

EXHIBIT M

From Arkansas Democrat-Gazette

5/8/93

BOYS' HANDS, FEET TIED, POLICE SAY
Lab exam shows 3 in W. Memphis died from 'blows' to head

By Joe Stumpe
Democrat-Gazette Staff Writer

WEST MEMPHIS-

Three 8-year-old boys found slain in West Memphis on Thursday had their hands and feet tied, and they died of blows to the head, police said Friday.

"At this point, we do not have any suspects," said city police Capt. Gary Gitchell, who is heading the investigation. "As far as motive, we're waiting for the Crime Lab to give us information that might lead us one way or another."

The bodies of Steve Branch, Chris Byers, and Michael Moore were taken to the state Crime Laboratory in Little Rock for autopsies after being found submerged in a drainage ditch Thursday afternoon about a mile from their homes. They had been reported missing by their parents about 8:30 p.m. Wednesday.

"We do have hopeful leads we are checking on," Gitchell said, but he would not elaborate.

Authorities refused to discuss reports that the boys had been sexually mutilated, but said the FBI is drawing up a "profile" of the type of person or people responsible for a crime that has horrified an entire city.

The Jonesboro Sun and several other news organizations, citing a police message sent to other police agencies, reported Friday that the boys' "genitals (were) removed with a sharp instrument."

Gitchell said the report was inaccurate, though he wouldn't say what was incorrect about the report.

"I will confirm one thing," Gitchell said, when asked about the reports. "Their hands and feet were tied."

Gitchell also said the preliminary autopsy report from the Crime Laboratory revealed that the boys' died of head injuries, which he described as "blows."

Mark Byers, the father of Christopher Byers, said Thursday that Gitchell told him "one of the boys was busted over the eye, and one had his jaw kind of messed up. The other boy looked worse than that."

Gitchell made statements in response to several other questions, including:

**A report that police agencies statewide had been asked to pick up two hitchhikers who had been seen in the area where the boys were later found. Gitchell said he would not be surprised if investigators working under him had issued such an order.

"We are leaving no stone unturned. We are talking to people in the neighborhood and anybody who

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might have been up and down the interstate."

The boys' bodies were found in woods about 100 yards behind the Blue Beacon truck wash on Interstate 40, near the Seventh Street exit.

Gitchell said "anywhere from 200 to 300 phone calls" have been received from the public concerning the case.

**The FBI Behavioral Science Bureau is preparing a profile of the perpetrator or perpetrators. Gitchell said he would not speculate about what type of profile would emerge. "Profiling is their expertise."

"It's a heinous crime," Bob Satkowski, special agent in charge of the Little Rock FBI office, said Friday.

Satkowski said the agency routinely monitors cases involving missing children because of federal kidnapping statutes.

Satkowski, who declined to respond to specific questions about the West Memphis case, said the FBI is frequently called to provide special expertise otherwise unavailable to smaller, local police departments.

"At the junction we're at, we would offer the services of the training division at Quantico, Va.," Satkowski said. That includes experts familiar with violent crimes, criminal behaviour and pedophile murders, as well as its laboratory division.

Gov. Jim Guy Tucker on Friday ordered the Arkansas State Police to give full cooperation in the investigation. Memphis police are also participating, Gitchell said.

**Gitchell said police would review similar murder cases around the country, and added, "I don't want to give the appearance we're trying to connect it to anything."

**Asked if police are reviewing mental health and criminal records at area agencies and institutions, Gitchell said, "We're looking at everything we can possibly think of." One lead reportedly being pursued by police involves an incident in the neighborhood where the dead boys lived. Two friends of the dead boys were interviewed by the police Friday morning.

"It was a problem that we had that I didn't think anything of," Rosita Garner, the mother of one of the boys interviewed, said outside the police station. "Maybe if I'd called (the police), this wouldn't have happened."

Janie Holliday, the mother of the other boys, said the incident happened three weeks ago, "but I can't say what it is."

Asked if the incident involved someone approaching the boys, the women assented.

Gitchell said he would not comment on anything of an "investigative nature."

The fathers of the slain boys were briefed on the case for about an hour at the police station Friday.

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Todd Moore, the father of Michael Moore, blasted journalists who approached him as he was leaving, saying "Can't you see we're going through a living hell right now? Can't you leave us alone? We lost our children."

He then apologized, saying quietly, "I have to bury my son."

Terry Hobbs, the stepfather of Steve Branch, said "One thing I will say is, the police are doing their jobs."

More than 20 detectives from the Police Department -- nearly a third of the department's personnel -- are working on the case, Gitchell said.

The slain boys were friends and classmates in the second grade at Weaver Elementary School. The school and the quiet middle-class neighborhood where the boys lived is about a mile from where their bodies were found. Known as "Robin Hood Hill," the site had been popular with children for years.

Also Friday, Mayor Keith Ingram said that two anonymous donations of \$5,000 each and a \$1,000 contribution from the West Memphis Chamber of Commerce have pushed a reward fund to \$11,000. It's being offered for information leading to a conviction in the case. The Mayor's Victim Advocacy Program and the Good Neighbor Center are planning to help the families of the victims with funeral expenses, a local newspaper reported.

INSET

City beset by fear, anger, grief
By Joe Stumpe
Democrat-Gazette Staff Writer

WEST MEMPHIS-

In the second-grade classrooms at Weaver Elementary School, freshly picked dandelions and hand-lettered cards piled on three empty desks tell the story: "I love you, Chris, I wish you were still alive."

"I feel sorry for Steve."

"I love you, Mike."

The messages were written in crayon on colored paper by classmates of the three 8-year-old boys -- Chris Byers, Michael Moore and Steve Branch -- found slain here Thursday.

From fellow students to neighbors to veteran police officers, the people of this city are sad and angry over the boys' murders.

The boys' bodies, which reportedly had been sexually mutilated, were found submerged in a drainage ditch about one mile from the school

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See TOWN, Page 8A

EXHIBIT N

From Arkansas Democrat-Gazette

March 2, 1994, Wednesday

SECTION: NEWS; Pg. 1A

LENGTH: 920 words

HEADLINE: MISTRIAL REJECTED; JURY SHOWN KNIFE

BYLINE: GLEN CHASE, Democrat-Gazette State Reporter

BODY:

-- Circuit Judge David Burnett rejected a mistrial bid Tuesday after a detective mentioned in testimony a police statement by Jessie Lloyd Misskelley Jr., a co-defendant previously convicted in the slayings of three West Memphis 8-year-olds.

Misskelley's statement wasn't to be used in the capital murder trial of Damien Wayne Echols, 19, of West Memphis, and Charles Jason Baldwin, 16, of Marion.

The statement came up as West Memphis detective Bryn Ridge testified about returning a month later to the site where searchers found the bodies He went after Misskelley spoke to police.

Tuesday was the second day of testimony in the trial of Echols and Baldwin. A jury convicted Misskelley last month, and Burnett of Osceola sentenced him to life in prison for first-degree murder and 40 years on two counts of second-degree murder.

Besides the mistrial motion, jurors got their first glimpse of a knife that may be introduced as evidence and listened as defense attorneys tried to pick apart how West Memphis police investigated the May 5, 1993, deaths of Michael Moore, Steven Branch and Christopher Byers.

Echols' attorney, Val Price of Jonesboro, moved for a mistrial after Ridge testified about evidence collected from where officers found the bodies.

Ridge returned to the crime scene July 1. He said investigators had overlooked a stick, originally found in the ditch with a shirt wrapped around one end, "until the statement of Jessie Misskelley."

Price immediately demanded a mistrial and Burnett ordered the jury to leave the courtroom.

After the jury left, Price argued that Ridge's comment prejudiced the jury against his client. He noted that Misskelley's police statement resulted in Burnett's decision to try him separately.

"This officer blurted out Jessie Misskelley gave a confession," Price said.

Burnett called a mistrial "a harsh remedy."

The judge ruled that Ridge appropriately answered Price's question about why he decided to go back a month after the arrests. But he agreed to tell the jury to disregard Ridge's statement.

"I suggest, gentlemen, there isn't a soul up on that jury or in this courtroom that doesn't know Mr. Misskelley gave a statement," Burnett said. "Now the contents of that statement certainly would be prejudicial."

Police used Misskelley's June 3 statement to pull together enough evidence to arrest the three teen-agers in the deaths. The confession is inadmissible in Echols' and Baldwin's trial unless Misskelley agrees to testify. Negotiations for that testimony continued into Tuesday night.

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Burnett has appointed Philip Wells of Jonesboro to meet with Misskelley to give him a "fresh perspective" on what effect his testimony could have on his own case and that of Baldwin and Echols.

"There's no question that the prosecuting attorney's office will benefit from it," Wells said of Misskelley's possible testimony. "But they are not so desperate that they are going to bend over backward and offer Mr. Misskelley an unbelievably sweet deal."

Baldwin's attorney, Paul Ford of West Memphis, objected to Wells playing a role in the case and speaking to the media.

Wells described his role as a "court liaison" to Misskelley. Ford said that could give the perception that Wells spoke on behalf of Burnett.

Burnett later denied that, saying he appointed Wells as a "second counsel" for Misskelley. The judge said the move was not done to criticize Misskelley attorneys Daniel Stidham and Gregory Crow, both of Paragould.

Burnett agreed to ask Wells not to talk to reporters.

Prosecutors called two witnesses to the stand Tuesday.

In the afternoon, Frank J. Peretti of Little Rock, an associate state medical examiner, described autopsy results.

Peretti said all three victims suffered skull fractures and had large cuts and bruises over their bodies.

He showed jurors graphic pictures taken during the autopsies. Peretti said Steven suffered cuts on his face consistent from a knife. Steven's penis also was injured.

Peretti testified that Christopher had been sexually mutilated and beaten. He said Christopher also had been struck after he died.

Both Michael and Steven died from "multiple injuries with drowning," Peretti said, adding they were still alive when placed in the water. He said they would have died from their head injuries.

Peretti didn't give a cause of death for Christopher. During Misskelley's trial, Peretti testified that Christopher died from his injuries.

Prosecuting Attorney Brent Davis of Jonesboro showed Peretti a large survival-type knife with a serrated edge. Peretti said the edge is consistent with some wounds found on the body.

Ridge spent the morning on the stand explaining how he found the victims' pants, shirts, sneakers and underwear in a drainage ditch leading to Ten Mile Bayou in West Memphis. The drainage channel is near Robin Hood Hill, a small patch of woods near the victims' neighborhood.

Baldwin's attorneys, Ford and Robin Wadley, carefully examined each item. They wanted to know how each was dried and packaged before being transported to the state Crime Laboratory.

Price focused on blood samples taken from the wall of the Bojangles Restaurant about three-fourths of a mile west of the crime scene.

Restaurant Manager Marty L. King testified at the Misskelley trial that a "bloodied black man" smeared blood on a wall and in the women's restroom the night of the killings.

From Arkansas Democrat-Gazette

Ridge testified that he took blood samples the next day, May 6, but later lost them.

"It's my mistake. I lost a piece of evidence," Ridge said.

GRAPHIC: Image: AT A GLANCE Highlights in the capital murder trial of Charles Jason Baldwin and Damien Wayne Echols: -- Friday -- Attorneys select a jury of eight women and four men following three days of closed-door questioning. State Supreme Court later rules questioning should have been open to media. -- Monday -- During opening statements, prosecutors say they will use defendants' statements, scientific "and other evidence" to prove the the teen-agers killed three West Memphis boys. Echols' attorney calls his client "weird" and not an "all-American boy," but accuses police of an inept investigation. Baldwin's attorney says police found no evidence linking Baldwin to the crimes. Prosecutors call seven witnesses, including a neighbor of the slain boys who testifies he saw the boys accompanied by another youth the afternoon of the killings. A witness at co-defendant Jessie Lloyd Misskelley Jr.'s trial last month in Corning testified that her 8-year-old son saw the attacks. It remains uncertain if Misskelley, convicted of first- and second-degree murder in the slayings, will testify despite offers of a reduced sentence and limited immunity. -- Tuesday -- Prosecutors call two witnesses, including an associate state medical examiner who shows graphic photographs of the slain boys. Defense attorneys are denied a mistrial, which they requested after a West Memphis detective mentions Misskelley's confession during testimony. The statement cannot be used unless Misskelley testifies. Defense attorneys also try to discredit prosecution evidence, showing that a knife belonging to one of the slain boy's father has an edge consistent to knife wounds on the boys' bodies. Photos by David Gottschalk, Arkansas Democrat-Gazette PICTURES OF VICTIMS -- Frank J. Peretti, an assistant state medical examiner, shows photographs of three slain boys to the jury Tuesday afternoon in the capital murder trial of Damien Wayne Echols and Charles Jason Baldwin. Peretti is one of the first prosecution witnesses since testimony began Monday. EVIDENCE -- West Memphis police detective Bryn Ridge holds one of two sticks entered as evidence Tuesday during the second day of Damien Wayne Echols' and Charles Jason Baldwin's capital murder trial. Ridge said investigators believe Echols and Baldwin used the sticks to pin down the clothing of three slain boys.

EXHIBIT O

CRIMINAL INVESTIGATION DIVISION

SUBJECT DESCRIPTION

WEST MEMPHIS P.O. #
confidential
COY TO PROSECUTOR
sep 22 1993

ARRESTED _____
 ✓ INTERVIEWED _____

NAME: Jennifer Elizabeth Bearden
 ALIAS _____ SOCIAL SECURITY NO. _____
 DOB -80 SEX F RACE W AGE 13
 RESIDENCE 3708 PHONE NUMBER _____
 OCCUPATION Student EMPLOYER (PAST) _____
 DRIVERS LICENSE NO. _____ LOCATION OF ARREST _____
 NATIONALITY American PLACE OF BIRTH West Memphis
 ARRESTED WITH _____
 HEIGHT 4'11" WEIGHT 120 EYES Blue HAIR Blonde COMPLEXION Fair
 SCARS/MARKS/TATOOS _____
 PECULIARITIES Right Handed
 EDUCATION 8th MARITAL STATUS _____
 VEHICLE _____ VEHICLE LICENSE _____
 RELATIVES Mother Kathy Bearden
Father Scott Bearden

DATE & TIME ARRESTED _____
 DATE & TIME THIS FORM FILLED OUT 9-10-93 4:55 PM
 CHARGE _____ WARRANT NUMBER _____
 CASE FILE # 9305-0666 COMPLAINT # _____ PHOTO # _____
 ARRESTING OFFICERS _____
 DETECTIVE ASSIGNED CASE Ridge / Durham

03332

WEST MEMPHIS POLICE
confidential
COPY TO PROSECUTOR
sept 22 1993

INVESTIGATIVE REPORT
TRIPLE HOMICIDE
BYERS/BRANCH/MOORE

ON 09/09/93, I MET WITH JENNIFER BEARDEN AT HER RESIDENCE IN BARTLETT, TENNESSEE. THE INTERVIEW WAS A RESULT OF HAVING OBTAINED INFORMATION THAT SHE HAD BEEN ON THE PHONE WITH DAMIEN ON THE DAY OF THE HOMICIDE. SHE INFORMED ME OF SEVERAL TIMES WHEN SHE HAD BEEN ON THE PHONE WITH DAMIEN AND JASON DURING THE AFTERNOON AFTER SCHOOL AND UNTIL ABOUT 9:30 PM ON THE EVENING OF 09/09/93. SHE GAVE A TAPED STATEMENT OF THE EVENTS THAT OCCURRED ON THAT EVENING.

DETECTIVE B. KLIGL
WEST MEMPHIS POLICE DEPARTMENT

00391

WEST MEMPHIS POLICE

THIS IS DET. BRYN RIDGE WITH OF THE WEST MEMPHIS POLICE DEPARTMENT TODAY'S DATE 09-10 OF 93 THE TIME IS 10:00 AM. I AM CURRENTLY INVESTIGATING THE TRIPLE HOMICIDE THAT OCCURRED IN WEST MEMPHIS ON 05-05 OF 93, CASE FILE NUMBER 93-05-0666 I'M CURRENTLY AT 3708 X DRIVE, IN BARTLETT, TALKING WITH JENNIFER ELIZABETH BEARDEN. OKAY, JENNIFER IF YOU WOULD JUST INTRODUCE YOURSELF?

JENNIFER: UH, MY NAME IS JENNIFER ELIZABETH BEARDEN, I WAS BORN 07-24-80 MY ADDRESS IS 3708 X DRIVE.

RIDGE: OKAY, AND YOUR MOTHER IS PRESENT DURING THIS INTERVIEW, KATHY BEARDEN AND ALSO DET. BILL DURHAM OF THE WEST MEMPHIS POLICE DEPARTMENT. OKAY, JENNIFER IF YOU WOULD REMEMBER BACK TO 5-5-93, WHICH IS THE 5TH DAY OF MAY OF THIS YEAR. YOU WERE ON THE PHONE MAKING SOME PHONE CALLS THAT DAY TALKING WITH SOME DIFFERENT PEOPLE. OKAY, WHO WERE YOU TALKING WITH FIRST?

JENNIFER: UH, FIRST I TALKED WITH HOLLY.

RIDGE: OKAY, AND WHAT WAS THAT CONVERSATION?

JENNIFER: WE WERE JUST TALKING ABOUT SCHOOL AND THEN I THINK DAMIEN CALLED ON THE OTHER LINE AND THEN SHE SAID WILL I CALL YOU RIGHT BACK, I'M GOING TO CALL YOU ON 3 WAY. SO WE ALL GOT ON 3 WAY AND TALKED FOR ABOUT 5 MINUTES, AND HOLLY'S MOM HAD TO USE THE PHONE.

RIDGE: OKAY, SO YOU WERE TALKING ON 3 WAY, YOU HOLLY, AND DAMIEN?

JENNIFER: UM UM (YES)

RIDGE: DID DAMIEN SAY WHERE IS WAS CALLING FROM?

JENNIFER: HE WAS AT HOME.

