labeled with a crime lab case  
3 number and submission number, and it's also got the crime  
4 laboratory tape. This is the item or the packaging that a  
5 purple top test tube of blood was submitted in, and this  
6 purple top test tube of blood would be used for or was  
7 used for comparison purposes in this case to compare to  
8 any DNA that we got from a questioned or evidence sample.

9 Q. In other words, that sample, you knew where it  
10 came from?

11 A. Yes. It's known. We know that the source of  
12 this sample because it was a sample drawn directly from an  
13 individual by a health professional. So we know this  
14 blood came from this individual. Whereas with questioned  
15 evidence, that is the sample that comes from a sheet, a  
16 shirt, or a stain from the crime scene, and we don't know  
17 who could have contributed it. State identification  
18 Exhibit E is a small, white envelope that is a suspect  
19 sexual assault evidence collection kit labeled, "Suspect's  
20 name, Jeffrey Havard," and it bears crime lab case number,  
21 submission number, and the evidence tape, and this is an  
22 item that is used to collect known samples and possibly  
23 some questioned samples from someone that is an alleged  
24 suspect of a sexual assault, and this contained a blood  
25 sample that was also a known sample to have come from  
26 Jeffrey Havard to use for DNA comparison. And State's  
27 Exhibit for identification F is a large, white envelope  
28 that is also a sexual assault evidence collection kit, but  
29 it's from the victim, Chloe Britt, and it also contains



1 the crime lab case number and submission number and the  
2 evidence seal. And, again, this is a piece of evidence  
3 that is used to collect items of an alleged sexual assault  
4 victim, and it contains things like oral and vaginal swabs  
5 to determine if semen might be present. It would also  
6 contain fingernail scrapings sometimes, and sometimes it  
7 contains a known blood sample to be used also for  
8 comparison purposes.

9 Q. And all three of those samples would have been  
10 received by your laboratory, processed by your laboratory  
11 and returned to the sheriff's office for us today; is  
12 that correct?

13 A. That's correct.

14 Q. And you're able to determine that by the  
15 markings on it and the crime lab tape.

16 A. That's correct.

17 Q. And they're packaged today. They would have  
18 been packaged after you were finished with them; is that  
19 correct?

20 A. That's correct. I mentioned the evidence seal  
21 earlier, and that evidence seal is to show that this  
22 evidence is sealed. That no one could have gone into it,  
23 and these evidence seals have not been broken. So this  
24 shows that no one has gone into the evidence since it was  
25 sealed at our laboratory.

26 Q. Thank you.

27 BY MR. ROSENBLATT: Your Honor, at this time,  
28 I'd move to introduce these three previously marked  
29 for identification exhibits as evidence in this case

1 for calling the predicate to be laid yesterday.

2 BY THE COURT: All right. Is there any  
3 objection to that?

4 BY MR. SERMOS: No objection.

5 BY THE COURT: The Court will allow these three  
6 exhibits which have been previously marked for  
7 identification only. This will be D, E, and F to be  
8 introduced as Exhibit 27, 28, 29 in this case in that  
9 order.

10 DOCUMENT MARKED AS STATE'S EXHIBITS 27, 28, AND 29.

11 BY MR. ROSENBLATT: May I proceed, Your Honor?

12 BY THE COURT: You may proceed.

13 BY MR. ROSENBLATT:

14 Q. Mrs. Winters, you may want to don your  
15 protective ware.

16 A. Okay.

17 Q. Mrs. Winters, as you can see your crime lab tape  
18 is still very much in tact. We whacked it open yesterday  
19 in court so it's not quite so sealed. I'm going to hand  
20 you what's been marked for identification purposes as  
21 Exhibit B in this case. Your submission number five,  
22 formally sheriff's exhibit number nine, and ask you if you  
23 had occasion to test that item. Take a minute and look at  
24 this.

25 A. Yes. What's been handed to me is State's  
26 Exhibit B for identification is a large, brown paper bag  
27 that is open at the top. It's labeled bag number nine,  
28 Exhibit 9. It bears the crime lab case number and  
29 submission number, and it says up at the top of it "Beside

1 stove," and inside it contains a white piece of butcher  
2 paper and in that is a flannel type cotton sheet with a  
3 cloud print. This white paper is used to package up  
4 evidence once it's been processed to preserve any trace  
5 evidence that might be there.

