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PETITIONER'S EXHIBIT #26
5/27/08 letter from Kermit Channell

ARKANSAS STATE CRIME LABORATORY



Mike Beebe
Governor



Kermit B. Channell, II
Executive Director

May 27, 2008

Brent Davis
Prosecuting Attorney
Second Judicial District
P.O. Box 491
Jonesboro, AR. 72403

RE: Arkansas State Crime Laboratory Case No:
1993-wvs-05716, 05717, and 05718



Dear Mr. Davis:

The data provided by the Bode Technology Group, Inc. referencing samples 2S04-114-34AB (Branch ligatures combined); 2S04-114-05D (Penile Swab – Moore) and 2S04-114-10E (Penile Swab – Branch) was reviewed at the Arkansas State Crime Laboratory by three independent DNA analysts.

The Bode analyst, Amy Jeanguenat, has indicated the following:

"The profile obtained from sample 2S04-114-34AB (Branch ligatures combined) suggests there is a possible mixture present; this is specifically suggested at the D5S818 locus. The swabs used to swab the ligature were consumed during processing. However there may be liquid extract available for further testing. Bode can go back to the original extract tube and measure the volume left."

"The profile obtained from sample 2S04-114-05D (Penile Swab – Moore) suggests there is a possible mixture present; this is specifically suggested at the D5S818 locus in the -05D NSF. Bode can go back to the original extract tube and measure the volume remaining. However, according to the analyst's notes, Bode received two swabs and only one was processed. Extracting the remaining swab could give us more information."

"The profile obtained from sample 2S04-114-10E (Penile swab – Branch) suggests there is a foreign allele present that could not have come from the victims or defendants: specifically '8' allele at the D16S539 locus in the -10E SF. According to analyst's notes, Bode received two swabs and only one was processed. Extracting the remaining swab could give us more information."

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Medical Examiner

In reviewing the data from 2S04-114-34AB (*Branch ligatures combined*), both the Bode analyst as well as our DNA analysts indicate that there is an elevated baseline. Bode also points out that there is an imbalance at amelogenin (gender determining region) and D3S1358 and that a possible mixture is present specifically at D5S818. (*When few copies of DNA template are present, stochastic amplification may occur, resulting in either a substantial imbalance of two alleles at a given heterozygous locus or allelic dropout*).

In reviewing the data from 2S04-114-05D (*Penile Swab - Moore*), both the Bode analyst as well as our DNA analysts indicate that there is an elevated baseline. It is noted by Bode that a possible mixture is present specifically at D5S818. Bode recognizes that this is a possible mixture, not in fact a mixture. In reviewing the data from sample No: 2S04-114-34AB and comparing it to sample No: 2S04-114-05D the potential mixture is not consistent (coming from the same individuals). This would indicate potential contamination or stochastic activity.

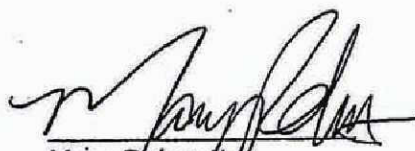
In reviewing the data from 2S04-114-10E (*Penile swab - Branch*), both the Bode analyst as well as our DNA analysts indicate that there is an elevated baseline. It is noted by the Arkansas State Crime Laboratory DNA analysts that the '8' allele at D16S539 in question is too low in comparison to surrounding baseline noise. Other potential peaks exist that are very similar in size (RFU's) that are not identified.


In reviewing all of this data, it is noted that the quality and quantity of the results obtained are very limited and require extreme caution in its interpretation. In rendering an opinion of this data, one cannot overlook the facts in this case: The three victims in this case were nude and submerged in water for between 18 to 24 hours prior to discovery. It is very unlikely that any interpretable DNA profile other than that due to contamination or that of the victims would be recoverable. Based on the Bode analyst's letter, it is clear that the data provided is questionable at best. The analyst uses "possible" and "suggests" to describe the data. Amy Jeanguenat documents that there is clearly a "possible mixture" present, not a "mixture present". She also indicates "elevated baseline", "primer peaks", "and imbalance".

It is clear that the data represented thus far by Bode, referenced above, is suspect at best. It is well documented that limited quantities of DNA, as noted in these samples and demonstrated by the quality of partial (at best) alleles obtained in this case, is too limited to render any opinion for comparison purposes.

It is my opinion that the alleles and possible mixtures are due to contamination and/or stochastic effects and no conclusive interpretation is possible.


Kermit B. Channell II
Executive Director
DNA Technical Leader


Mary Robnett
CODIS Administrator
DNA Analyst


Chris Glaze
DNA Analyst

003361



10430 Furnace Road
Suite 107
Lorton, VA 22079

August 30, 2007

Kermit B. Channell II
Executive Director
Arkansas State Crime Laboratory
#3 Natural Resources Drive
Little Rock, AR. 72215

Dear Kermit:

Enclosed is a CD with scanned copies of electropherograms and trays containing raw data for samples 2S04-114-05D, -05E, -34AB.

Based on the limited data from the above samples, in an email I sent to Don Horgan on 08-16-07, I indicated the following:

Now that the defendant's and victim's reference samples have been processed we are able to determine if there are any foreign alleles present in any of the samples.

-The profile obtained from sample 2S04-114-34AB (Branch ligatures combined) suggest there is a possible mixture present; this is specifically suggested at the D5S818 locus. The swabs used to swab the ligature were consumed during processing however there may be liquid extract available for further testing. Bode can go back to the original extract tube and measure the volume left.

-The profile obtained from sample 2S04-114-05D (Penile swab Moore) suggest there is a possible mixture present; this is specifically suggested at the D5S818 locus in the -05D NSF. Bode can go back to the original extract tube and measure the volume remaining. However according to analyst's notes Bode received two swabs and only one was processed. Extracting the remaining swab could give us more information.

-The profile obtained from sample 2S04-114-10E (Penile swab Branch) suggest there is a foreign allele present that could not have come from the victim's or defendant's; specifically the '8' allele at the D16S539 locus in the -10E SF. According to analyst's notes Bode received two swabs and only one was processed. Extracting the remaining swab could give us more information.

-The above samples may also benefit from a new technology introduced in the field called mini STRs. Mini STR technology is very beneficial for degraded and/or inhibited samples. Bode has validated MiniFiler and training for analysts is expected to begin next week. Within 6-8 weeks or sooner we should be able to begin using MiniFiler for casework.

Please let me know if you need any further clarification.

Sincerely,

Amy Jeanguenat
DNA Analyst II

*amy Jeanguenat
Bode*

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