RIDGE: HE WAS AT HIS HOUSE, THAT'S WHAT HE SAID?

JENNIFER: UM UM (YES) IT WAS LIKE AROUND 3:30 OR 4 SO HE WAS AT HOME.

RIDGE: OKAY, AND WHAT WAS THE CONVERSATION?

JENNIFER: WE WEREN'T TALKING ABOUT MUCH WE WERE JUST TALKING ABOUT YOU KNOW IF WE WERE GOING TO THE SKATING RINK THIS WEEKEND, THAT WEEKEND, AND UM, AND HOLLY HAD TO GET OFF THE PHONE BECAUSE HER MOM NEEDED TO USE IT. AND UM, I SAID DAMIEN I'LL CALL YOU RIGHT BACK, SHE SAID, HE SAID OKAY AND SO HE HANG UP, AND UM CALL, AND I CALLED HIM BACK AND WE TALKED FOR A LITTLE BIT, AND HE GOES CAN YOU CALL ME BACK I'M GOING TO JASON'S, HE SAID CALL ME IN ABOUT 30 MINUTES, AND I SAID OKAY. I CALLED HIM BACK IN ABOUT 30 MINUTES AT JASON'S.

000333

RIDGE: AND ABOUT WHAT TIME WAS THAT CALL YOU MADE TO JASON'S?

JENNIFER: BETWEEN, IT HAD TO BE SOME WHERE IN BETWEEN 4:15 AND 5, SOMETHING LIKE THAT 5, 5:30

RIDGE: WHO ANSWERED THE PHONE AT JASON'S?

JENNIFER: JASON

RIDGE: AND DID YOU TALK TO DAMIEN?

JENNIFER: YEAH, I TALKED TO JASON ABOUT 5 MINUTES AND THE (INAUDIBLE) WITH DAMIEN AND HE REALLY WASN'T TALKING BECAUSE THEY WERE PLAYING VIDEO GAMES WITH HIS LITTLE BROTHER MATT

RIDGE: OKAY, AND AFTER THAT CONVERSATION YOU HAD WITH HIM

JENNIFER: HE SAID HIM AND JASON WERE GOING TO GO SOME WHERE, HIM AND JASON WERE GOING SOME WHERE AND THAT HE UM, WANTED ME TO CALL HIM LATER AT HIS HOUSE AROUND 8 AND I SAID OKAY

RIDGE: OKAY, DID HE SAY WHERE HE WAS GOING TO GO?

JENNIFER: NO

RIDGE: OKAY, AND WHEN YOU CALLED BACK ABOUT 8

JENNIFER: HIS GRANDMOTHER SAID HE WASN'T THERE, AND I WAS SUPPOSE TO CALL BACK AROUND 9, AND I CALLED BACK AROUND 9:20, 9:30 AND I TALK TO HIM FOR A LITTLE BIT, BUT THEN I HAD TO GET OFF THE PHONE, BECAUSE I WASN'T SUPPOSE TO BE ON THE PHONE AFTER 9:30.

RIDGE: SO YOU HAVE CURFEW OF WHEN YOUR SUPPOSE TO BE ON THE TELEPHONE AND WHEN YOU HAVE TO BE OFF IT, THAT'S A SCHOOL NIGHT? OKAY, UM, WHERE DID YOU FIRST MEET DAMIEN?

JENNIFER: SKATING RINK

RIDGE: AND JASON?

JENNIFER: SKATING RINK, THEY WERE TOGETHER

RIDGE: OKAY, DID YOU KNOW JESSIE?

JENNIFER: YEA, I DIDN'T LIKE HIM THROUGH, BUT THE THING IS EVERYBODY SAYS THEY WERE FRIENDS, BUT THEY WERE NOT FRIENDS.

RIDGE: JESSIE, DAMIEN, AND JASON WERE NOT FRIENDS?

WEST MEMPHIS POLICE
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SEPT 22 1993

000004

EXHIBIT P

The Bode Technology Group, Inc.

7364 Steel Mill Dr.
Springfield, VA 22150
Phone 703-644-1200

STR Forensic DNA Case Report

December 30, 2005

To: John Philipsborn
John Philipsborn Law Offices
Civic Center Building, Suite 250
507 Polk Street
San Francisco, CA 94102

BodeCase # 2S04-114
Agency ID# 1993-WVS-05716;
93-05-0666

List of Evidence Received on July 7, 2004 for DNA analysis:

Bode #	Item ID	Description
2S04-114-01	93-05716 FP2	Labeled as "Left hand nail scrapings from M. Moore."
2S04-114-02	93-05716 FP3	Labeled as "Right hand nail scrapings from M. Moore."
2S04-114-03	93-05716 FP6	Labeled as "Hair from M. Moore ligature."
2S04-114-03A		Slide with two hairs (-03Aa and -03Ab).
2S04-114-03B		Slide with one hair.
2S04-114-04	93-05716 FP6-Q39	Labeled as "Possible tissue from ligature from M. Moore."
2S04-114-05	93-05716 Q1 - Q4	Labeled as "Swabs from M. Moore."
2S04-114-05A		Three "oral" swabs.
2S04-114-05B		Three "rectal" swabs.
2S04-114-05C		Two "nasal" swabs.
2S04-114-05D		Two "penile" swabs.
2S04-114-06	93-05717 FP3	Labeled as "Left hand nail scrapings from S. Branch."
2S04-114-07	93-05717 FP4	Labeled as "Right hand nail scrapings from S. Branch."
2S04-114-08	93-05717 FP5	Labeled as "Two dark Caucasian hairs from S. Branch."
2S04-114-08A		Slide with one hair.
2S04-114-08B		Slide with two hairs (-08Ba and -08Bb).
2S04-114-09	93-05717 FP6	Labeled as "Hair from ligature from S. Branch (skin, tissue, hair from ligature)."
2S04-114-10	93-05717 K1, Q1 - Q4	Labeled as "Blood sample and swabs from S. Branch."
2S04-114-10A		Stained string.
2S04-114-10B		Three "oral" swabs.
2S04-114-10C		Three "rectal" swabs.
2S04-114-10D		Three "nasal" swabs.
2S04-114-10E		Two "penile" swabs.
2S04-114-11	93-05718 FP3	Labeled as "Hair found on C. Byers's body."
2S04-114-11A through -11Z		Slide with 26 hairs (-11A through -11Z).
2S04-114-12	93-05718 FP4	Labeled as "Left hand nail scrapings from C. Byers."
2S04-114-13	93-05718 FP5	Labeled as "Right hand nail scrapings from C. Byers."
2S04-114-14	93-05718 FP6	Labeled as "Hair from lower body of C. Byers."
2S04-114-15	93-05718 FP8	Labeled as "Hair from C. Byers ligature."
2S04-114-16	93-05718 Q4	Labeled as "Possible tissue from C. Byers ligature (skin, tissue, hair from ligature)."
2S04-114-17	93-05718 FP9	Labeled as "Hair from perineum of C. Byers ligature."

Bode Case #: 2S04-114

Date: December 30, 2005

List of Evidence Received on July 7, 2004 for DNA analysis, cont.:

Bode #	Item ID	Description
2S04-114-18	93-05718 FP10	Labeled as "Negroid hair from white sheet." [slide with 9 hairs]
2S04-114-18A		Hair from sheet, described as "Negroid hair frag."
2S04-114-18B		Hair from sheet.
2S04-114-18C		Hair from sheet.
2S04-114-18D		Hair from sheet.
2S04-114-18E		Hair from sheet.
2S04-114-18F		Hair from sheet.
2S04-114-18G		Hair from sheet, described as "animal hair."
2S04-114-18H		Hair from sheet.
2S04-114-18I		Hair from sheet.
2S04-114-19	93-05718 Q1-Q3	Labeled as "Swabs from C. Byers
2S04-114-19A		Three "oral" swabs.
2S04-114-19B		Three "rectal" swabs.
2S04-114-19C		Three "nasal" swabs.
2S04-114-20	93-05716 E3	Labeled as "Hair from E3."
2S04-114-20		Slide with two hairs (-20A and -20B).
2S04-114-21	93-05716 E5	Labeled as "Hair from scout cap."
2S04-114-21		Slide with two hairs (-21A and -21B).
2S04-114-22	93-05716 E126	Labeled as "Hair from knife."
2S04-114-23	93-05717 E127	Labeled as "Hair from tree stump."
	LS1-QH	
2S04-114-24	93-05716 E147	Labeled as "Hair from knife."
2S04-114-24		Slide with two hairs (-24A and -24B).
2S04-114-25	93-05716 E3 Q10	Labeled as "Cutting from blue pants."
2S04-114-26	93-05716 E7 Q6	Labeled as "Cutting from jeans."
2S04-114-27	93-05717 FP7	Labeled as "Dyed hair from white sheet used to cover S. Branch."
2S04-114-28	93-05716 E27	Labeled as "Hair from knife."
2S04-114-29	93-05716 E28	Labeled as "Hair from butterfly knife."
2S04-114-30	93-05716 E134	Labeled as "Hair from knife."
2S04-114-31	93-05716 E178	Labeled as "Kershaw folding knife."
2S04-114-32	93-05716 E1A	Labeled as "Bag of clothing."
2S04-114-32A		Pair of white socks.
2S04-114-32B		Leather (or vinyl) pull tab of unknown origin.
2S04-114-32C		Plastic bag "Time Saver."
2S04-114-32D		Tan button down shirt.
2S04-114-32E		Black thermal shirt.
2S04-114-32F		Cargo style jeans.
2S04-114-32G		One "BIC" disposable razor.
2S04-114-32H		One "BIC" disposable razor.
2S04-114-33	93-05718 FP8 L1	Labeled as "Ligature between L-leg and L-wrist and R-leg and R-wrist [Byers]."
2S04-114-33A		Left side.
2S04-114-33B		Right side.

Bode Case #: 2S04-114

Date: December 30, 2005

List of Evidence Received on July 7, 2004 for DNA analysis, cont.:

2S04-114-34	93-05717 FP6 L2	Labeled as "Ligature between ankles and wrist, L-leg, L-wrist, R-leg, R-wrist [Branch]."
2S04-114-34A		Left side.
2S04-114-34B		Right side.
2S04-114-35	93-05717 FP6 L3	Labeled as "Ligature, L-leg, L-wrist, R-leg, R-wrist [Moore]."
2S04-114-35A		Left side.
2S04-114-35B		Right side.
2S04-114-36	93-05716 E17	Labeled as "Three tree branches."

CASE REVIEW AND RESULTS:

The following items were processed for DNA typing by analysis of fifteen STR loci [D3S1358, vWA, FGA, D8S1179, D21S11, D18S51, D5S818, D13S317, D7S820, D16S539, TH01, TPOX, CSF1PO, Penta D, and Penta E] and the gender determination locus, Amelogenin using the Promega PowerPlex® 16 kit:

- 2S04-114-01 (Left fingernail scrapings [Moore])
- 2S04-114-02 (Right fingernail scrapings [Moore])
- 2S04-114-03B (Hair from ligature [Moore])
- 2S04-114-05A (Oral swab [Moore])
- 2S04-114-05B (Rectal swab [Moore])
- 2S04-114-05C (Nasal swab [Moore])
- 2S04-114-05D (Penile swab [Moore])
- 2S04-114-06 (Left fingernail scrapings [Branch])
- 2S04-114-07 (Right fingernail scrapings [Branch])
- 2S04-114-09 (Hair from ligature [Branch])
- 2S04-114-10A (Piece of red-brown stained string)
- 2S04-114-10B (Oral swab [Branch])
- 2S04-114-10C (Rectal swab [Branch])
- 2S04-114-10D (Nasal swab [Branch])
- 2S04-114-10E (Penile swab [Branch])
- 2S04-114-11R (Hair found on body [Byers])
- 2S04-114-11S (Hair found on body [Byers])
- 2S04-114-11T (Hair found on body [Byers])
- 2S04-114-12 (Left fingernail scrapings [Byers])
- 2S04-114-13 (Right fingernail scrapings [Byers])
- 2S04-114-18E (Hair from sheet)
- 2S04-114-18F (Hair from sheet)
- 2S04-114-18I (Hair from sheet)
- 2S04-114-19A (Oral swab [Byers])
- 2S04-114-19B (Rectal swab [Byers])
- 2S04-114-19C (Nasal swab [Byers])
- 2S04-114-20B (Hair)
- 2S04-114-25 (Cutting from blue pants)
- 2S04-114-31A1 (Kershaw folding knife [blade])
- 2S04-114-31A2 (Kershaw folding knife [handle])
- 2S04-114-31A3 (Kershaw folding knife [hinge])
- 2S04-114-32G (Bag of clothing [razor blade])
- 2S04-114-32H (Bag of clothing [razor blade])
- 2S04-114-33A (Ligatures [Byers])
- 2S04-114-33B (Ligatures [Byers])
- 2S04-114-34A (Ligatures [Branch])
- 2S04-114-34B (Ligatures [Branch])
- 2S04-114-35A (Ligatures [Moore])
- 2S04-114-35B (Ligatures [Moore])

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After initial testing, the remaining extracts from the following samples were processed as a combined sample:
2S04-114-01 and -02 were combined into sample -01_02 (fingernail scrapings [Moore]-combined)
2S04-114-06 and -07 were combined into sample -06_07 (fingernail scrapings [Branch]-combined)
2S04-114-33A and -33B were combined into sample -33AB (Ligatures [Byers]-combined)
2S04-114-34A and -34B were combined into sample -34AB (Ligatures [Branch]-combined)
2S04-114-35A and -35B were combined into sample -35AB (Ligatures [Moore]-combined)

The results of the STR analysis are summarized in **Table One**.

No other items were not tested at this time.

Complete DNA profiles were obtained from the following evidence items:
2S04-114-05A non-sperm fraction (NSF) (Oral swab [Moore])
2S04-114-05B NSF (Rectal swab [Moore])
2S04-114-05C sperm fraction (SF) and NSF (Nasal swab [Moore])
2S04-114-10A (Piece of red-brown stained string [Branch])
2S04-114-10B SF and NSF (Oral swab [Branch])
2S04-114-10C NSF (Rectal swab [Branch])
2S04-114-19A SF and NSF (Oral swab [Byers])
2S04-114-19B SF and NSF (Rectal swab [Byers])

Partial DNA profiles consisting of four or more reportable loci were obtained from the following evidence items:
2S04-114-05A SF (Oral swab [Moore])
2S04-114-10C SF (Rectal swab [Branch])
2S04-114-10D NSF (Nasal swab [Branch])
2S04-114-11R (Hair found on body [Byers])
2S04-114-11S (Hair found on body [Byers])
2S04-114-11T (Hair found on body [Byers])
2S04-114-13 (Right fingernail scrapings [Byers])
2S04-114-19C SF and NSF (Nasal swab [Byers])

A mixed partial DNA profile consisting of four or more reportable loci was obtained from the following evidence item:

2S04-114-34AB (Ligatures [Branch]-combined)

Partial DNA profiles consisting of three or less reportable loci were obtained from the following evidence items:
2S04-114-02 (Right fingernail scrapings [Moore])
2S04-114-01_02 (Left/Right fingernail scrapings [Moore]-combined)
2S04-114-06 (Left fingernail scrapings [Branch])
2S04-114-10D SF (Nasal swab [Branch])
2S04-114-10E SF (Penile swab [Branch])
2S04-114-34B (Ligatures [Branch])
2S04-114-35AB (Ligatures [Moore]-combined)

A mixed partial DNA profile consisting of three or less reportable loci was obtained from the following evidence item:

2S04-114-05D NSF (Penile swab [Moore])

No reportable results were obtained from the following evidence items:

2S04-114-01 (Left fingernail scrapings [Moore])
2S04-114-05B SF (Rectal swab [Moore])
2S04-114-05D SF (Penile swab [Moore])
2S04-114-09 (Hair from ligature [Branch])
2S04-114-10E NSF (Penile swab [Branch])
2S04-114-25 NSF (Cutting from blue pants)
2S04-114-31A2 (Kershaw folding knife [handle])

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No results were obtained from the following evidence items:

- 2S04-114-03B (Hair from ligature [Moore])
- 2S04-114-07 (Right fingernail scrapings [Branch])
- 2S04-114-06_07 (fingernail scrapings [Branch]-combined)
- 2S04-114-12 (Left fingernail scrapings [Byers])
- 2S04-114-18E (Hair from sheet)
- 2S04-114-18F (Hair from sheet)
- 2S04-114-18I (Hair from sheet)
- 2S04-114-20B (Hair)
- 2S04-114-25 SF (Cutting from blue pants)
- 2S04-114-31A1 (Kershaw folding knife [blade])
- 2S04-114-31A3 (Kershaw folding knife [hinge])
- 2S04-114-32G (Bag of clothing [razor blade])
- 2S04-114-32H (Bag of clothing [razor blade])
- 2S04-114-33A (Ligatures [Byers])
- 2S04-114-33B (Ligatures [Byers])
- 2S04-114-33AB (Ligatures [Byers]-combined)
- 2S04-114-34A (Ligatures [Branch])
- 2S04-114-35A (Ligatures [Moore])
- 2S04-114-35B (Ligatures [Moore])

The DNA profiles reported in this case were determined by procedures that have been validated according to standards established by the Scientific Working Group on DNA Analysis Methods (SWGDM) and adopted as Federal Standards.

CONCLUSIONS:

No conclusions can be made at this time due to the lack of references for comparison purposes.

The remaining evidence will be returned to the Arkansas State Crime Lab.