6 BY MR. ROSENBLATT: Your Honor, would it be  
7 permissible for Mrs. Winter to stand?

8 BY THE COURT: Certainly. She'll be allowed to  
9 stand for purposes of her testimony.

10 BY MR. ROSENBLATT:

11 Q. Now, would you take a look at it and see if you  
12 had occasion to test that item and, if so, what you  
13 found.

14 (The witness takes sheet out of the bag.)

15 Q. Mrs. Winter, we have a fitted sheet and a top  
16 sheet. If you would decide whether that's the fitted  
17 sheet or the top sheet for us.

18 A. I am sorry. I'm trying to get my orientation on  
19 the sheet. Yes. This is the -- this sheet was examined  
20 in the laboratory to determine if human blood was on the  
21 sheet, and this is a fitted sheet. The white sheet with  
22 blue cloud and yellow sunshine design, and as you can see,  
23 it's kind of hard to hold up the entire item at one time,  
24 but there are several cuttings and markings on the sheet.  
25 You can see some large holes and some markings that say  
26 things like T-1, T-7, et cetera, and what this is is these  
27 are different areas that were thought to possibly be  
28 blood, and they were marked so that you could identify one  
29 stain from another. So each different test site has its

1 own number, starting with test site one and on up to the  
2 final stain. And you can see some of them have been cut  
3 out for further examination to attempt to ID if human  
4 blood was present or not. It's these stains that were  
5 further used in the DNA testing. This large stain here  
6 towards the middle of the sheet that is marked T-13 was  
7 tested further for DNA testing, and there was one other  
8 stain. It's kind of hard to find because the sheet is so  
9 large. It's up here. Yes. Here we go. Towards the top  
10 of the sheet, the front side where the pattern is, there's  
11 another large stain marked T-4 and that stain was also  
12 collected and tested further for DNA analysis.

13 Q. Mrs. Winter, you said you tested these stains.  
14 Did they, in fact -- were they, in fact, human blood?

15 A. If I may refer to my notes. I believe one of  
16 them was identified as human blood and the other one was  
17 insufficient for human blood determination.

18 Q. Feel free to refer to your notes.

19 A. The last stain that I indicated, T-4, that was  
20 at the top of the sheet on the front side was a weak  
21 stain, and in order to try to determine if human blood was  
22 present, it might have to have been consumed and DNA  
23 testing wouldn't have been able to be done on it. So a  
24 screening test was done to determine that it might be  
25 blood, and it was collected or preserved to go straight  
26 for DNA testing. And the initial -- the first stain  
27 towards the middle of the sheet that was marked T-13 was  
28 identified as human blood before DNA testing was performed  
29 on it.

1 Q. Mrs. Winter, on the spots that were tested for  
2 DNA, do you have results that you can share with the jury  
3 on those?

4 A. Yes, I do.

5 Q. And what are those results?

6 A. In testing those two stains that were just  
7 mentioned, a DNA profile was obtained from both of these  
8 stains that could be compared back to the individuals in  
9 this case. On the first stain, T-13, the first stain that  
10 was shown, that was a blood stain that was consistent with  
11 the victim, Chloe Britt.

12 Q. And on the other stain?

13 A. The other stain that was obtained from this  
14 sheet was determined to be -- I am sorry. One second.

15 Q. Take your time.

16 A. The cutting from test site four that was at the  
17 top of the sheet was consistent with a mixture. In other  
18 words, it was determined that DNA from more than one  
19 individual was present in that stain, and upon comparing  
20 that to the known samples of the individuals in this case,  
21 it was consistent with a mixture of Rebecca Britt and  
22 Jeffrey Havard.

23 Q. So Rebecca and her boyfriend Jeffrey's DNA was  
24 on the top stain, the smaller stain?

25 A. That's right. The DNA in that mixed -- the  
26 mixture of that DNA in that stain was consistent with  
27 those two individuals.

28 Q. Chloe's blood and DNA was in the big stain in  
29 the middle of the sheet?

1 A. That's correct.

2 Q. Now, Mrs. Winter, if you want to share  
3 statistics with us, that's fine. What I want to know is  
4 how sure are you about what you're telling us.

5 A. Well, I am a hundred percent sure of what I am  
6 telling you. As far as statistical analysis as how  
7 significant this match is, on the stain that was  
8 consistent with Chloe Britt, it was determined that the  
9 frequency of this profile was one in greater than ten  
10 billion --

11 Q. I am sorry. Ten billion?

12 A. Ten billion. So the likelihood of this stain  
13 having come from someone other than Chloe Britt is greater  
14 than one in ten billion.

15 Q. There are only six billion people in the world,  
16 aren't there, Mrs. Winter?

17 A. That's correct.

18 BY MR. ROSENBLATT: Your Honor, at this time and  
19 in light of the predicate laid yesterday, I move to  
20 introduce Exhibit Number B for identification into  
21 evidence.

22 BY THE COURT: Any objection to this?

23 BY MR. SERMOS: No objection, Your Honor.

24 BY THE COURT: The Court will allow what has  
25 previously been marked as B for identification to be  
26 introduced as Exhibit Number 30 in this case.

27 DOCUMENT MARKED AS STATE'S EXHIBIT 30

28 BY MR. ROSENBLATT:

29 Q. Now, Mrs. Winter, I going to hand you what's

1 been previously marked as Exhibit Number C for  
2 identification. Again, cut open at the top and sealed by  
3 you and ask if you can identify that for me.

4 A. Yes. This item that's been marked as State  
5 identification C is a large, brown paper bag that has been  
6 cut open at the top, and it's labeled with crime lab case  
7 number and submission number, and it's also labeled top  
8 sheet found in kitchen at stove. And it's also wrapped in  
9 white butcher paper, and it contains a white flannel flat  
10 sheet with the blue cloud and yellow sunshine pattern.

11 Q. Would you --

12 A. Sure.

13 Q. -- show us that, please?

14 (Witness pulls sheet out of the paper bag.)

15 Q. I believe you mentioned this is the top sheet?

16 A. Yes. This is the flat sheet as opposed to the  
17 other one that was the fitted sheet. Again, you can see  
18 that there are several test sites on here as I mentioned  
19 earlier, and there are cuttings that have been taken from  
20 the sheet. On the backside of the sheet, it does not have  
21 the pattern. Towards the -- towards the edge and the  
22 bottom is a stain marked TB-8, and this stain was tested  
23 and determined to be human blood, and then it was tested  
24 in the DNA analysis procedures.

25 Q. And you said it was human blood on --

26 A. Yes.

27 Q. -- that sheet? And you did test it for DNA?

28 A. That's correct.

29 Q. That one spot?



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A. Yes.

Q. Whose DNA was in that spot?

A. The DNA from this spot that I just showed you was consistent of that of Chloe Britt.

Q. And was anyone else's DNA in that spot?

A. No. There was not.

Q. If you want to refer to your notes and check that for me, please.

A. Oh, I am sorry. I apologize.

Q. That's quite all right.

A. There are several cuttings from the sheets.

Q. I was going to say it's cut up pretty good.

A. Yes. This one that was marked TB-8 on the top sheet was consistent with a mixture of Jeffrey Havard and Chloe Britt.

Q. Was the mama's DNA in that spot?

A. No. She was excluded as a donor to the mixture of this stain.

Q. When you say excluded as a donor to the mixture of this stain, what do you mean?

A. That means that her -- the mixture was not consistent with her DNA type.

Q. In other words, to a statistical certainty, or I mean, are you saying --

A. She can -- she can -- excuse me. Let me put this back in here.

(Witness returns sheet back in the bag.)

A. She can completely be excluded as the source of that stain. Her DNA is not in that mixture.

1 Q. But Jeffrey Havard's DNA and Chloe Britt's DNA  
2 is in that mixture?

3 A. Yes. The components of that are consistent  
4 with those two individuals.

5 Q. And, again, to that level of certainty that you  
6 described before or to something close to that?

7 A. Well, with this situation, it's a little  
8 different because this is a mixed stain. There's no way  
9 to differentiate and achieve a frequency as stated  
10 earlier, the one in greater than ten billion. This  
11 situation a probability of exclusion was used, and this is  
12 just a formula used to determine what percentage of the  
13 population could have been excluded as a donor of the DNA  
14 in this stain, and in this particular situation, it was  
15 determined that 99.96 percent of the population could be  
16 excluded as a donor to the stain.