Report is submitted by:



Sylvia Gill, MFS
DNA Analyst 3



Susan Bach, MFS
Forensic Casework Manager



Michael Cariola, MFS
Director of Forensics

Table One: Summary of STR Results

LOCUS	01 Lft nails Moore	02 Rt nails Moore	01_02 Lt/Rt nails Moore (combined)	03B Hair from ligature Moore	05ASF Oral swab Moore	05ANSF Oral swab Moore	05BSF Rectal swab Moore	05BNSF Rectal swab Moore	05CSF Nasal swab Moore	05CNSF Nasal swab Moore
D3S1358	Inc		Inc		14, 18	14, 18		14, 18	14, 18	14, 18
TH01					8, 9.3	8, 9.3		8, 9.3	8, 9.3	8, 9.3
D21S11					29, 32.2	29, 32.2		29, 32.2	29, 32.2	29, 32.2
D18S51					14, 16	14, 16		14, 16	14, 16	14, 16
Penta E					Inc	12, 12		12, 12	12, 12	12, 12
D5S818			9, 10*		9, 13	9, 13		9, 13	9, 13	9, 13
D13S317					11, 12	11, 12		11, 12	11, 12	11, 12
D7S820					8, 9	8, 9		8, 9	8, 9	8, 9
D16S539					9, 13	9, 13		9, 13	9, 13	9, 13
CSF1PO					Inc	10, 10		10, 10	10, 10	10, 10
Penta D					Inc	9, 10		9, 10	9, 10	9, 10
Amelogenin	Inc	X, Y	X, Y		X, Y	X, Y	Inc	X, Y	X, Y	X, Y
vWA		Inc	Inc		18, 19	18, 19		18, 19	18, 19	18, 19
D8S1179					12, 14	12, 14		12, 14	12, 14	12, 14
TPOX			Inc		8, 8	8, 8		8, 8	8, 8	8, 8
FGA					22, 23	22, 23		22, 23	22, 23	22, 23

Inc = Inconclusive

Gray Area = No Results

*Possible peaks below analysis cut-off present

Table One: Summary of STR Results

LOCUS	05DSF Penile swab Moore	05DNSF Penile swab Moore	06 Lt nails Branch	07 Rt nails Branch	06_07 Lt/Rt nails Branch (combined)	09 Hair from ligature Branch	10A Stained string Branch	10BSF Oral swab Branch	10BNSF Oral swab Branch	10CSF Rectal swab Branch
D3S1358		Inc					14, 17	14, 17	14, 17	14, 17
TH01							6, 9.3	6, 9.3	6, 9.3	6, 9.3
D21S11							29, 29	29, 29	29, 29	29, 29
D18S51							12, 15	12, 15	12, 15	Inc
Penta E							5, 13	5, 13	5, 13	Inc
D5S818		9, 12, 13					10, 12	10, 12	10, 12	10, 12
D13S317		Inc					8, 11	8, 11	8, 11	8, 11
D7S820							8, 10	8, 10	8, 10	8, 10
D16S539							9, 12	9, 12	9, 12	9, 12
CSF1PO		Inc					12, 12	12, 12	12, 12	
Penta D							6, 9	6, 9	6, 9	Inc
Amelogenin	Inc	X, Y	X, Y			Inc	X, Y	X, Y	X, Y	X, Y
vWA		Inc					18, 19	18, 19	18, 19	18, 19
D8S1179		Inc					12, 13	12, 13	12, 13	12, 13
TPOX		Inc					8, 11	8, 11	8, 11	8, 11
FGA							21, 24	21, 24	21, 24	Inc

Inc = Inconclusive Gray Area = No Results

Table One: Summary of STR Results

LOCUS	10CNSF Rectal swab Branch	10DSF Nasal swab Branch	10DNSF Nasal swab Branch	10ESF Penile swab Branch	10ENSF Penile swab Branch	11R Hair on body Byers	11S Hair on body Byers	11T Hair on body Byers	12 Lt nails Byers	13 Rt nails Byers
D3S1358	14, 17	Inc	14, 17			14, 16	14, 16	14, 16		14, 16
TH01	6, 9.3		6, 9.3			9.3, 9.3	9.3, 9.3	9.3, 9.3		9.3, 9.3
D21S11	29, 29		29, 29			Inc				Inc
D18S51	12, 15		12, 15	Inc						
Penta E	5, 13		Inc							
D5S818	10, 12	Inc	10, 12	Inc			11, 12	11, 12		11, 12
D13S317	8, 11		8, 11			8, 12	Inc	8, 12		8, 12
D7S820	8, 10		8, 10							
D16S539	9, 12		9, 12	8, 11		Inc				Inc
CSF1PO	12, 12	Inc	12, 12				Inc			
Penta D	6, 9		6, 9							
Amelogenin	X, Y	X, Y	X, Y	X, Y	Inc	Inc	X, Y	X, Y		X, Y
vWA	18, 19		18, 19			17, 19	17, 19	17, 19		17, 19
D8S1179	12, 13		12, 13			Inc				
TPOX	8, 11		8, 11	Inc		Inc	8, 8	Inc		Inc
FGA	21, 24		21, 24				Inc			

Inc = Inconclusive Gray Area = No Results

Table One: Summary of STR Results

LOCUS	18E Hair from sheet	18F Hair from sheet	18I Hair from sheet	19ASF Oral swab Byers	19ANSF Oral swab Byers	19BSF Rectal swab Byers	19BNSF Rectal swab Byers	19CSF Nasal swab Byers	19CNSF Nasal swab Byers
D3S1358				14, 16	14, 16	14, 16	14, 16	14, 16	14, 16
TH01				9.3, 9.3	9.3, 9.3	9.3, 9.3	9.3, 9.3	9.3, 9.3	9.3, 9.3
D21S11				30, 32.2	30, 32.2	30, 32.2	30, 32.2	30, 32.2	30, 32.2
D18S51				12, 17	12, 17	12, 17	12, 17	12, 17	12, 17
Penta E				11, 11	11, 11	11, 11	11, 11	11, 11	11, 11
D5S818				11, 12	11, 12	11, 12	11, 12	11, 12	11, 12
D13S317				8, 12	8, 12	8, 12	8, 12	8, 12	8, 12
D7S820				9, 12	9, 12	9, 12	9, 12	9, 12	9, 12
D16S539				9, 11	9, 11	9, 11	9, 11	9, 11	9, 11
CSF1PO				10, 13	10, 13	10, 13	10, 13	Inc	Inc
Penta D				9, 10	9, 10	9, 10	9, 10	9, 10	9, 10
Amelogenin				X, Y	X, Y	X, Y	X, Y	X, Y	X, Y
vWA				17, 19	17, 19	17, 19	17, 19	17, 19	17, 19
D8S1179				12, 14	12, 14	12, 14	12, 14	12, 14	12, 14
TPOX				8, 8	8, 8	8, 8	8, 8	8, 8	8, 8
FGA				22, 25	22, 25	22, 25	22, 25	22, 25	22, 25

Inc = Inconclusive Gray Area = No Results

Table One: Summary of STR Results

LOCUS	20B Hair	25SF Cutting from blue pants	25NSF Cutting from blue pants	31A1 Knife (blade)	31A2 Knife (handle)	31A3 Knife (hinge)	32G Razor Blade	32H Razor Blade	33A Ligatures Byers	33B Ligatures Byers	33AB Ligatures Byers (combined)
D3S1358											
TH01											
D21S11											
D18S51											
Penta E											
D5S818											
D13S317											
D7S820											
D16S539											
CSF1PO											
Penta D											
Amelogenin			Inc		Inc						
vWA											
D8S1179											
TPOX											
FGA											

Inc = Inconclusive Gray Area = No Results

Table One: Summary of STR Results

LOCUS	34A Ligatures Branch	34B Ligatures Branch	34AB Ligatures Branch (combined)	35A Ligatures Moore	35B Ligatures Moore	35AB Ligatures Moore (combined)
D3S1358			14, 17			
TH01						
D21S11		Inc	Inc			
D18S51						
Penta E						
D5S818			10, 11, 12			Inc
D13S317			8, 11			Inc
D7S820						
D16S539						
CSF1PO			Inc			
Penta D			6, 9			
Amelogenin		X, Y	X, Y			X, Y
vWA		18, 19	Inc			
D8S1179			Inc			
TPOX						
FGA			Inc			

Inc = Inconclusive Gray Area = No Results

EXHIBIT Q

The Bode Technology Group, Inc.

7364 Steel Mill Dr.
Springfield, VA 22150
Phone 703-644-1200

Mitochondrial Forensic DNA Case Report

December 30, 2005

To: John Philipsborn
John Philipsborn Law Offices
Civic Center Building, Suite 250
507 Polk Street
San Francisco, CA 94102

BodeCase # 2S04-114
Agency ID# 1993-WVS-05716;
93-05-0666

List of Evidence Received on July 7, 2004 for DNA analysis:

Bode #	Item ID	Description
2S04-114-01	93-05716 FP2	Labeled as "Left hand nail scrapings from M. Moore."
2S04-114-02	93-05716 FP3	Labeled as "Right hand nail scrapings from M. Moore."
2S04-114-03	93-05716 FP6	Labeled as "Hair from M. Moore ligature."
2S04-114-03A		Slide with two hairs (-03Aa and -03Ab).
2S04-114-03B		Slide with one hair.
2S04-114-04	93-05716 FP6-Q39	Labeled as "Possible tissue from ligature from M. Moore."
2S04-114-05	93-05716 Q1 - Q4	Labeled as "Swabs from M. Moore."
2S04-114-05A		Three "oral" swabs.
2S04-114-05B		Three "rectal" swabs.
2S04-114-05C		Two "nasal" swabs.
2S04-114-05D		Two "penile" swabs.
2S04-114-06	93-05717 FP3	Labeled as "Left hand nail scrapings from S. Branch."
2S04-114-07	93-05717 FP4	Labeled as "Right hand nail scrapings from S. Branch."
2S04-114-08	93-05717 FP5	Labeled as "Two dark Caucasian hairs from S. Branch."
2S04-114-08A		Slide with one hair.
2S04-114-08B		Slide with two hairs (-08Ba and -08Bb).
2S04-114-09	93-05717 FP6	Labeled as "Hair from ligature from S. Branch (skin, tissue, hair from ligature)."
2S04-114-10	93-05717 K1, Q1 - Q4	Labeled as "Blood sample and swabs from S. Branch."
2S04-114-10A		Stained string.
2S04-114-10B		Three "oral" swabs.
2S04-114-10C		Three "rectal" swabs.
2S04-114-10D		Three "nasal" swabs.
2S04-114-10E		Two "penile" swabs.
2S04-114-11	93-05718 FP3	Labeled as "Hair found on C. Byers's body."
2S04-114-11A through -11Z		Slide with 26 hairs (-11A through -11Z).
2S04-114-12	93-05718 FP4	Labeled as "Left hand nail scrapings from C. Byers."
2S04-114-13	93-05718 FP5	Labeled as "Right hand nail scrapings from C. Byers."
2S04-114-14	93-05718 FP6	Labeled as "Hair from lower body of C. Byers."
2S04-114-15	93-05718 FP8	Labeled as "Hair from C. Byers ligature."
2S04-114-16	93-05718 Q4	Labeled as "Possible tissue from C. Byers ligature (skin, tissue, hair from ligature)."
2S04-114-17	93-05718 FP9	Labeled as "Hair from perineum of C. Byers ligature."

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List of Evidence Received on July 7, 2004 for DNA analysis, cont.:

Code #	Item ID	Description
2S04-114-18	93-05718 FP10	Labeled as "Negroid hair from white sheet." [slide with 9 hairs]
2S04-114-18A		Hair from sheet, described as "Negroid hair frag."
2S04-114-18B		Hair from sheet.
2S04-114-18C		Hair from sheet.
2S04-114-18D		Hair from sheet.
2S04-114-18E		Hair from sheet.
2S04-114-18F		Hair from sheet.
2S04-114-18G		Hair from sheet, described as "animal hair."
2S04-114-18H		Hair from sheet.
2S04-114-18I		Hair from sheet.
2S04-114-19	93-05718 Q1-Q3	Labeled as "Swabs from C. Byers
2S04-114-19A		Three "oral" swabs.
2S04-114-19B		Three "rectal" swabs.
2S04-114-19C		Three "nasal" swabs.
2S04-114-20	93-05716 E3	Labeled as "Hair from E3."
2S04-114-20		Slide with two hairs (-20A and -20B).
2S04-114-21	93-05716 E5	Labeled as "Hair from scout cap."
2S04-114-21		Slide with two hairs (-21A and -21B).
2S04-114-22	93-05716 E126	Labeled as "Hair from knife."
2S04-114-23	93-05717 E127 LS1-QH	Labeled as "Hair from tree stump."
2S04-114-24	93-05716 E147	Labeled as "Hair from knife."
2S04-114-24		Slide with two hairs (-24A and -24B).
2S04-114-25	93-05716 E3 Q10	Labeled as "Cutting from blue pants."
2S04-114-26	93-05716 E7 Q6	Labeled as "Cutting from jeans."
2S04-114-27	93-05717 FP7	Labeled as "Dyed hair from white sheet used to cover S. Branch."
2S04-114-28	93-05716 E27	Labeled as "Hair from knife."
2S04-114-29	93-05716 E28	Labeled as "Hair from butterfly knife."
2S04-114-30	93-05716 E134	Labeled as "Hair from knife."
2S04-114-31	93-05716 E178	Labeled as "Kershaw folding knife."
2S04-114-32	93-05716 E1A	Labeled as "Bag of clothing."
2S04-114-32A		Pair of white socks.
2S04-114-32B		Leather (or vinyl) pull tab of unknown origin.
2S04-114-32C		Plastic bag "Time Saver."
2S04-114-32D		Tan button down shirt.
2S04-114-32E		Black thermal shirt.
2S04-114-32F		Cargo style jeans.
2S04-114-32G		One "BIC" disposable razor.
2S04-114-32H		One "BIC" disposable razor.
2S04-114-33	93-05718 FP8 L1	Labeled as "Ligature between L-leg and L-wrist and R-leg and R-wrist [Byers]."
2S04-114-33A		Left side.
2S04-114-33B		Right side.

List of Evidence Received on July 7, 2004 for DNA analysis, cont.:

2S04-114-34	93-05717 FP6 L2	Labeled as "Ligature between ankles and wrist, L-leg, L-wrist, R-leg, R-wrist [Branch]."
2S04-114-34A		Left side.
2S04-114-34B		Right side.
2S04-114-35	93-05717 FP6 L3	Labeled as "Ligature, L-leg, L-wrist, R-leg, R-wrist [Moore]."
2S04-114-35A		Left side.
2S04-114-35B		Right side.
2S04-114-36	93-05716 E17	Labeled as "Three tree branches."

CASE REVIEW AND RESULTS:

This case report is supplemental to the STR Forensic DNA Case Report issued December 30, 2005.

Mitochondrial DNA (mtDNA) is found in subcellular organelles called mitochondria. A specific, non-coding region of the mitochondrial genome called the D-loop is known to have variability within the human population, particularly in two segments of the D-loop that are called Hypervariable Regions 1 and 2. Multiple copies of this region of mtDNA are generated using the polymerase chain reaction (PCR). The base composition, or sequence, is then determined using automated DNA sequencing.

The following items were processed for mtDNA:

- 2S04-114-03Aa (Hair from M. Moore ligature)
- 2S04-114-03B (Hair from M. Moore ligature)
- 2S04-114-08A (Dark Caucasian hair from S. Branch)
- 2S04-114-08Ba (Dark Caucasian hair from S. Branch)
- 2S04-114-08Bb (Dark Caucasian hair from S. Branch)
- 2S04-114-11B (Hair found on C. Byers's body)
- 2S04-114-11C (Hair found on C. Byers's body)
- 2S04-114-11P (Hair found on C. Byers's body)
- 2S04-114-11Q (Hair found on C. Byers's body)
- 2S04-114-11V (Hair found on C. Byers's body)
- 2S04-114-11Z (Hair found on C. Byers's body)
- 2S04-114-14 (Hair from lower body of C. Byers)
- 2S04-114-15 (Hair from C. Byers ligature)
- 2S04-114-17 (Hair from perineum of C. Byers ligature)
- 2S04-114-18A (Hair from sheet, described as "Negroid hair frag")
- 2S04-114-18B (Hair from sheet)
- 2S04-114-18C (Hair from sheet)
- 2S04-114-18D (Hair from sheet)
- 2S04-114-18E (Hair from sheet)
- 2S04-114-18F (Hair from sheet)
- 2S04-114-18H (Hair from sheet)
- 2S04-114-18I (Hair from sheet)
- 2S04-114-20A (Hair from E3)
- 2S04-114-20B (Hair from E3)
- 2S04-114-21A (Hair from scout cap)
- 2S04-114-21B (Hair from scout cap)
- 2S04-114-23 (Hair from tree stump)
- 2S04-114-27 (Dyed hair from white sheet used to cover S. Branch)

The remaining evidence was not tested for mtDNA analysis at this time.

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Complete sequence data was obtained from all of the above listed items with the following exceptions:

2S04-114-17 (partial sequence data obtained)

2S04-114-21B (partial sequence data obtained)

No confirmed sequence data was obtained from 2S04-114-20A.

The mtDNA sequence obtained from evidence hairs -03B and -21A are consistent with each other at the corresponding mtDNA regions. The mtDNA sequences obtained from evidence items -08A, -08Ba and -08Bb are consistent with each other at the corresponding mtDNA regions. The mtDNA sequences obtained from -11B, -11C, -11P, -11Q, -11V, -11Z, -14, -18B, -18C, -18D, -18E, -18F, -18H, -18I and -20B are consistent with each other at the corresponding mtDNA regions. The partial mtDNA sequence data obtained from evidence item -17 is consistent with the sequence data obtained from -11B, -11C, -11P, -11Q, -11V, -11Z, -14, -18B, -18C, -18D, -18E, -18F, -18H, -18I and -20B. The mtDNA sequence data obtained from evidence items -03Aa, -15, -18A, -21B, -23 and -27 are not consistent with each other or any other item of evidence tested at this time.

The mtDNA sequence data generated for the specimens tested are shown in the Appendix.

The DNA profiles reported in this case were determined by procedures that have been validated according to standards established by the Scientific Working Group on DNA Analysis Methods (SWGDM) and adopted as Federal Standards.

CONCLUSIONS:

A search of the mtDNA population database of the Scientific Working Group on DNA Analysis Methods (SWGDM) has been provided for evidence items where complete mtDNA sequence data was obtained and more than one item was consistent with a particular sequence. The number of observations of these mtDNA sequences in the SWGDAM database is as follows:

The Bode Technology Group, Inc. Sample No.	African Database	Caucasian Database	Hispanic Database	Asian Database	Native American Database	Total No. of Observations in combined Population SWGDAM Database
2S04-114-03B, -21A	0 in 1305	0 in 1674	0 in 686	0 in 848	0 in 326	0 in 4839
2S04-114-08A, -08Ba, -08Bb	0 in 1305	0 in 1674	0 in 686	0 in 848	0 in 326	0 in 4839
2S04-114-11B, -11C, -11P, -11Q, -11V, -11Z, -14, -18B, -18C, -18D, -18E, -18F, -18H, -18I, and -20B	0 in 1305	6 in 1674	5 in 686	0 in 848	0 in 326	11 in 4839

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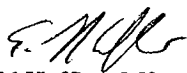
Date: December 30, 2005

The remaining evidence will be returned to the Arkansas State Crime Lab.

Report is submitted by:



Sylvia Gill, MFS
DNA Analyst 3



Ed Huffine, MS
Vice President, Humanitarian Missions



Michael Cariola, MFS
Director of Forensics

Bode Case #: 2S04-114

Date: December 30, 2005

Appendix
Mitochondrial DNA Sequence Results

For interpretation of these results, see the enclosed Interpretation Key.

Bode Sample # Agency ID	Hypervariable Region I	Hypervariable Region II
2S04-114-03Aa Hair from ligature (Moore)	16221 T Confirmed Region: 15998-16390	263 G 309.1 C 315.1 C Confirmed Region: 35-361
2S04-114-03B Hair from ligature (Moore)	16069 T 16126 C 16193 T 16195 C 16242 A 16357 C Confirmed Region: 15998-16390	73 G 150 T 152 C 263 G 295 T 309.1 C 315.1 C Confirmed Region: 35-361
2S04-114-08A Hair (Branch)	16069 T 16126 C 16145 A 16186 T 16231 C 16261 T Confirmed Region: 15998-16390	73 G 75 A 150 T 152 C 195 C 215 G 263 G 295 T 309.1 C 315.1 C 319 C Confirmed Region: 35-361
2S04-114-08Ba Hair (Branch)	16069 T 16126 C 16145 A 16186 T 16231 C 16261 T Confirmed Region: 15998-16390	73 G 75 A 150 T 152 C 195 C 215 G 263 G 295 T 309.1 C 315.1 C 319 C Confirmed Region: 35-361

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Date: December 30, 2005

Bode Sample # Agency ID	Hypervariable Region I	Hypervariable Region II
2S04-114-08Bb Hair (Branch)	16069 T 16126 C 16145 A 16186 T 16231 C 16261 T Confirmed Region: 15998-16390	73 G 75 A 150 T 152 C 195 C 215 G 263 G 295 T 309.1 C 315.1 C 319 C Confirmed Region: 35-361
2S04-114-11B Hair from body (Byers)	16069 T 16126 C 16145 A 16172 C 16222 T 16261 T Confirmed Region: 15998-16390	73 G 242 T 263 G 295 T 315.1 C Confirmed Region: 49-361
2S04-114-11C Hair from body (Byers)	16069 T 16126 C 16145 A 16172 C 16222 T 16261 T Confirmed Region: 15998-16390	73 G 242 T 263 G 295 T 315.1 C Confirmed Region: 35-361
2S04-114-11P Hair from body (Byers)	16069 T 16126 C 16145 A 16172 C 16222 T 16261 T Confirmed Region: 15998-16390	73 G 242 T 263 G 295 T 315.1 C Confirmed Region: 35-361
2S04-114-11Q Hair from body (Byers)	16069 T 16126 C 16145 A 16172 C 16222 T 16261 T Confirmed Region: 15998-16390	73 G 242 T 263 G 295 T 315.1 C Confirmed Region: 49-361

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Bode Sample # Agency ID	Hypervariable Region I	Hypervariable Region II
2S04-114-11V Hair from body (Byers)	16069 T 16126 C 16145 A 16172 C 16222 T 16261 T Confirmed Region: 15998-16390	73 G 242 T 263 G 295 T 315.1 C Confirmed Region: 35-361
2S04-114-11Z Hair from body (Byers)	16069 T 16126 C 16145 A 16172 C 16222 T 16261 T Confirmed Region: 15998-16390	73 G 242 T 263 G 295 T 315.1 C Confirmed Region: 35-361
2S04-114-14 Hair from lower body (Byers)	16069 T 16126 C 16145 A 16172 C 16222 T 16261 T Confirmed Region: 15998-16390	73 G 242 T 263 G 295 T 315.1 C Confirmed Region: 49-361
2S04-114-15 Hair from ligature (Byers)	16093 C 16192 T 16256 T 16262 T 16270 T Confirmed Region: 15998-16390	73 G 263 G 315.1 C Confirmed Region: 35-361
2S04-114-17 Hair from perineum (Byers)	16222 T 16261 T Confirmed Region: 16210-16390	Not Analyzed

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Date: December 30, 2005

Bode Sample # Agency ID	Hypervariable Region I	Hypervariable Region II
2S04-114-18A Negroid hair from sheet	16129 A 16183 D 16189 A 16215 G 16223 T 16278 T 16294 T 16311 C 16360 T Confirmed Region: 15998-16390	73 G 151 T 152 C 182 T 186 A 189 C 247 A 263 G 315.1 C 316 A Confirmed Region: 35-361
2S04-114-18B Hair from sheet	16069 T 16126 C 16145 A 16172 C 16222 T 16261 T Confirmed Region: 15998-16390	73 G 242 T 263 G 295 T 315.1 C Confirmed Region: 35-361
2S04-114-18C Hair from sheet	16069 T 16126 C 16145 A 16172 C 16222 T 16261 T Confirmed Region: 15998-16390	73 G 242 T 263 G 295 T 315.1 C Confirmed Region: 35-361
2S04-114-18D Hair from sheet	16069 T 16126 C 16145 A 16172 C 16222 T 16261 T Confirmed Region: 15998-16390	73 G 242 T 263 G 295 T 315.1 C Confirmed Region: 35-361
2S04-114-18E Hair from sheet	16069 T 16126 C 16145 A 16172 C 16222 T 16261 T Confirmed Region: 15998-16390	73 G 242 T 263 G 295 T 315.1 C Confirmed Region: 35-361

Bode Case #: 2S04-114

Date: December 30, 2005

Bode Sample # Agency ID	Hypervariable Region I	Hypervariable Region II
2S04-114-18F Hair from sheet	16069 T 16126 C 16145 A 16172 C 16222 T 16261 T Confirmed Region: 15998-16390	73 G 242 T 263 G 295 T 315.1 C Confirmed Region: 35-361
2S04-114-18H Hair from sheet	16069 T 16126 C 16145 A 16172 C 16222 T 16261 T Confirmed Region: 15998-16390	73 G 242 T 263 G 295 T 315.1 C Confirmed Region: 49-361
2S04-114-18I Hair from sheet	16069 T 16126 C 16145 A 16172 C 16222 T 16261 T Confirmed Region: 15998-16390	73 G 242 T 263 G 295 T 315.1 C Confirmed Region: 35-361
2S04-114-20B Hair from E3	16069 T 16126 C 16145 A 16172 C 16222 T 16261 T Confirmed Region: 15998-16390	73 G 242 T 263 G 295 T 315.1 C Confirmed Region: 49-361
2S04-114-21A Hair from scout cap	16069 T 16126 C 16193 T 16195 C 16242 A 16357 C Confirmed Region: 16009-16390	73 G 150 T 152 C 263 G 295 T 309.1 C 315.1 C Confirmed Region: 35-361

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Bode Sample # Agency ID	Hypervariable Region I	Hypervariable Region II
2S04-114-21B Hair from scout cap	16223 T 16278 T 16362 C Confirmed Region: 16210-16390	 Not Reported
✓ 2S04-114-23 Hair from scout cap	Anderson Confirmed Region: 16009-16390	263 G 309.1 C 315.1 C Confirmed Region: 35-361
2S04-114-27 Dyed hair from white sheet (Branch)	16261 T Confirmed Region: 15998-16390	263 G 309.1 C 315.1 C Confirmed Region: 49-361

INTERPRETATION KEY

The following notations may apply:

- a. Transition or transversion polymorphisms as compared to a standard sequence (Anderson, et al. 1981. Nature 290:457-465) are designated by the appropriate letter (base).
- b. A deletion is designated by a "D."
- c. An insertion is designated a ".1" for a one base insertion, and a ".2" for a two base insertion.

Note: Polycytosine stretches are often difficult to interpret. A possible cause may be the presence of a mixture of length variants in the mtDNA of an individual. A predominant length species is often apparent; however, the frequency of a particular length species cannot be determined accurately and may vary between maternal relatives. The sequence reported for Hypervariable Region 1 represents the first 10 cytosines observed, beginning at position 16184. The sequence reported for Hypervariable Region 2 represents the number of cytosines present in the predominant base sequence. When no predominant base sequence is observed, the insertions that could not be confirmed are designated by a "N."

- d. A position that could not be confirmed is designated by a "N."

EXHIBIT R



10430 Furnace Road, Suite 107
 orton, VA 22079
 Phone: 703-646-9740

STR Forensic DNA Case Report
 January 2, 2007

To: John Phillipsborn
 John Phillipsborn Law Offices
 Civic Center Building, Suite 250
 507 Polk Street
 San Francisco, CA 94102

BodeCase # 2S04-114
Agency ID# 1993-WVS-05716;
 93-05-0866

List of Evidence Received on October 12, 2006 for DNA analysis:

Bode #	Description
2S04-114-37	Labeled as "reference buccal swabs (ECHOLS)"
2S04-114-38	Labeled as "reference buccal swabs (MISSKELLEY)"
2S04-114-39	Labeled as "reference buccal swabs (BALDWIN)"

List of Evidence Received on July 7, 2004 for DNA analysis:

Bode #	Item ID	Description
2S04-114-01	93-05716 FP2	Labeled as "Left hand nail scrapings from M. Moore."
2S04-114-02	93-05716 FP3	Labeled as "Right hand nail scrapings from M. Moore."
2S04-114-03	93-05716 FP6	Labeled as "Hair from M. Moore ligature."
2S04-114-03A		Slide with two hairs (-03Aa and -03Ab).
2S04-114-03B		Slide with one hair.
2S04-114-04	93-05716 FP6-Q39	Labeled as "Possible tissue from ligature from M. Moore."
2S04-114-05	93-05716 Q1 - Q4	Labeled as "Swabs from M. Moore."
2S04-114-05A		Three "oral" swabs.
2S04-114-05B		Three "rectal" swabs.
2S04-114-05C		Two "nasal" swabs.
2S04-114-05D		Two "penile" swabs.
2S04-114-06	93-05717 FP3	Labeled as "Left hand nail scrapings from S. Branch."
2S04-114-07	93-05717 FP4	Labeled as "Right hand nail scrapings from S. Branch."
2S04-114-08	93-05717 FP5	Labeled as "Two dark Caucasian hairs from S. Branch."
2S04-114-08A		Slide with one hair.
2S04-114-08B		Slide with two hairs (-08Ba and -08Bb).
2S04-114-09	93-05717 FP6	Labeled as "Hair from ligature from S. Branch (skin, tissue, hair from ligature)."
2S04-114-10	93-05717 K1, Q1 - Q4	Labeled as "Blood sample and swabs from S. Branch."
2S04-114-10A		Stained string.
2S04-114-10B		Three "oral" swabs.
2S04-114-10C		Three "rectal" swabs.
2S04-114-10D		Three "nasal" swabs.
2S04-114-10E		Two "penile" swabs.
2S04-114-11	93-05718 FP3	Labeled as "Hair found on C. Byers's body."
2S04-114-11A through -11Z		Slide with 26 hairs (-11A through -11Z).

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List of Evidence Received on July 7, 2004 for DNA analysis, cont.:

Boyd #	Item ID	Description
2S04-114-12	93-05718 FP4	Labeled as "Left hand nail scrapings from C. Byers."
2S04-114-13	93-05718 FP5	Labeled as "Right hand nail scrapings from C. Byers."
2S04-114-14	93-05718 FP6	Labeled as "Hair from lower body of C. Byers."
2S04-114-15	93-05718 FP8	Labeled as "Hair from C. Byers ligature."
2S04-114-16	93-05718 Q4	Labeled as "Possible tissue from C. Byers ligature (skin, tissue, hair from ligature)."
2S04-114-17	93-05718 FP9	Labeled as "Hair from perineum of C. Byers ligature."
2S04-114-18	93-05718 FP10	Labeled as "Negroid hair from white sheet." [slide with 9 hairs]
2S04-114-18A		Hair from sheet, described as "Negroid hair frag."
2S04-114-18B		Hair from sheet.
2S04-114-18C		Hair from sheet.
2S04-114-18D		Hair from sheet.
2S04-114-18E		Hair from sheet.
2S04-114-18F		Hair from sheet.
2S04-114-18G		Hair from sheet, described as "animal hair."
2S04-114-18H		Hair from sheet.
2S04-114-18I		Hair from sheet.
2S04-114-19	93-05718 Q1-Q3	Labeled as "Swabs from C. Byers"
2S04-114-19A		Three "oral" swabs.
2S04-114-19B		Three "rectal" swabs.
2S04-114-19C		Three "nasal" swabs.
2S04-114-20	93-05716 E3	Labeled as "Hair from E3."
2S04-114-20		Slide with two hairs (-20A and -20B).
2S04-114-21	93-05716 E5	Labeled as "Hair from scout cap."
2S04-114-21		Slide with two hairs (-21A and -21B).
2S04-114-22	93-05716 E126	Labeled as "Hair from knife."
2S04-114-23	93-05716 E127	Labeled as "Hair from tree stump."
	LS1-QH	
2S04-114-24	93-05716 E147	Labeled as "Hair from knife."
2S04-114-24		Slide with two hairs (-24A and -24B).
2S04-114-25	93-05716 E3 Q10	Labeled as "Cutting from blue pants."
2S04-114-26	93-05716 E7 Q6	Labeled as "Cutting from jeans."
2S04-114-27	93-05717 FP7	Labeled as "Dyed hair from white sheet used to cover S. Branch."
2S04-114-28	93-05716 E27	Labeled as "Hair from knife."
2S04-114-29	93-05716 E28	Labeled as "Hair from butterfly knife."
2S04-114-30	93-05716 E134	Labeled as "Hair from knife."
2S04-114-31	93-05716 E178	Labeled as "Kershaw folding knife."
2S04-114-32	93-05716 E1A	Labeled as "Bag of clothing."
2S04-114-32A		Pair of white socks.
2S04-114-32B		Leather (or vinyl) pull tab of unknown origin.
2S04-114-32C		Plastic bag "Time Saver."
2S04-114-32D		Tan button down shirt.
2S04-114-32E		Black thermal shirt.
2S04-114-32F		Cargo style jeans.
2S04-114-32G		One "BIC" disposable razor.
2S04-114-32H		One "BIC" disposable razor.

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List of Evidence Received on July 7, 2004 for DNA analysis, cont.:

2S04-114-33	93-05718 FP6 L1	Labeled as "Ligature between L-leg and L-wrist and R-leg and R-wrist [Byers]."
2S04-114-33A		Left side.
2S04-114-33B		Right side.
2S04-114-34	93-05717 FP6 L2	Labeled as "Ligature between ankles and wrist, L-leg, L-wrist, R-leg, R-wrist [Branch]."
2S04-114-34A		Left side.
2S04-114-34B		Right side.
2S04-114-35	93-05717 FP6 L3	Labeled as "Ligature, L-leg, L-wrist, R-leg, R-wrist [Moore]."
2S04-114-35A		Left side.
2S04-114-35B		Right side.
2S04-114-36	93-05718 E17	Labeled as "Three tree branches."

CASE PROCESSING AND RESULTS:

The following items were processed for DNA typing by analysis of the 13 CODIS Short Tandem Repeat (STR) loci, the D2S1338 locus, the D16S433 locus, and the gender determination locus, Amelogenin, using the ABI Identifier® kit:

- 2S04-114-31B1 (Kershaw folding knife [blade])
- 2S04-114-31B2 (Kershaw folding knife [handle])
- 2S04-114-31B3 (Kershaw folding knife [hinge])
- 2S04-114-37 (Reference buccal sample for ECHOLS)
- 2S04-114-38 (Reference buccal sample for MISSKELLEY)
- 2S04-114-39 (Reference buccal sample for BALDWIN)

The following items were processed for DNA typing by analysis of fifteen STR loci [D3S1358, vWA, FGA, D8S1179, D21S11, D18S51, D5S818, D13S317, D7S820, D16S539, TH01, TPOX, CSF1PO, Penta D, and Penta E] and the gender determination locus, Amelogenin, using the Promega PowerPlex® 16 kit:

- 2S04-114-01 (Left fingernail scrapings [Moore])
- 2S04-114-02 (Right fingernail scrapings [Moore])
- 2S04-114-03B (Hair from ligature [Moore])
- 2S04-114-05A (Oral swab [Moore])
- 2S04-114-05B (Rectal swab [Moore])
- 2S04-114-05C (Nasal swab [Moore])
- 2S04-114-05D (Penile swab [Moore])
- 2S04-114-06 (Left fingernail scrapings [Branch])
- 2S04-114-07 (Right fingernail scrapings [Branch])
- 2S04-114-09 (Hair from ligature [Branch])
- 2S04-114-10A (Piece of red-brown stained string)
- 2S04-114-10B (Oral swab [Branch])
- 2S04-114-10C (Rectal swab [Branch])
- 2S04-114-10D (Nasal swab [Branch])
- 2S04-114-10E (Penile swab [Branch])
- 2S04-114-11R (Hair found on body [Byers])
- 2S04-114-11S (Hair found on body [Byers])
- 2S04-114-11T (Hair found on body [Byers])
- 2S04-114-12 (Left fingernail scrapings [Byers])
- 2S04-114-13 (Right fingernail scrapings [Byers])
- 2S04-114-18E (Hair from sheet)
- 2S04-114-18F (Hair from sheet)
- 2S04-114-18I (Hair from sheet)
- 2S04-114-19A (Oral swab [Byers])
- 2S04-114-19B (Rectal swab [Byers])
- 2S04-114-19C (Nasal swab [Byers])
- 2S04-114-20B (Hair)
- 2S04-114-25 (Cutting from blue pants)
- 2S04-114-31A1 (Kershaw folding knife [blade])

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- 2S04-114-31A2 (Kershaw folding knife [handle])
- 2S04-114-31A3 (Kershaw folding knife [hinge])
- 2S04-114-32G (Bag of clothing [razor blade])
- 2S04-114-32H (Bag of clothing [razor blade])
- 2S04-114-33A (Ligatures [Byers])
- 2S04-114-33B (Ligatures [Byers])
- 2S04-114-34A (Ligatures [Branch])
- 2S04-114-34B (Ligatures [Branch])
- 2S04-114-35A (Ligatures [Moore])
- 2S04-114-35B (Ligatures [Moore])

The DNA profiles reported in this case were determined by procedures that have been validated according to standards established by the Scientific Working Group on DNA Analysis Methods (SWGDM) and adopted as Federal Standards.