17 Q. Ninety-nine point nine six.

18 A. That's correct.

19 Q. Now, Mrs. Winter, do you know Jeffrey Havard?

20 A. No, sir. I do not.

21 Q. You don't have any reason to come in here and --

22 BY MR. SERMOS: Objection, Your Honor. He's  
23 testifying for the witness. Ask a question, please.

24 BY MR. ROSENBLATT: I'm sorry. I --

25 BY THE COURT: I'll sustain the objection.

26 BY MR. ROSENBLATT: Your Honor, at this time, we  
27 will move to introduce the top sheet which contains  
28 the mixture of Jeffrey Havard and the child, Chloe  
29 Britt's DNA on it as an Exhibit.

1 BY THE COURT: Is any objection to that?

2 BY MR. SERMOS: No objection.

3 BY THE COURT: Let the record show that what has  
4 previously been marked as C for identification will  
5 be admitted into evidence as Exhibit Number 31 in  
6 this case.

7 DOCUMENT MARKED AS STATE'S EXHIBIT 31

8 BY MR. ROSENBLATT: Your Honor, I tender this  
9 witness to the defense.

10 BY THE COURT: All right. Cross-examination.

11 CROSS-EXAMINATION

12 BY MR. SERMOS:

13 Q. Mrs. Winter, you were -- all this stuff was sent  
14 to you; is that right? You never came down and got it?

15 A. No. The evidence that was examined that I am  
16 testifying to today was brought to the crime laboratory by  
17 a law enforcement officer.

18 Q. And so you've never been to the scene of the  
19 alleged crime where Chloe Britt lived with Jeffrey Havard,  
20 have you?

21 A. No, I have not.

22 Q. And for all the information you've told us so  
23 far before we go any further, any stains or blood or DNA  
24 samples that came from those sheets, you don't know how  
25 long they had actually been on those sheets, do you?

26 A. No, I don't.

27 Q. In other words, when you got it, some of those  
28 stains could have been there for a month or two months;  
29 isn't that right?

1 A. That's correct.

2 Q. Perhaps even four or five months; isn't that  
3 correct?

4 A. That's correct. There's no way for me to  
5 determine the age or how long a stain has been on an item.

6 Q. So if something -- you talked about a mixture.  
7 We'll just go ahead and talk about that right now. If  
8 something -- whether it's a stain on this floor or on that  
9 sheet, if there is one DNA product put down and then three  
10 weeks later or thirty minutes later or twelve hours later,  
11 another DNA pattern, product, whether it's saliva, blood,  
12 or whatever is put down on the same spot or right near  
13 that spot to cause a mixture, you wouldn't be able to  
14 detect a time differential, would you?

15 A. No, I would not. The only possibility to  
16 detect a time differential is there's a possibility that  
17 degradation could have occurred in time. For instance, if  
18 one stain is deposited and then a year later, another  
19 stain is deposited, the DNA present in the first stain  
20 could have degraded to such a point that the DNA is not  
21 detectable.

22 Q. And, of course, in this case there was no  
23 degradation, was there?

24 A. Not that I'm aware of.

25 Q. And you'd be aware of it because you did the  
26 test. As far as -- you mentioned some other things. In  
27 fact, I believe you talked about different things about  
28 DNA and where it's found and, for example, you mentioned  
29 fingernail scrapings. Didn't you say something about

1 that?

2 A. Well, there can be an individual's DNA found in  
3 fingernail scrapings, and so on occasion the samples are  
4 collected to determine if there might be any foreign DNA  
5 in an individual's fingernails scrapings that might link  
6 two individuals in a crime.

7 Q. Okay. And there can also be DNA taken -- for  
8 example, you mentioned a sex assault kit. For example,  
9 if this case, of course, there's certainly allegations of  
10 sexual assault. If there were DNA from Chloe Britt, if  
11 Jeffrey Havard had done something to her, for example, had  
12 he put his penis in her anywhere, if there were samples  
13 taken from his penis or from under his fingernail  
14 scrapings if he had been accused of putting his finger in  
15 her somewhere, you could find that DNA, couldn't you, if  
16 you got the samples?