After initial testing, the remaining extracts from the following samples were processed as a combined sample:

- 2S04-114-01 and -02 were combined into sample -01_02 (fingernail scrapings [Moore]-combined)
- 2S04-114-06 and -07 were combined into sample -06_07 (fingernail scrapings [Branch]-combined)
- 2S04-114-33A and -33B were combined into sample -33AB (Ligatures [Byers]-combined)
- 2S04-114-34A and -34B were combined into sample -34AB (Ligatures [Branch]-combined)
- 2S04-114-35A and -35B were combined into sample -35AB (Ligatures [Moore]-combined)

1. Complete DNA profiles were obtained from the following evidence items:
 - 2S04-114-05A NSF (non-sperm fraction) (Oral swab [Moore])
 - 2S04-114-05B NSF (non-sperm fraction) (Rectal swab [Moore])
 - 2S04-114-05C SF and NSF (sperm fraction and non-sperm fraction) (Nasal swab [Moore])
 - 2S04-114-10A (Piece of red-brown stained string [Branch])
 - 2S04-114-10B SF and NSF (sperm fraction and non-sperm fraction) (Oral swab [Branch])
 - 2S04-114-10C NSF (non-sperm fraction) (Rectal swab [Branch])
 - 2S04-114-19A SF and NSF (sperm fraction and non-sperm fraction) (Oral swab [Byers])
 - 2S04-114-19B SF and NSF (sperm fraction and non-sperm fraction) (Rectal swab [Byers])
2. Partial DNA profiles consisting of four or more reportable loci were obtained from the following evidence items:
 - 2S04-114-05A SF (sperm fraction) (Oral swab [Moore])
 - 2S04-114-10C SF (sperm fraction) (Rectal swab [Branch])
 - 2S04-114-10D NSF (non-sperm fraction) (Nasal swab [Branch])
 - 2S04-114-11R (Hair found on body [Byers])
 - 2S04-114-11S (Hair found on body [Byers])
 - 2S04-114-11T (Hair found on body [Byers])
 - 2S04-114-13 (Right fingernail scrapings [Byers])
 - 2S04-114-19C SF and NSF (sperm fraction and non-sperm fraction) (Nasal swab [Byers])
3. A mixed partial DNA profile consisting of four or more reportable loci was obtained from the following evidence item:
 - 2S04-114-34AB (Ligatures [Branch]-combined)
4. Partial DNA profiles consisting of three or less reportable loci were obtained from the following evidence items:
 - 2S04-114-02 (Right fingernail scrapings [Moore])
 - 2S04-114-01_02 (Left/Right fingernail scrapings [Moore]-combined)
 - 2S04-114-06 (Left fingernail scrapings [Branch])
 - 2S04-114-10D SF (sperm fraction) (Nasal swab [Branch])
 - 2S04-114-10E SF (sperm fraction) (Penile swab [Branch])
 - 2S04-114-34B (Ligatures [Branch])
 - 2S04-114-35AB (Ligatures [Moore]-combined)

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5. A mixed partial DNA profile consisting of three or less reportable loci was obtained from the following evidence item:
2S04-114-05D NSF (non-sperm fraction) (Penile swab [Moore])
6. No reportable results were obtained from the following evidence items:
2S04-114-01 (Left fingernail scrapings [Moore])
2S04-114-05B SF (sperm fraction) (Rectal swab [Moore])
2S04-114-05D SF (sperm fraction) (Penile swab [Moore])
2S04-114-09 (Hair from ligature [Branch])
2S04-114-10E NSF (non-sperm fraction) (Penile swab [Branch])
2S04-114-25 NSF (non-sperm fraction) (Cutting from blue pants)
2S04-114-31A2 (Kershaw folding knife [handle])
2S04-114-31B1 (Kershaw folding knife [blade])
2S04-114-31B2 (Kershaw folding knife [handle])
7. No results were obtained from the following evidence items:
2S04-114-03B (Hair from ligature [Moore])
2S04-114-07 (Right fingernail scrapings [Branch])
2S04-114-06_07 (fingernail scrapings [Branch]-combined)
2S04-114-12 (Left fingernail scrapings [Byers])
2S04-114-18E (Hair from sheet)
2S04-114-18F (Hair from sheet)
2S04-114-18I (Hair from sheet)
2S04-114-20B (Hair)
2S04-114-25 SF (Cutting from blue pants)
2S04-114-31A1 (Kershaw folding knife [blade])
2S04-114-31A3 (Kershaw folding knife [hinge])
2S04-114-31B3 (Kershaw folding knife [hinge])
2S04-114-32G (Bag of clothing [razor blade])
2S04-114-32H (Bag of clothing [razor blade])
2S04-114-33A (Ligatures [Byers])
2S04-114-33B (Ligatures [Byers])
2S04-114-33AB (Ligatures [Byers]-combined))
2S04-114-34A (Ligatures [Branch])
2S04-114-35A (Ligatures [Moore])
2S04-114-35B (Ligatures [Moore])
8. Complete DNA profiles were obtained from the following reference items:
2S04-114-37 (ECHOLS)
2S04-114-38 (MISSKELLEY)
2S04-114-39 (BALDWIN)

The results of the STR analysis are summarized in **Table One**.

*Notes: Evidence item 2S04-114-31B1 contained a DNA profile that matched a Bode staff analyst and therefore no results were reported for this sample.

CONCLUSIONS:

1. Evidence items 2S04-114-01, 2S04-114-05B SF, 2S04-114-05D SF, 2S04-114-09, 2S04-114-10E NSF, 2S04-114-25 NSF, 2S04-114-31A2, 2S04-31B1, and 2S04-114-31B2 failed to yield reportable results; therefore, no further interpretation can be performed.
2. Evidence items 2S04-114-02, 2S04-114-06, 2S04-114-10D SF, and 2S04-114-35AB only contain reportable alleles at the amelogenin locus; indicating DNA from a male. Any male reference sample cannot be excluded as a possible source of the DNA obtained from this sample. No further conclusions can be made regarding these samples.

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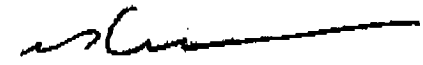
Date: January 2, 2007

3. Evidence items 2S04-114-03B, 2S04-114-07, 2S04-114-08_07, 2S04-114-12, 2S04-114-18E, 2S04-114-18F, 2S04-114-18I, 2S04-114-20E, 2S04-114-25 SF, 2S04-114-31A1, 2S04-114-31A3, 2S04-114-31B3, 2S04-114-32G, 2S04-114-32H, 2S04-114-33A, 2S04-114-33B, 2S04-114-33AB, 2S04-114-34A, 2S04-114-35A, and 2S04-114-35B failed to yield results; therefore, no further interpretation can be performed.
4. Due to the limited data obtained, no conclusions can be made regarding evidence items 2S04-114-01_02, 2S04-114-05D NSF, 2S04-114-10E SF, 2S04-114-34B, and 2S04-114-34AB.
5. The DNA profiles obtained from reference items 2S04-114-37 (Echols), 2S04-114-38 (Misskelley), or 2S04-114-39 (Baldwin) do not match the DNA profiles obtained from evidence items 2S04-114-05A SF, 2S04-114-05A NSF, 2S04-114-05B NSF, 2S04-114-05C SF, 2S04-114-05C NSF, 2S04-114-10A, 2S04-114-10B SF, 2S04-114-10B NSF, 2S04-114-10C SF, 2S04-114-10C NSF, 2S04-114-10D NSF, 2S04-114-11R, 2S04-114-11S, 2S04-114-11T, 2S04-114-13, 2S04-114-19A SF, 2S04-114-19A NSF, 2S04-114-19B SF, 2S04-114-19B NSF, 2S04-114-19C SF, and 2S04-114-19C NSF; therefore, Echols, Misskelley, and Baldwin are excluded as possible sources of the DNA obtained from these samples.

The remaining evidence will be returned to the Arkansas State Crime Lab.

Report is submitted by:


 Rachel Cline, MFS
 DNA Analyst III


 Michael Carlola, MFS
 Forensic Technical Leader

0000 Case #: 2SD4-114

Date: January 2, 2007

Table One: Summary of STR Results

LOCUS	01 Lt nails Moore	02 Rt nails Moore	01_02 L/Rt nails Moore (combined)	03B Hair from ligature Moore	05A SF Oral swab Moore	05A NSF Oral swab Moore	05B SF Rectal swab Moore	05B NSF Rectal swab Moore	05C SF Nasal swab Moore	05C NSF Nasal swab Moore
D3S1358	Inc		Inc		14, 18	14, 18		14, 18	14, 18	14, 18
TH01					8, 9,3	8, 9,3		8, 9,3	8, 9,3	8, 9,3
D21S11					29, 32,2	29, 32,2		29, 32,2	29, 32,2	29, 32,2
D18S51					14, 16	14, 16		14, 16	14, 16	14, 16
Penta E					Inc	12, 12		12, 12	12, 12	12, 12
D5S818			9, 10*		9, 13	9, 13		9, 13	9, 13	9, 13
D13S317					11, 12	11, 12		11, 12	11, 12	11, 12
D7S820					8, 9	8, 9		8, 9	8, 9	8, 9
D16S539					9, 13	9, 13		9, 13	9, 13	9, 13
CSF1PO					Inc	10, 10		10, 10	10, 10	10, 10
Penta D					Inc	9, 10		9, 10	9, 10	9, 10
Amelogenin	Inc	X, Y	X, Y		X, Y	X, Y	Inc	X, Y	X, Y	X, Y
vWA		Inc	Inc		18, 19	18, 19		18, 19	18, 19	18, 19
D8S1179					12, 14	12, 14		12, 14	12, 14	12, 14
TPOX			Inc		8, 8	8, 8		8, 8	8, 8	8, 8
FGA					22, 23	22, 23		22, 23	22, 23	22, 23
D2S1338	NT	NT	NT	NT	NT	NT	NT	NT	NT	NT
D19S433	NT	NT	NT	NT	NT	NT	NT	NT	NT	NT

Inc = inconclusive Gray Area = No Results *Possible peaks below analysis cut-off present NT = Not Tested

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Case # 2S04-114

Date: January 2, 2007

Table One: Summary of STR Results

LOCUS	05D SF Penile swab Moore	05D NSF Penile swab Moore	06 Lt nails Branch	07 Rt nails Branch	06_07 L/Rt nails Branch (combined)	09 Hair from ligature Branch	10A Stained string Branch	10B SF Oral swab Branch	10B NSF Oral swab Branch	10C SF Rectal swab Branch
D3S1358		Inc					14, 17	14, 17	14, 17	14, 17
TH01							6, 9.3	6, 9.3	6, 9.3	6, 9.3
D21S11							29, 29	29, 29	29, 29	29, 29
D18S51							12, 15	12, 15	12, 15	Inc
Penta E							5, 13	5, 13	5, 13	Inc
D5S818		9, 12, 13					10, 12	10, 12	10, 12	10, 12
D13S317		Inc					8, 11	8, 11	8, 11	8, 11
D7S820							8, 10	8, 10	8, 10	8, 10
D16S539							9, 12	9, 12	9, 12	9, 12
CSF1PO		Inc					12, 12	12, 12	12, 12	
Penta D							6, 9	6, 9	6, 9	Inc
Amelogenin	Inc	X, Y	X, Y			Inc	X, Y	X, Y	X, Y	X, Y
VWA		Inc					18, 19	18, 19	18, 19	18, 19
D8S1179		Inc					12, 13	12, 13	12, 13	12, 13
TPOX		Inc					8, 11	8, 11	8, 11	8, 11
FGA							21, 24	21, 24	21, 24	Inc
D2S1338	NT	NT	NT	NT	NT	NT	NT	NT	NT	NT
D19S433	NT	NT	NT	NT	NT	NT	NT	NT	NT	NT

Inc = Inconclusive Gray Area = No Results NT = Not Tested

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Lab Case #: 2504-114

Date: January 2, 2007

Table One: Summary of STR Results

LOCUS	10C NSF Rectal swab Branch	10D SF Nasal swab Branch	10D NSF Nasal swab Branch	10E SF Penile swab Branch	10E NSF Penile swab Branch	11R Hair on body Byers	11S Hair on body Byers	11T Hair on body Byers	12 Lt nails Byers	13 Rt nails Byers
D3S1358	14, 17	Inc	14, 17			14, 16	14, 16	14, 16		14, 16
TH01	6, 9.3		6, 9.3			9.3, 9.3	9.3, 9.3	9.3, 9.3		9.3, 9.3
D21S11	29, 29		29, 29			Inc				Inc
D18S31	12, 15		12, 15	Inc						
Penta E	5, 13		Inc							
D5S818	10, 12	Inc	10, 12	Inc			11, 12	11, 12		11, 12
D13S317	8, 11		8, 11			8, 12	Inc	8, 12		8, 12
D7S820	8, 10		8, 10							
D16S539	9, 12		9, 12	8, 11		Inc				Inc
CSF1PO	12, 12	Inc	12, 12				Inc			
Penta D	6, 9		6, 9							
Amelogenin	X, Y	X, Y	X, Y	X, Y	Inc	Inc	X, Y	X, Y		X, Y
vWA	18, 19		18, 19			17, 19	17, 19	17, 19		17, 19
D8S1179	12, 13		12, 13			Inc				
TPOX	8, 11		8, 11	Inc		Inc	8, 8	Inc		Inc
FGA	21, 24		21, 24				Inc			
D2S1338	NT	NT	NT	NT	NT	NT	NT	NT	NT	NT
D19S433	NT	NT	NT	NT	NT	NT	NT	NT	NT	NT

Inc = Inconclusive Gray Area = No Results NT = Not tested

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0009 CASE #: 2S04-114

Date: January 2, 2007

Table One: Summary of STR Results

LOCUS	18E Hair from sheet	18F Hair from sheet	18I Hair from sheet	19A SF Oral swab Byers	19A NSF Oral swab Byers	19B SF Rectal swab Byers	19B NSF Rectal swab Byers	19C SF Nasal swab Byers	19C NSF Nasal swab Byers
D3S1358				14, 16	14, 16	14, 16	14, 16	14, 16	14, 16
TH01				9.3, 9.3	9.3, 9.3	9.3, 9.3	9.3, 9.3	9.3, 9.3	9.3, 9.3
D21S11				30, 32.2	30, 32.2	30, 32.2	30, 32.2	30, 32.2	30, 32.2
D18S51				12, 17	12, 17	12, 17	12, 17	12, 17	12, 17
Penta E				11, 11	11, 11	11, 11	11, 11	11, 11	11, 11
D5S818				11, 12	11, 12	11, 12	11, 12	11, 12	11, 12
D13S317				8, 12	8, 12	8, 12	8, 12	8, 12	8, 12
D7S820				9, 12	9, 12	9, 12	9, 12	9, 12	9, 12
D16S539				9, 11	9, 11	9, 11	9, 11	9, 11	9, 11
CSF1PO				10, 13	10, 13	10, 13	10, 13	Inc	Inc
Penta D				9, 10	9, 10	9, 10	9, 10	9, 10	9, 10
Amelogenin				X, Y	X, Y	X, Y	X, Y	X, Y	X, Y
vWA				17, 19	17, 19	17, 19	17, 19	17, 19	17, 19
D8S1179				12, 14	12, 14	12, 14	12, 14	12, 14	12, 14
TPOX				8, 8	8, 8	8, 8	8, 8	8, 8	8, 8
FGA				22, 25	22, 25	22, 25	22, 25	22, 25	22, 25
D2S1338	NT	NT	NT	NT	NT	NT	NT	NT	NT
D19S433	NT	NT	NT	NT	NT	NT	NT	NT	NT