17 A. It is possible that there could be DNA detected  
18 from a penile swabbing or from fingernails scrapings. I  
19 don't have any knowledge of whether or not that was ever  
20 done, but I did not test any such samples in this case.

21 BY MR. SERMOS: One moment, please, Your Honor.

22 BY THE COURT: Yes, sir.

23 BY MR. SERMOS: May I approach the witness, Your  
24 Honor?

25 BY THE COURT: Yes, sir.

26 BY THE WITNESS: Excuse me. Am I through with  
27 my gloves? Am I going to need gloves?

28 BY MR. SERMOS: You're not going to need them as  
29 far as I am concerned.

1 BY THE COURT: You may go ahead --

2 BY THE WITNESS: Thank you.

3 (Witness removes gloves.)

4 BY MR. SERMOS:

5 Q. Would you please look at that and see if that's  
6 your signature, and are you aware of that report?

7 A. Yes. What I've been handed is a copy of my  
8 Mississippi Crime Laboratory serological analysis report  
9 that is signed by me and was submitted on March 19th of  
10 this year.

11 Q. Okay. Do you have -- in this book you have  
12 here, do you have an original of this report or a copy?

13 A. I have a copy.

14 Q. Okay.

15 BY MR. SERMOS: One moment, please.

16 BY MR. SERMOS:

17 Q. If you would, could you please --

18 BY MR. ROSENBLATT: May I see it?

19 BY MR. SERMOS: I'm sorry.

20 (Mr. Rosenblatt reviews document.)

21 MR. SERMOS:

22 Q. Could you please look at a copy --

23 A. Yes.

24 Q. -- if you would.

25 A. Sure.

26 Q. Then I can bring you this back.

27 A. Okay.

28 Q. You have a copy of it --

29 A. Yes.

1 Q. Okay. This is -- put it this way. Would you  
2 please explain to the jury what you did on this report?

3 A. Sure. Again, this is a serological analysis  
4 report that I submitted on March 19th of this year, and it  
5 is analysis on the sexual assault evidence collection kit  
6 that was submitted on Chloe Britt, and I examined two oral  
7 swabs, two vulvar swabs, four vaginal swabs, and two  
8 rectal swabs to determine if semen might be present on  
9 these samples.

10 Q. All right. Would you please tell the jury what  
11 the results were of your examination.

12 A. The results of my serological examinations for  
13 the presence of semen were negative on these items.

14 Q. So that would be negative on oral swabs from  
15 Chloe Britt, right?

16 A. Yes.

17 Q. And negative from vulvar swabs which is swabs  
18 that have been taken from her genital urinary area;  
19 is that correct?

20 A. That's correct.

21 Q. And vaginal swabs, swabs taken from the vagina  
22 of Chloe Britt, negative?

23 A. That's correct.

24 Q. And any rectal swabs from Chloe Britt. Negative  
25 also; is that correct?

26 A. That's correct.

27 BY MR. SERMOS: Your Honor, we would ask that --  
28 do we have a copy we can admit into evidence?

29 BY THE WITNESS: Sure. You can have this copy.



1 BY MR. SERMOS: Your Honor, we would ask that a  
2 copy of this report be admitted into evidence.

3 BY MR. HARPER: No objection, Your Honor.

4 BY THE COURT: All right. The Court will allow  
5 a copy of such report of this witness to be  
6 introduced as Exhibit Number 32 in evidence.

7 DOCUMENT MARKED AS DEFENDANT'S EXHIBIT 32

8 BY MR. SERMOS: One moment, please, Your  
9 Honor. I have no further questions of this witness,  
10 Your Honor.

11 BY THE COURT: Okay. Any redirect?

12 BY MR. ROSENBLATT: Briefly, Your Honor.

13 REDIRECT EXAMINATION

14 BY MR. ROSENBLATT:

15 Q. Mrs. Winter, let me refer you to the report that  
16 Mr. Sermos just showed you that's now been marked as  
17 Exhibit Number 32.

18 A. Okay.

19 Q. And I just want to be clear on something because  
20 we're talking about blood, DNA, and all sorts of other  
21 things, and I don't want to get them mixed up. In this  
22 report that you gave a negative result for, is this a DNA  
23 test?