Inc = Inconclusive Gray Area = No Results NT = Not Tested

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Case 5:04-cv-00391-WRW

Date: January 2, 2007

Table One: Summary of STR Results

LOCUS	20B Hair	25 SF Cutting from blue pants	25 NSF Cutting from blue pants	31A1 Knife (blade)	31A2 Knife (handle)	31A3 Knife (hinge)	31B1 Knife (blade)	31B2 Knife (handle)	31B3 Knife (hinge)	32G Razor Blade	32H Razor Blade	33A Ligatures Byers
D3S1358							Inc					
TH01							Inc	Inc				
D21S11							Inc					
D18S51							Inc					
Penta E							NT	NT	NT			
D5S818							Inc					
D19S317							Inc					
D7S820							Inc					
D16S539							Inc					
CSF1PO							Inc					
Penta D							NT	NT	NT			
Amelogenin			Inc		Inc		Inc					
vWA							Inc					
D8S1179							Inc					
TPOX							Inc					
FGA							Inc					
D2S1338	NT	NT	NT	NT	NT	NT	Inc			NT	NT	NT
D19S433	NT	NT	NT	NT	NT	NT	Inc			NT	NT	NT

Inc = Inconclusive Gray Area = No Results NT = Not Tested

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Date: January 2, 2007

Table One: Summary of STR Results

LOCUS	33B Ligatures Byers	33AB Ligatures Byers (combined)	34A Ligatures Branch	34B Ligatures Branch	34AB Ligatures Branch (combined)	35A Ligatures Moore	35B Ligatures Moore	35AB Ligatures Moore (combined)	37A Reference sample for ECHOLS	38A Reference sample for MISSKELLEY	39A Reference sample for BALDWIN
D3S1358					14,17				14,15	15,17	16,17
TH01									7,9,3	9,3,9,3	6,7
D21S11				Inc	Inc				29,31	29,31,2	28,31,2
D18S51									14,17	12,17	13,17
Penta E									NT	NT	NT
D5S818					10,11,12			Inc	11,12	11,12	9,9
D13S317					8,11			Inc	8,11	9,12	9,11
D7S820									10,12	11,12	11,11
D16S539									11,12	11,12	11,11
CSF1PO					Inc				10,11	10,12	10,12
Penta D					6,9				NT	NT	NT
Amelogenin				X,Y	X,Y			X,Y	X,Y	X,Y	X,Y
vWA				18,19	Inc				16,20	15,17,(18)	16,18
D8S1179					Inc				12,13	13,15	11,12
TPOX									8,8	8,11	9,11
FGA					Inc				21,24	21,22	24,24
D2S1338	NT	NT	NT	NT	NT	NT	NT	NT	24,24	23,23	24,25
D19S433	NT	NT	NT	NT	NT	NT	NT	NT	13,16	13,2,14	14,15

Inc = Inconclusive Gray Area = No Results NT = Not Tested () = minor allele

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EXHIBIT S



10430 Furnace Road, Suite 107
Lorton, VA 22079
Phone: 703-646-9740

**Supplemental Forensic Case Report
January 25, 2007**

To: John Philipsborn
John Philipsborn Law Offices
Civic Center Building, Suite 250
507 Polk Street
San Francisco, CA 94102

**BodeCase # 2S04-114
Agency ID# 1993-WVS-05716;
93-05-0666**

Victim: Not specified

List of Evidence Received on October 12, 2006 for possible mitochondrial DNA analysis:
(Evidence received and evaluated, but not isolated for possible DNA analysis is listed in the kit inventory.)

<u>BODE Sample #</u>	<u>Agency ID</u>	<u>Agency Description</u>
2S04-114-37	N/A	"reference buccal swabs (ECHOLS)"
2S04-114-38	N/A	"reference buccal swabs (MISSKELLEY)"
2S04-114-39	N/A	"reference buccal swabs (BALDWIN)"

Reported range for all samples for HV1 is 16024 – 16365, and for HV2 is 73 – 340. The mtDNA haplotypes reported in this case were determined by procedures that have been validated according to standards established by the Scientific Working Group on DNA Analysis Methods (SWGDM) and adopted as Federal Standards.

RESULTS:

1. The mtDNA haplotype for reference items 37, 38, and 39 produced separate mtDNA haplotypes that are summarized below in Table 1.
2. The mtDNA haplotypes for case 2S04-114 samples 37, 38, and 39 are **NOT CONSISTENT** with any of the mtDNA haplotypes summarized in Table 2, below, which were reported by Bode on December 30, 2005.
3. Bode concludes that the individuals who contributed the mtDNA haplotypes for samples 37, 38 and 39 can be **EXCLUDED** as possible contributors of all of the mtDNA haplotypes listed in Table 2, below.

Notes:

1. Mitochondrial DNA (mtDNA) is found in sub-cellular organelles called mitochondria. A specific, non-coding region of the mitochondrial genome called the D-loop, or hyper-variable control region, is known to have variability within the human population. Multiple copies of this region of mtDNA are generated using the polymerase chain reaction (PCR). The base composition, or sequence, is then determined using automated DNA sequencing.
2. The DNA extracts and submitted evidence will be retained temporarily by BODE until review of the data is completed by the law firm, at which time the evidence and extracts will be returned to the Arkansas State Crime Lab.

Bode Case # 2S04-114
 Report submitted by,

1/25/07

John Crews
 John Crews
 Forensic mtDNA Analyst

Ed Huffine
 Ed Huffine
 Vice President

BODE Case #: 2S04-114
Agency Case #: 1993-WVS-05716, 93-05-0666

Date: January 25, 2007

Table 1: mtDNA haplotypes for samples 37, 38, and 39 for case 2S04-114

2S04-114-37 reference buccal swabs (ECHOLS)	16239 G Confirmed Region: 16024-16365	152 C 263 G 309.1 C 315.1C Confirmed Region: 73-340
2S04-114-38 reference buccal swabs (MISSKELLEY)	16189 N 16256 T 16270 T Confirmed Region: 16024-16365	73 G 263 G 309.1 C 315.1 C Confirmed Region: 73-340
2S04-114-39 reference buccal swabs (BALDWIN)	No differences from the CRS Confirmed Region: 16024-16365	204 C 263 G 315.1 C Confirmed Region: 73-340

Bode Case # 2S04-114

1/25/07

Table 2: Summary of mtDNA haplotypes for case 2S04-114, reported December 30, 2005

	Hypervariable Region I	Hypervariable Region II
2S04-114-03Aa Hair from ligature (Moore)	16221 T Confirmed Region: 15998-16390	263 G 309.1 C 315.1 C Confirmed Region: 35-361
2S04-114-03B Hair from ligature (Moore)	16069 T 16126 C 16193 T 16195 C 16242 A 16357 C Confirmed Region: 15998-16390	73 G 150 T 152 C 263 G 295 T 309.1 C 315.1 C Confirmed Region: 35-361
2S04-114-08A Hair (Branch)	16069 T 16126 C 16145 A 16186 T 16231 C 16261 T Confirmed Region: 15998-16390	73 G 75 A 150 T 152 C 195 C 215 G 263 G 295 T 309.1 C 315.1 C 319 C Confirmed Region: 35-361
2S04-114-08Ba Hair (Branch)	16069 T 16126 C 16145 A 16186 T 16231 C 16261 T Confirmed Region: 15998-16390	73 G 75 A 150 T 152 C 195 C 215 G 263 G 295 T 309.1 C 315.1 C 319 C Confirmed Region: 35-361

Bode Case # 2S04-114

1/25/07

Bode Sample #	DNA Profile	Public Name
2S04-114-08Bb Hair (Branch)	16069 T 16126 C 16145 A 16186 T 16231 C 16261 T Confirmed Region: 15998-16390	73 G 75 A 150 T 152 C 195 C 215 G 263 G 295 T 309.1 C 315.1 C 319 C Confirmed Region: 35-361
2S04-114-11B Hair from body (Byers)	16069 T 16126 C 16145 A 16172 C 16222 T 16261 T Confirmed Region: 15998-16390	73 G 242 T 263 G 295 T 315.1 C Confirmed Region: 49-361
2S04-114-11C Hair from body (Byers)	16069 T 16126 C 16145 A 16172 C 16222 T 16261 T Confirmed Region: 15998-16390	73 G 242 T 263 G 295 T 315.1 C Confirmed Region: 35-361
2S04-114-11P Hair from body (Byers)	16069 T 16126 C 16145 A 16172 C 16222 T 16261 T Confirmed Region: 15998-16390	73 G 242 T 263 G 295 T 315.1 C Confirmed Region: 35-361
2S04-114-11Q Hair from body (Byers)	16069 T 16126 C 16145 A 16172 C 16222 T 16261 T Confirmed Region: 15998-16390	73 G 242 T 263 G 295 T 315.1 C Confirmed Region: 49-361

Bode Case # 2S04-114

1/25/07

Bode Sample # Byers/ID	Hypervariable Region I	Hypervariable Region II
2S04-114-11V Hair from body (Byers)	16069 T 16126 C 16145 A 16172 C 16222 T 16261 T Confirmed Region: 15998-16390	73 G 242 T 263 G 295 T 315.1 C Confirmed Region: 35-361
2S04-114-11Z Hair from body (Byers)	16069 T 16126 C 16145 A 16172 C 16222 T 16261 T Confirmed Region: 15998-16390	73 G 242 T 263 G 295 T 315.1 C Confirmed Region: 35-361
2S04-114-14 Hair from lower body (Byers)	16069 T 16126 C 16145 A 16172 C 16222 T 16261 T Confirmed Region: 15998-16390	73 G 242 T 263 G 295 T 315.1 C Confirmed Region: 49-361
2S04-114-15 Hair from ligature (Byers)	16093 C 16192 T 16256 T 16262 T 16270 T Confirmed Region: 15998-16390	73 G 263 G 315.1 C Confirmed Region: 35-361
2S04-114-17 Hair from perineum (Byers)	16222 T 16261 T Confirmed Region: 16210-16390	Not Analyzed

Bode Case # 2S04-114

1/25/07

	Confirmed Region: 15998-16390	Confirmed Region: 35-361
2S04-114-18A Negroid hair from sheet	16129 A 16183 D 16189 A 16215 G 16223 T 16278 T 16294 T 16311 C 16360 T Confirmed Region: 15998-16390	73 G 151 T 152 C 182 T 186 A 189 C 247 A 263 G 315.1 C 316 A Confirmed Region: 35-361
2S04-114-18B Hair from sheet	16069 T 16126 C 16145 A 16172 C 16222 T 16261 T Confirmed Region: 15998-16390	73 G 242 T 263 G 295 T 315.1 C Confirmed Region: 35-361
2S04-114-18C Hair from sheet	16069 T 16126 C 16145 A 16172 C 16222 T 16261 T Confirmed Region: 15998-16390	73 G 242 T 263 G 295 T 315.1 C Confirmed Region: 35-361
2S04-114-18D Hair from sheet	16069 T 16126 C 16145 A 16172 C 16222 T 16261 T Confirmed Region: 15998-16390	73 G 242 T 263 G 295 T 315.1 C Confirmed Region: 35-361
2S04-114-18E Hair from sheet	16069 T 16126 C 16145 A 16172 C 16222 T 16261 T Confirmed Region: 15998-16390	73 G 242 T 263 G 295 T 315.1 C Confirmed Region: 35-361

Bode Case # 2S04-114

1/25/07

2S04-114-18F Hair from sheet	16069 T 16126 C 16145 A 16172 C 16222 T 16261 T Confirmed Region: 15998-16390	73 G 242 T 263 G 295 T 315.1 C Confirmed Region: 35-361
2S04-114-18H Hair from sheet	16069 T 16126 C 16145 A 16172 C 16222 T 16261 T Confirmed Region: 15998-16390	73 G 242 T 263 G 295 T 315.1 C Confirmed Region: 49-361
2S04-114-18I Hair from sheet	16069 T 16126 C 16145 A 16172 C 16222 T 16261 T Confirmed Region: 15998-16390	73 G 242 T 263 G 295 T 315.1 C Confirmed Region: 35-361
2S04-114-20B Hair from E3	16069 T 16126 C 16145 A 16172 C 16222 T 16261 T Confirmed Region: 15998-16390	73 G 242 T 263 G 295 T 315.1 C Confirmed Region: 49-361
2S04-114-21A Hair from scout cap	16069 T 16126 C 16193 T 16195 C 16242 A 16357 C Confirmed Region: 16009-16390	73 G 150 T 152 C 263 G 295 T 309.1 C 315.1 C Confirmed Region: 35-361

Bode Case # 2S04-114

1/25/07

Bode Case #	Sample Number	Confirmed Region
2S04-114-21B Hair from scout cap	16223 T 16278 T 16362 C Confirmed Region: 16210-16390	Not Reported
2S04-114-23 Hair from scout cap	Anderson Confirmed Region: 16009-16390	263 G 309.1 C 315.1 C Confirmed Region: 35-361
2S04-114-27 Dyed hair from white sheet (Branch)	16261 T Confirmed Region: 15998-16390	263 G 309.1 C 315.1 C Confirmed Region: 49-361

Bode Case # 2S04-114

1/25/07

The following notations may apply:

- a. Transition or transversion polymorphisms as compared to a standard sequence (Anderson, et al. 1981. *Nature* 290:457-465) are designated by the appropriate letter (base).
- b. A deletion is designated by a "D."
- c. An insertion is designated a ".1" for a one base insertion, and a ".2" for a two base insertion.

Note: Polycytosine stretches are often difficult to interpret. A possible cause may be the presence of a mixture of length variants in the mtDNA of an individual. A predominant length species is often apparent; however, the frequency of a particular length species cannot be determined accurately and may vary between maternal relatives. The sequence reported for Hypervariable Region 1 represents the first 10 cytosines observed, beginning at position 16184. The sequence reported for Hypervariable Region 2 represents the number of confirmed cytosines present in the predominant base sequence. When no predominant base sequence is observed, the insertions that could not be confirmed are designated by a "N."

- d. A position that could not be confirmed is designated by a "N."

EXHIBIT T

THIS IS A CAPITAL CASE

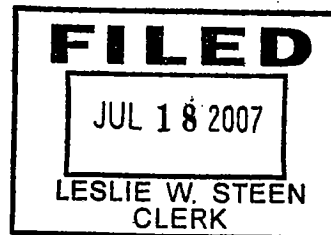
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SUPREME CT/CT OF APPEALS
CLERK'S OFFICE

2007 JUL 18 A 9:40

IN THE ARKANSAS SUPREME COURT
LESLIE W. STEEN, CLERK *clerk*

DAMIEN WAYNE ECHOLS,	)	Case No. CR 94-928
)	
Defendant,	)	Case No. CR 99-1060
)	
vs.	)	Craighead Co. Circuit Court Nos 93-450, 450A
)	
STATE OF ARKANSAS,)	
)	
Plaintiff.)	
_____)	

**DEFENDANT ECHOLS'S
SECOND STATUS REPORT RE: DNA TESTING**



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(Local Counsel)

Attorneys for Defendant
DAMIEN WAYNE ECHOLS

ORIGINAL

In response to this Court's letter of June 27, 2007, counsel for Petitioner/Defendant Damien Echols provides the following report on the status of DNA testing being conducted in support of his motion for relief under § 16-112-201, which motion is now pending in the Craighead County Circuit Court.

(1) The extensive DNA testing which was the subject of an initial agreement by the parties and which was embodied in the Circuit Court's First Amended DNA Order for DNA Testing filed on February 23, 2005 has essentially been completed. Such testing has been conducted at Bode Laboratories in Virginia.

(2) The DNA testing results returned to date disclose that none of the genetic material recovered at the scene of the crimes was attributable to Mr. Echols, Mr. Echols's co-defendant, Jason Baldwin, or defendant Jesse Misskelley (*Arkansas v. Misskelley* [CR 94-848]).

(3) Although most of the genetic material recovered from the scene was attributable to the victims of the offenses, some of it cannot be attributed to either the victims or the defendants.

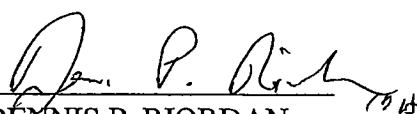
Counsel for Petitioners/Defendants Echols, Baldwin, and Misskelley and Craighead County Prosecuting Attorney Brent Davis have entered into discussions concerning how best to determine the evidentiary significance of the laboratory's results returned in the initial round of testing. These discussions have resulted in a recent agreement to subject certain critical evidentiary items to more extensive testing in light of their potential significance to establishing the identity of the perpetrator(s) of the offenses. In addition, the parties are presently discussing whether, in light of the current test results, a limited number of other items impounded during the investigation should be subjected to testing by Bode. We will inform the Court within sixty days of the outcome of those discussions.

Counsel for Echols is, of course, prepared to provide the Court with any further information it should request concerning this matter.

DATED: July 17, 2007

Respectfully submitted,

DENNIS P. RIORDAN
DONALD M. HORGAN
DEBORAH R. SALLINGS

By  7/17/07
DENNIS P. RIORDAN

Attorneys for Defendant
DAMIEN WAYNE ECHOLS

CERTIFICATE OF SERVICE

I, Donald M. Horgan, hereby certify that I have mailed a copy of the foregoing

DEFENDANT ECHOLS'S SECOND STATUS REPORT RE: DNA TESTING

by first class mail this 17th day of July, 2007 to:

Dustin McDaniel, Arkansas Attorney General
David R. Raupp, Deputy Attorney General
Office of the Attorney General
323 Center Street
Little Rock, AR 77201

The Honorable David Burnett
Judge of Craighead County
P.O. Box 1902
Jonesboro, AR 74203

Brent Davis, Esq.
Prosecuting Attorney
P.O. Box 491
Jonesboro, AR 72403

Michael Burt, Esq.
Law Office of Michael Burt
600 Townsend Street, Suite 329-E
San Francisco, CA 94103

John Philipsborn, Esq.
507 Polk St. #350
San Francisco, CA 94102


Donald M. Horgan

EXHIBIT U

IN THE ARKANSAS SUPREME COURT

DAMIEN ECHOLS

APPELLANT

v.

No. CR 94-928
No. CR 99-1060

STATE OF ARKANSAS

APPELLEE

**STATE'S REPLY TO ECHOLS'S SECOND STATUS REPORT RE:
DNA TESTING**

Comes now the State of Arkansas, by and through counsel, Dustin McDaniel, Attorney General, David R. Raupp, Senior Assistant Attorney General, and, Brent Davis, Prosecuting Attorney for the Second Judicial District, and, for its response, states:

1. The State agrees that Damien Echols (along with his codefendants Jason Baldwin and Jessie Misskelley, Jr.) has pending in circuit court a petition for relief under Ark. Code Ann. §16-112-201 *et seq.* The circuit court's order of February 23, 2005, based on the parties agreement, ordered extensive DNA testing and that testing essentially has been completed.

2. The State agrees that DNA testing results have not disclosed genetic material recovered from the crime scene that is attributable to Echols and his codefendants. To date, nearly all the genetic material recovered from the crime scene was attributable to the victims. It is the State's understanding that the only material not so attributable is that from a partial hair recovered from one of the ligatures (victim's shoelaces) that bound a victim and that preliminary testing results may attribute that material to one victim's step-parent.

3. The State agrees that counsel for the parties have entered into discussions concerning the evidentiary significance of the testing results, leading to an agreement to

subject some evidentiary items to more testing. Although the State does not fault him for it, the State would not agree with Echols's characterization of that testing as critical "in light of [its] potential significance to establishing the identity of the perpetrator(s) of the offenses." Rather, the State stands behind its convictions of Echols and his codefendants as the perpetrators.

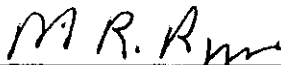
Nevertheless, anticipating that Echols and/or his codefendants will press claims for relief founded on the DNA testing, the State has authorized police investigators to conduct follow-up witness interviews. The State anticipates that it will defend its judgments successfully at any hearing in circuit court.

Respectfully submitted,

DUSTIN McDANIEL
Attorney General

BRENT DAVIS
Prosecuting Attorney

BY:



DAVID R. RAUPP
Arkansas Bar No. 89228
Assistant Attorney General
200 Tower Building
323 Center Street
Little Rock, AR 72201
(501) 682-3657

CERTIFICATE OF SERVICE

I, David R. Raupp, Senior Assistant Attorney General, do hereby certify that I have served a copy of the foregoing pleading, by mailing a copy of same, by U.S. Mail, postage prepaid, to counsel for appellant this 19th day of July, 2007, as follows:

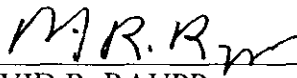
Dennis P. Riordan, Esq.
Donald M. Horgan, Esq.
523 Octavia Street
San Francisco, CA 94102

Deborah R. Sallings, Esq.
Cauley Bowman Carney & Williams
11001 Executive Center Drive, Suite 200
Little Rock, AR 72211

The Honorable David Burnett
Circuit Court Judge
P.O. Box 1902
Jonesboro, AR 72403

Michael Burt, Esq.
Law Office of Michael Burt
600 Townsend Street, Suite 329-E
San Francisco, CA 94103

John Philipsborn, Esq.
507 Polk St. #350
San Francisco, CA 94102



DAVID R. RAUPP

EXHIBIT V



10430 Furnace Road, Suite 107
Lorton, VA 22079
Phone: 703-646-9740

STR Forensic DNA Case Report
September 27, 2007

To: Donald Horgan
523 Octavia Street
San Francisco, CA 94102

BodeCase # 2S04-114
Agency ID# 1993-WVS-05716; 93-05-0666

List of Evidence received on April 5, 2007 for DNA analysis:

Bode #	Agency Item ID	Description
2S04-114-40	93-05716/ME-329-93	Labeled as "Pulled Hair Sample James M. Moore"
2S04-114-41	93-05716/ME-329-93	Labeled as "Dried Bld Sample James M. Moore"
2S04-114-42	93-05717/ME-330-93	Labeled as "Pulled Hair Sample Steve Branch"
2S04-114-43	93-05717/ME-330-93	Labeled as "Dried Blood Sample Steve Branch"
2S04-114-44	93-05718/ME-331-93	Labeled as "Pulled Hair Sample Christopher Byers"
2S04-114-45	93-05718/ME-331-93	Labeled as "Dried Blood Sample Christopher Byers"

List of Evidence Received on October 12, 2006 for DNA analysis:

Bode #	Description
2S04-114-37	Labeled as "reference buccal swabs (ECHOLS)"
2S04-114-38	Labeled as "reference buccal swabs (MISSKELLEY)"
2S04-114-39	Labeled as "reference buccal swabs (BALDWIN)"

List of Evidence Received on July 7, 2004 for DNA analysis:

Bode #	Item ID	Description
2S04-114-01	93-05716 FP2	Labeled as "Left hand nail scrapings from M. Moore."
2S04-114-02	93-05716 FP3	Labeled as "Right hand nail scrapings from M. Moore."
2S04-114-03	93-05716 FP6	Labeled as "Hair from M. Moore ligature."
2S04-114-03A		Slide with two hairs (-03Aa and -03Ab).
2S04-114-03B		Slide with one hair.
2S04-114-04	93-05716 FP6-Q39	Labeled as "Possible tissue from ligature from M. Moore."
2S04-114-05	93-05716 Q1 - Q4	Labeled as "Swabs from M. Moore."
2S04-114-05A		Three "oral" swabs.
2S04-114-05B		Three "rectal" swabs.
2S04-114-05C		Two "nasal" swabs.
2S04-114-05D		Two "penile" swabs.

Bode Case #: 2S04-114

Date: September 27, 2007

Agency ID# 1993-WVS-05716; 93-05-0666

List of Evidence Received on July 7, 2004 for DNA analysis (cont.):

2S04-114-06	93-05717 FP3	Labeled as "Left hand nail scrapings from S. Branch."
2S04-114-07	93-05717 FP4	Labeled as "Right hand nail scrapings from S. Branch."
2S04-114-08	93-05717 FP5	Labeled as "Two dark Caucasian hairs from S. Branch."
2S04-114-08A		Slide with one hair.
2S04-114-08B		Slide with two hairs (-08Ba and -08Bb).
2S04-114-09	93-05717 FP6	Labeled as "Hair from ligature from S. Branch (skin, tissue, hair from ligature)."
2S04-114-10	93-05717 K1, Q1 – Q4	Labeled as "Blood sample and swabs from S. Branch."
2S04-114-10A		Stained string.
2S04-114-10B		Three "oral" swabs.
2S04-114-10C		Three "rectal" swabs.
2S04-114-10D		Three "nasal" swabs.
2S04-114-10E		Two "penile" swabs.
2S04-114-11	93-05718 FP3	Labeled as "Hair found on C. Byers's body."
2S04-114-11A through -11Z		Slide with 26 hairs (-11A through -11Z).
2S04-114-12	93-05718 FP4	Labeled as "Left hand nail scrapings from C. Byers."
2S04-114-13	93-05718 FP5	Labeled as "Right hand nail scrapings from C. Byers."
2S04-114-14	93-05718 FP6	Labeled as "Hair from lower body of C. Byers."
2S04-114-15	93-05718 FP8	Labeled as "Hair from C. Byers ligature."
2S04-114-16	93-05718 Q4	Labeled as "Possible tissue from C. Byers ligature (skin, tissue, hair from ligature)."
2S04-114-17	93-05718 FP9	Labeled as "Hair from perineum of C. Byers ligature."
2S04-114-18	93-05718 FP10	Labeled as "Negroid hair from white sheet." [slide with 9 hairs]
2S04-114-18A		Hair from sheet, described as "Negroid hair frag."
2S04-114-18B		Hair from sheet.
2S04-114-18C		Hair from sheet.
2S04-114-18D		Hair from sheet.
2S04-114-18E		Hair from sheet.
2S04-114-18F		Hair from sheet.
2S04-114-18G		Hair from sheet, described as "animal hair."
2S04-114-18H		Hair from sheet.
2S04-114-18I		Hair from sheet.
2S04-114-19	93-05718 Q1-Q3	Labeled as "Swabs from C. Byers"
2S04-114-19A		Three "oral" swabs.
2S04-114-19B		Three "rectal" swabs.
2S04-114-19C		Three "nasal" swabs.
2S04-114-20	93-05716 E3	Labeled as "Hair from E3."
2S04-114-20A		Slide with two hairs (-20A and -20B).
2S04-114-21	93-05716 E5	Labeled as "Hair from scout cap."
2S04-114-21A		Slide with two hairs (-21A and -21B).
2S04-114-22	93-05716 E126	Labeled as "Hair from knife."
2S04-114-23	93-05716 E127 LS1-QH	Labeled as "Hair from tree stump."

Bode Case #: 2S04-114
 Agency ID# 1993-WVS-05716; 93-05-0666

Date: September 27, 2007

List of Evidence Received on July 7, 2004 for DNA analysis, cont.:

Bode #	Item ID	Description
2S04-114-24	93-05716 E147	Labeled as "Hair from knife."
2S04-114-24		Slide with two hairs (-24A and -24B).
2S04-114-25	93-05716 E3 Q10	Labeled as "Cutting from blue pants."
2S04-114-26	93-05716 E7 Q6	Labeled as "Cutting from jeans."
2S04-114-27	93-05717 FP7	Labeled as "Dyed hair from white sheet used to cover S. Branch."
2S04-114-28	93-05716 E27	Labeled as "Hair from knife."
2S04-114-29	93-05716 E28	Labeled as "Hair from butterfly knife."
2S04-114-30	93-05716 E134	Labeled as "Hair from knife."
2S04-114-31	93-05716 E178	Labeled as "Kershaw folding knife."
2S04-114-32	93-05716 E1A	Labeled as "Bag of clothing."
2S04-114-32A		Pair of white socks.
2S04-114-32B		Leather (or vinyl) pull tab of unknown origin.
2S04-114-32C		Plastic bag "Time Saver."
2S04-114-32D		Tan button down shirt.
2S04-114-32E		Black thermal shirt.
2S04-114-32F		Cargo style jeans.
2S04-114-32G		One "BIC" disposable razor.
2S04-114-32H		One "BIC" disposable razor.
2S04-114-33	93-05718 FP8 L1	Labeled as "Ligature between L-leg and L-wrist and R-leg and R-wrist [Byers]."
2S04-114-33A		Left side.
2S04-114-33B		Right side.
2S04-114-34	93-05717 FP6 L2	Labeled as "Ligature between ankles and wrist, L-leg, L-wrist, R-leg, R-wrist [Branch]."
2S04-114-34A		Left side.
2S04-114-34B		Right side.
2S04-114-35	93-05717 FP6 L3	Labeled as "Ligature, L-leg, L-wrist, R-leg, R-wrist [Moore]."
2S04-114-35A		Left side.
2S04-114-35B		Right side.
2S04-114-36	93-05716 E17	Labeled as "Three tree branches."

Bode Case #: 2S04-114

Date: September 27, 2007

Agency ID# 1993-WVS-05716; 93-05-0666

CASE PROCESSING AND RESULTS:

The following items were processed for DNA typing by analysis of the 13 CODIS Short Tandem Repeat (STR) loci, the D2S1338 locus, the D19S433 locus, and the gender determination locus, Amelogenin, using the ABI Identifiler kit:

- 2S04-114-41 (Reference Sample-Moore)
- 2S04-114-43 (Reference Sample-Branch)
- 2S04-114-45 (Reference Sample- Byers)

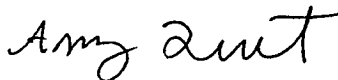
CONCLUSIONS:

1. The profile obtained from reference sample 2S04-114-41 (Moore) matches the following evidence sample profiles: 2S04-114-05A SF, 2S04-114-05A NSF, 2S04-114-05B NSF, 2S04-114-05C SF, and 2S04-114-05C NSF.
2. The profile obtained from reference sample 2S04-114-43 (Branch) matches the following evidence sample profiles: 2S04-114-10A, 2S04-114-10B SF, 2S04-114-10B NSF, 2S04-114-10C SF, and 2S04-114-10D NSF.
3. The profile obtained from reference sample 2S04-114-45 (Byers) is consistent with the following evidence sample profiles: 2S04-114-11R, 2S04-114-11S, 2S04-114-11T, and 2S04-114-13.
4. The profile obtained from reference sample 2S04-114-45 (Byers) matches the following evidence sample profiles: 2S04-114-19A SF, 2S04-114-19A NSF, 2S04-114-19B SF, 2S04-114-19B NSF, 2S04-114-19C SF, and 2S04-114-19C NSF.

NOTES:

1. Appropriate positive and negative controls were used concurrently throughout the analysis. The DNA profiles reported in this case were determined by procedures that have been validated according to standards established by the Scientific Working Group on DNA Analysis Methods (SWGDM) and adopted as Federal Standards.
2. Any references to body fluids in evidence descriptions are based on the written descriptions of the samples by the submitting agency.
3. Samples 2S04-114-40, -42, and -44 were not processed at this time.
4. A supplemental STR case report was issued due to additional submission of evidence. Previous STR reports contain additional information. Please refer to STR reports dated: January 2, 2007 and December 30, 2005.
5. The remaining evidence and extracts will be returned to the Arkansas State Crime Lab.

Report is submitted by:



Amy Jeanguenat, MFS
DNA Analyst II

Table One: Summary of STR Results

LOCUS	01 Lt nails Moore	02 Rt nails Moore	01_02 Lt/Rt nails Moore (combined)	03B Hair from ligature Moore	05A SF Oral swab Moore	05A NSF Oral swab Moore	05B SF Rectal swab Moore	05B NSF Rectal swab Moore	05C SF Nasal swab Moore	05C NSF Nasal swab Moore
D3S1358	Inc		Inc		14, 18	14, 18		14, 18	14, 18	14, 18
TH01					8, 9.3	8, 9.3		8, 9.3	8, 9.3	8, 9.3
D21S11					29, 32.2	29, 32.2		29, 32.2	29, 32.2	29, 32.2
D18S51					14, 16	14, 16		14, 16	14, 16	14, 16
Penta E					Inc	12, 12		12, 12	12, 12	12, 12
D5S818			9, 10*		9, 13	9, 13		9, 13	9, 13	9, 13
D13S317					11, 12	11, 12		11, 12	11, 12	11, 12
D7S820					8, 9	8, 9		8, 9	8, 9	8, 9
D16S539					9, 13	9, 13		9, 13	9, 13	9, 13
CSF1PO					Inc	10, 10		10, 10	10, 10	10, 10
Penta D					Inc	9, 10		9, 10	9, 10	9, 10
Amelogenin	Inc	X, Y	X, Y		X, Y	X, Y	Inc	X, Y	X, Y	X, Y
vWA		Inc	Inc		18, 19	18, 19		18, 19	18, 19	18, 19
D8S1179					12, 14	12, 14		12, 14	12, 14	12, 14
TPOX			Inc		8, 8	8, 8		8, 8	8, 8	8, 8
FGA					22, 23	22, 23		22, 23	22, 23	22, 23
D2S1338	NT	NT	NT	NT	NT	NT	NT	NT	NT	NT
D19S433	NT	NT	NT	NT	NT	NT	NT	NT	NT	NT

Inc = Inconclusive Gray Area = No Results *Possible peaks below analysis cut-off present NT = Not Tested

Table One: Summary of STR Results

LOCUS	05D SF Penile swab Moore	05D NSF Penile swab Moore	06 Lt nails Branch	07 Rt nails Branch	06_07 Lt/Rt nails Branch (combined)	09 Hair from ligature Branch	10A Stained string Branch	10B SF Oral swab Branch	10B NSF Oral swab Branch	10C SF Rectal swab Branch
D3S1358		Inc					14, 17	14, 17	14, 17	14, 17
TH01							6, 9.3	6, 9.3	6, 9.3	6, 9.3
D21S11							29, 29	29, 29	29, 29	29, 29
D18S51							12, 15	12, 15	12, 15	Inc
Penta E							5, 13	5, 13	5, 13	Inc
D5S818		9, 12, 13					10, 12	10, 12	10, 12	10, 12
D13S317		Inc					8, 11	8, 11	8, 11	8, 11
D7S820							8, 10	8, 10	8, 10	8, 10
D16S539							9, 12	9, 12	9, 12	9, 12
CSF1PO		Inc					12, 12	12, 12	12, 12	
Penta D							6, 9	6, 9	6, 9	Inc
Amelogenin	Inc	X, Y	X, Y			Inc	X, Y	X, Y	X, Y	X, Y
vWA		Inc					18, 19	18, 19	18, 19	18, 19
D8S1179		Inc					12, 13	12, 13	12, 13	12, 13
TPOX		Inc					8, 11	8, 11	8, 11	8, 11
FGA							21, 24	21, 24	21, 24	Inc
D2S1338	NT	NT	NT	NT	NT	NT	NT	NT	NT	NT
D19S433	NT	NT	NT	NT	NT	NT	NT	NT	NT	NT

Inc = Inconclusive Gray Area = No Results NT = Not Tested

LOCUS	10C NSF Rectal swab Branch	10D SF Nasal swab Branch	10D NSF Nasal swab Branch	10E SF Penile swab Branch	10E NSF Penile swab Branch	11R Hair on body Byers	11S Hair on body Byers	11T Hair on body Byers	12 Lt nails Byers	13 Rt nails Byers
D3S1358	14, 17	Inc	14, 17			14, 16	14, 16	14, 16		14, 16
TH01	6, 9.3		6, 9.3			9.3, 9.3	9.3, 9.3	9.3, 9.3		9.3, 9.3
D21S11	29, 29		29, 29			Inc				Inc
D18S51	12, 15		12, 15	Inc						
Penta E	5, 13		Inc							
D5S818	10, 12	Inc	10, 12	Inc			11, 12	11, 12		11, 12
D13S317	8, 11		8, 11			8, 12	Inc	8, 12		8, 12
D7S820	8, 10		8, 10							
D16S539	9, 12		9, 12	8, 11		Inc				Inc
CSF1PO	12, 12	Inc	12, 12				Inc			
Penta D	6, 9		6, 9							
Amelogenin	X, Y	X, Y	X, Y	X, Y	Inc	Inc	X, Y	X, Y		X, Y
vWA	18, 19		18, 19			17, 19	17, 19	17, 19		17, 19
D8S1179	12, 13		12, 13			Inc				
TPOX	8, 11		8, 11	Inc		Inc	8, 8	Inc		Inc
FGA	21, 24		21, 24				Inc			
D2S1338	NT	NT	NT	NT	NT	NT	NT	NT	NT	NT
D19S433	NT	NT	NT	NT	NT	NT	NT	NT	NT	NT