24 A. No, it is not a DNA test.

25 Q. What are you looking for in that report?

26 A. Again, this is a test to determine if any semen  
27 was present on these four items, and in doing this, I am  
28 attempting to determine if any sperm cells might be  
29 present or any seminal fluid might be present on these

1 items.

2 Q. So if Jeffrey Havard had inserted his penis into  
3 Chloe Britt and not ejaculated, then there wouldn't  
4 necessarily be any semen in there, correct?

5 A. That's correct. That is one of several reasons  
6 why semen might not be present if a sexual assault  
7 occurred.

8 Q. How about if he had bathed the baby thoroughly,  
9 scrubbing her well inside and outside, would that lessen  
10 the chance of finding semen in the baby?

11 A. That is a possibility as to why semen might not  
12 be present.

13 Q. How about if he had stuck his fingers or some  
14 other object into the baby, would there be semen present?

15 A. Not necessarily. Again, if something other  
16 than the penis was used to insert into the vaginal cavity,  
17 then that would also could explain why semen might not be  
18 present.

19 Q. So the mere fact that you don't find semen  
20 doesn't mean there wasn't a sexual assault, does it?

21 A. That's correct. None of my examinations are to  
22 determine if sexual assault occurred. My examinations are  
23 to determine if any semen might be present to show a  
24 transfer of body fluid from one individual to another.

25 Q. Now, on the sheets, what effect does running  
26 through the washer have on your DNA samples?

27 A. More than likely, if something has been washed,  
28 the chance of getting DNA is going to be very slim. There  
29 is still a slight possibility that there might be some DNA

1 present even after it's gone through the washing machine,  
2 but more than likely, the stain would be washed off in the  
3 process.

4 Q. Does it appear to you as though these sheets had  
5 been through the washer prior to your testing them?

6 A. According to the appearance and the stains that  
7 were present, they did not appear washed.

8 Q. But about to be, though.

9 BY MR. SERMOS: Objection, Your Honor.

10 BY MR. ROSENBLATT: Thank you, Your Honor.

11 BY MR. SERMOS: Absolutely --

12 BY THE COURT: I sustain.

13 BY MR. SERMOS: We would ask the Court to  
14 admonish the jury to disregard the district  
15 attorney's comment.

16 BY THE COURT: Ladies and gentlemen, you're to  
17 disregard that last comment.

18 BY MR. ROSENBLATT: I apologize, Your Honor.  
19 Mrs. Winter, that's all I have.

20 BY THE COURT: You may step down. Would this  
21 witness be excused by both sides finally?

22 BY MR. SERMOS: Yes, Your Honor.

23 BY THE COURT: You will be released under your  
24 subpoena.

25 (Witness steps down.)

26 BY THE COURT: I tell you what. We'll take a  
27 short recess about ten minutes. I want the State to  
28 check and see if your other witness is here --

29 BY MR. HARPER: He's here, Your Honor.

1 BY THE COURT: -- before we proceed. Let's take  
2 about a ten-minute recess because I know that may be  
3 lengthy.

4 (After a short recess, the following was made of record,  
5 to-wit:)

6 BY THE COURT: Who does the State call as your  
7 next witness?

8 BY MR. HARPER: We call Dr. Stephen Hayne, Your  
9 Honor.

10 BY THE COURT: Dr. Stephen Hayne.

11 STEPHEN HAYNE,  
12 having been duly and legally sworn, answered  
13 questions on his oath as follows, to-wit:

14 BY THE WITNESS: Good morning, Your Honor.

15 BY MR. HARPER: May I proceed, Your Honor?

16 BY THE COURT: Yes, sir.

17 DIRECT EXAMINATION

18 BY MR. HARPER:

19 Q. Would you state your name, please, sir.

20 A. Stephen Timothy Hayne, sir.

21 Q. And Dr. Hayne, what is your profession?

22 A. I'm a physician practicing in the fields of  
23 anatomic, clinical, and forensic pathology.

24 Q. Okay, sir. And do you currently have a position  
25 with the state medical examiner's office?

26 A. I do, sir.

27 Q. And what is that position?

28 A. State pathologist with the Department of Public  
29 Safety.