Inc = Inconclusive Gray Area = No Results NT = Not tested

LOCUS	18E Hair from sheet	18F Hair from sheet	18I Hair from sheet	19A SF Oral swab Byers	19A NSF Oral swab Byers	19B SF Rectal swab Byers	19B NSF Rectal swab Byers	19C SF Nasal swab Byers	19C NSF Nasal swab Byers
D3S1358				14, 16	14, 16	14, 16	14, 16	14, 16	14, 16
TH01				9.3, 9.3	9.3, 9.3	9.3, 9.3	9.3, 9.3	9.3, 9.3	9.3, 9.3
D21S11				30, 32.2	30, 32.2	30, 32.2	30, 32.2	30, 32.2	30, 32.2
D18S51				12, 17	12, 17	12, 17	12, 17	12, 17	12, 17
Penta E				11, 11	11, 11	11, 11	11, 11	11, 11	11, 11
D5S818				11, 12	11, 12	11, 12	11, 12	11, 12	11, 12
D13S317				8, 12	8, 12	8, 12	8, 12	8, 12	8, 12
D7S820				9, 12	9, 12	9, 12	9, 12	9, 12	9, 12
D16S539				9, 11	9, 11	9, 11	9, 11	9, 11	9, 11
CSF1PO				10, 13	10, 13	10, 13	10, 13	Inc	Inc
Penta D				9, 10	9, 10	9, 10	9, 10	9, 10	9, 10
Amelogenin				X, Y	X, Y	X, Y	X, Y	X, Y	X, Y
vWA				17, 19	17, 19	17, 19	17, 19	17, 19	17, 19
D8S1179				12, 14	12, 14	12, 14	12, 14	12, 14	12, 14
TPOX				8, 8	8, 8	8, 8	8, 8	8, 8	8, 8
FGA				22, 25	22, 25	22, 25	22, 25	22, 25	22, 25
D2S1338	NT	NT	NT	NT	NT	NT	NT	NT	NT
D19S433	NT	NT	NT	NT	NT	NT	NT	NT	NT

Inc = Inconclusive Gray Area = No Results NT = Not Tested

LOCUS	20B Hair	25 SF Cutting from blue pants	25 NSF Cutting from blue pants	31A1 Knife (blade)	31A2 Knife (handle)	31A3 Knife (hinge)	31B1 Knife (blade)	31B2 Knife (handle)	31B3 Knife (hinge)	32G Razor Blade	32H Razor Blade	33A Ligatures Byers
D3S1358							Inc					
TH01							Inc	Inc				
D21S11							Inc					
D18S51							Inc					
Penta E							NT	NT	NT			
D5S818							Inc					
D13S317							Inc					
D7S820							Inc					
D16S539							Inc					
CSF1PO							Inc					
Penta D							NT	NT	NT			
Amelogenin			Inc		Inc		Inc					
vWA							Inc					
D8S1179							Inc					
TPOX							Inc					
FGA							Inc					
D2S1338	NT	NT	NT	NT	NT	NT	Inc			NT	NT	NT
D19S433	NT	NT	NT	NT	NT	NT	Inc			NT	NT	NT

Inc = Inconclusive Gray Area = No Results NT = Not Tested

LOCUS	33B Ligatures Byers	33AB Ligatures Byers (combined)	34A Ligatures Branch	34B Ligatures Branch	34AB Ligatures Branch (combined)	35A Ligatures Moore	35B Ligatures Moore	35AB Ligatures Moore (combined)
D3S1358					14,17			
TH01								
D21S11				Inc	Inc			
D18S51								
Penta E								
D5S818					10,11,12			Inc
D13S317					8,11			Inc
D7S820								
D16S539								
CSF1PO					Inc			
Penta D					6, 9			
Amelogenin				X,Y	X,Y			X,Y
vWA				18,19	Inc			
D8S1179					Inc			
TPOX								
FGA					Inc			
D2S1338	NT	NT	NT	NT	NT	NT	NT	NT
D19S433	NT	NT	NT	NT	NT	NT	NT	NT

Inc = Inconclusive Gray Area = No Results NT = Not Tested () = minor allele

Table One: Summary of STR Results

LOCUS	37A Reference sample for ECHOLS	38A Reference sample for MISSKELLEY	39A Reference sample for BALDWIN	41A Reference sample for MOORE	43A Reference sample for BRANCH	45A Reference sample for BYERS
D3S1358	14,15	15,17	16,17	14,18	14,17	14,16
TH01	7,9.3	9.3,9.3	6,7	8,9.3	6,9.3	9.3,9.3
D21S11	29,31	29,31.2	28,31.2	29,32.2	29,29	30,32.2
D18S51	14,17	12,17	13,17	14,16	12,15	12,17
Penta E	NT	NT	NT	NT	NT	NT
D5S818	11,12	11,12	9,9	9,13	10,12	11,12
D13S317	8,11	9,12	9,11	11,12	8,11	8,12
D7S820	10,12	11,12	11,11	8,9	8,10	9,12
D16S539	11,12	11,12	11,11	9,13	9,12	9,11
CSF1PO	10,11	10,12	10,12	10,10	12,12	10,13
Penta D	NT	NT	NT	NT	NT	NT
Amelogenin	X,Y	X,Y	X,Y	X,Y	X,Y	X,Y
vWA	16,20	15,17,(18)	16,18	18,19	18,19	17,19
D8S1179	12,13	13,15	11,12	12,14	12,13	12,14
TPOX	8,8	8,11	9,11	8,8	8,11	8,8
FGA	21,24	21,22	24,24	22,23	21,24	22,25
D2S1338	24,24	23,23	24,25	17,23	23,24	18,24
D19S433	13,16	13.2,14	14,15	14,14	14,17	14,15

Inc = Inconclusive Gray Area = No Results NT = Not Tested () = minor allele

EXHIBIT V-1

Don Horgan

From: "Amy Jeanguenat" <Amy.Jeanguenat@bodetech.com>
To: "Don Horgan" <don@riordan-horgan.com>
Sent: Thursday, August 16, 2007 12:06 PM
Subject: 2S04-114 possible mixed samples/foreign alleles

Dear Don:

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 swab 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.

Amy

Amy Jeanguenat, MFS
DNA Analyst II
10430 Furnace Rd, Suite 107
Lorton, VA 22079
703.646.9745
amy.jeanguenat@bodetech.com

EXHIBIT W



10430 Furnace Road, Suite 107
Lorton, VA 22079
Phone: 703-646-9740

**Supplemental Forensic Case Report
September 27, 2007**

To:

Don Horgan
523 Octavia Street
San Francisco, CA 94102

BODE Case #: 2S04-114
Agency ID #: 1993-WVS-05716; 93-05-0666

List of Evidence Received on April 5, 2007 for possible mitochondrial DNA analysis:

<u>BODE Sample #</u>	<u>Agency ID</u>	<u>Description</u>
2S04-114-40	93-05716/ME-329-93	Labeled as "Pulled Hair Sample James M. Moore"
2S04-114-41	93-05716/ME-329-93	Labeled as "Dried Bld Sample James M. Moore"
2S04-114-42	93-05717/ME-330-93	Labeled as "Pulled Hair Sample Steve Branch"
2S04-114-43	93-05717/ME-330-93	Labeled as "Dried Blood Sample Steve Branch"
2S04-114-44	93-05718/ME-331-93	Labeled as "Pulled Hair Sample Christopher Byers"
2S04-114-45	93-05718/ME-331-93	Labeled as "Dried Blood Sample Christopher Byers"

See **Appendix A** for additional items of evidence received.

The mtDNA sequences reported in this case were determined by procedures that have been validated according to standards established by the Scientific Working Group on DNA Analysis Methods (SWGDM) and adopted as Federal Standards. The Federal Bureau of Investigation mtDNA population database was used to determine the number of time an mtDNA sequences was observed for the evidence items listed below.

RESULTS:

- 1.) MtDNA sequences were obtained from reference items **2S04-114-41**, **2S04-114-43**, and **2S04-114-45** and were compared to results obtained from the evidence items reported on December 30, 2005.
- 2.) The mtDNA sequence obtained from **2S04-114-41** (James M. Moore) is **CONSISTENT** with the following items of evidence:
 - a. 2S04-114-03B (Hair from M. Moore ligature)
 - b. 2S04-114-21A (Hair from scout cap)

The donor of 2S04-114-41 (James M. Moore) **CANNOT BE EXCLUDED** as a source of the evidence items listed above.

The number of observations of this mtDNA sequence in the FBI database is as follows:

Database	No. of observations
African American	0 in 1305
Caucasian	0 in 1674
Hispanic	0 in 686
Asian	0 in 848
Native American	0 in 326
Total	0 in 4839

BODE Case #: 2S04-114**Date:** September 27, 2007**Agency Case #:** 1993-WVS-05716; 93-05-0666

- 3.) The mtDNA sequence obtained from **2S04-114-43** (Steve Branch) is **CONSISTENT** with the following items of evidence:
- 2S04-114-08A (Dark Caucasian hair from S. Branch)
 - 2S04-114-08Ba (Dark Caucasian hair from S. Branch)
 - 2S04-114-08Bb (Dark Caucasian hair from S. Branch)

The donor of 2S04-114-43 (Steve Branch) **CANNOT BE EXCLUDED** as a source of the evidence items listed above.

The number of observations of this mtDNA sequence in the FBI database is as follows:

Database	No. of observations
African American	0 in 1305
Caucasian	0 in 1674
Hispanic	0 in 686
Asian	0 in 848
Native American	0 in 326
Total	0 in 4839

- 4.) The mtDNA sequence obtained from **2S04-114-45** (Christopher Byers) is **CONSISTENT** with the following items of evidence:
- 2S04-114-11B (Hair found on C. Byers's body)
 - 2S04-114-11C (Hair found on C. Byers's body)
 - 2S04-114-11P (Hair found on C. Byers's body)
 - 2S04-114-11Q (Hair found on C. Byers's body)
 - 2S04-114-11V (Hair found on C. Byers's body)
 - 2S04-114-11Z (Hair found on C. Byers's body)
 - 2S04-114-14 (Hair from lower body of C. Byers)
 - 2S04-114-18B (Hair from sheet)
 - 2S04-114-18C (Hair from sheet)
 - 2S04-114-18D (Hair from sheet)
 - 2S04-114-18E (Hair from sheet)
 - 2S04-114-18F (Hair from sheet)
 - 2S04-114-18H (Hair from sheet)
 - 2S04-114-18I (Hair from sheet)
 - 2S04-114-20B (Hair from E3)

The donor of 2S04-114-45 (Christopher Byers) **CANNOT BE EXCLUDED** as a source of the evidence items listed above.

The number of observations of this mtDNA sequence in the FBI database is as follows:

Database	No. of observations
African American	0 in 1305
Caucasian	6 in 1674
Hispanic	5 in 686
Asian	0 in 848
Native American	0 in 326
Total	11 in 4839

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5.) A partial sequence was obtained from 2S04-114-17 and is **CONSISTENT** with 2S04-114-45 (Christopher Byers).

The number of observations of this mtDNA sequence in the FBI database is as follows:

Database	No. of observations
African American	0 in 1305
Caucasian	14 in 1674
Hispanic	15 in 686
Asian	0 in 848
Native American	0 in 326
Total	29 in 4839

6.) The mtDNA sequences obtained from the following items are **NOT CONSISTENT** with reference items **2S04-114-41, -43, or -45:**

- a. 2S04-114-03Aa
- b. 2S04-114-15
- c. 2S04-114-18A
- d. 2S04-114-21B
- e. 2S04-114-23
- f. 2S04-114-27

The individuals associated with 2S04-114-41, -43 and 45 (Moore, Branch, and Byers) **CAN BE EXCLUDED** as a source of the items listed above.

7.) Results for 2S04-114-20A were unconfirmed and therefore no conclusions were made for this sample.

See Table 1, 2, and 3 for a summary of mtDNA sequences reported for reference sample 2S04-114-41, -43, -45 and Appendix B for the results obtained for the evidence items reported on December 30, 2005.

Notes:

1. Mitochondrial DNA (mtDNA) is found in sub-cellular organelles called mitochondria. A specific, non-coding region of the mitochondrial genome called the D-loop, or hyper-variable control region, is known to have variability within the human population. Multiple copies of this region of mtDNA are generated using the polymerase chain reaction (PCR). The base composition, or sequence, is then determined using automated DNA sequencing.
2. Reference items 2S04-114-40, -42, -44 were not processed at this time.
3. The submitted evidence will be returned to the Arkansas State Crime Laboratory.

Report submitted by,



Lindsey Murray
DNA Analyst I

BODE Case #: 2S04-114**Date:** September 27, 2007**Agency Case #:** 1993-WVS-05716; 93-05-0666**Table 1. mtDNA sequence for reference item 2S04-114-41.**

Position	2S04-114-41
<i>HVI</i> <i>Reported Range</i> <i>16024 – 16365</i>	
16069	T
16126	C
16193	T
16195	C
16242	A
16357	C
<i>HVII</i> <i>Reported Range</i> <i>73 – 340</i>	
73	G
150	T
152	C
263	G
295	T
309.1	C
315.1	C

BODE Case #: 2S04-114**Date:** September 27, 2007**Agency Case #:** 1993-WVS-05716; 93-05-0666**Table 2. mtDNA sequence for reference item 2S04-114-43.**

Position	2S04-114-43
<i>HVI</i> <i>Reported Range</i> <i>16024 – 16365</i>	
16069	T
16126	C
16145	A
16186	T
16231	C
16261	T
<i>HVII</i> <i>Reported Range</i> <i>73 – 340</i>	
73	G
75	A
150	T
152	C
195	C
215	G
263	G
295	T
309.1	C
315.1	C
319	C

Table 3. mtDNA sequence for reference item 2S04-114-45.

Position	2S04-114-45
<i>HVI</i> <i>Reported Range</i> <i>16024 – 16365</i>	
16069	T
16126	C
16145	A
16172	C
16222	T
16261	T
<i>HVII</i> <i>Reported Range</i> <i>73 – 340</i>	
73	G
242	T
263	G
295	T
315.1	C

BODE Case #: 2S04-114

Date: September 27, 2007

Agency Case #: 1993-WVS-05716; 93-05-0666

The following notations may apply:

- a. Transition or transversion polymorphisms as compared to a standard sequence (Anderson, et al. 1981. *Nature* 290:457-465) are designated by the appropriate letter (base).
- b. A deletion is designated by a "D."
5. An insertion is designated a ".1" for a one base insertion, and a ".2" for a two base insertion.

Note: Polycytosine stretches are often difficult to interpret. A possible cause may be the presence of a mixture of length variants in the mtDNA of an individual. A predominant length species is often apparent; however, the frequency of a particular length species cannot be determined accurately and may vary between maternal relatives. The sequence reported for Hypervariable Region 1 represents the first 10 cytosines observed, beginning at position 16184. The sequence reported for Hypervariable Region 2 represents the number of confirmed cytosines present in the predominant base sequence. When no predominant base sequence is observed, the insertions that could not be confirmed are designated by a "N."

- d. A position that could not be confirmed is designated by a "N."

Appendix A: List of evidence received on July 7, 2004 for DNA Analysis:

Boe #	Item ID	Description
2S04-114-01	93-05716 FP2	Labeled as "Left hand nail scrapings from M. Moore."
2S04-114-02	93-05716 FP3	Labeled as "Right hand nail scrapings from M. Moore."
2S04-114-03	93-05716 FP6	Labeled as "Hair from M. Moore ligature."
2S04-114-03A		Slide with two hairs (-03Aa and -03Ab).
2S04-114-03B		Slide with one hair.
2S04-114-04	93-05716 FP6-Q39	Labeled as "Possible tissue from ligature from M. Moore."
2S04-114-05	93-05716 Q1 - Q4	Labeled as "Swabs from M. Moore."
2S04-114-05A		Three "oral" swabs.
2S04-114-05B		Three "rectal" swabs.
2S04-114-05C		Two "nasal" swabs.
2S04-114-05D		Two "penile" swabs.
2S04-114-06	93-05717 FP3	Labeled as "Left hand nail scrapings from S. Branch."
2S04-114-07	93-05717 FP4	Labeled as "Right hand nail scrapings from S. Branch."
2S04-114-08	93-05717 FP5	Labeled as "Two dark Caucasian hairs from S. Branch."
2S04-114-08A		Slide with one hair.
2S04-114-08B		Slide with two hairs (-08Ba and -08Bb).
2S04-114-09	93-05717 FP6	Labeled as "Hair from ligature from S. Branch (skin, tissue, hair from ligature)."
2S04-114-10	93-05717 K1, Q1 - Q4	Labeled as "Blood sample and swabs from S. Branch."
2S04-114-10A		Stained string.
2S04-114-10B		Three "oral" swabs.
2S04-114-10C		Three "rectal" swabs.
2S04-114-10D		Three "nasal" swabs.
2S04-114-10E		Two "penile" swabs.
2S04-114-11	93-05718 FP3	Labeled as "Hair found on C. Byers's body."
2S04-114-11A through -11Z		Slide with 26 hairs (-11A through -11Z).
2S04-114-12	93-05718 FP4	Labeled as "Left hand nail scrapings from C. Byers."
2S04-114-13	93-05718 FP5	Labeled as "Right hand nail scrapings from C. Byers."
2S04-114-14	93-05718 FP6	Labeled as "Hair from lower body of C. Byers."
2S04-114-15	93-05718 FP8	Labeled as "Hair from C. Byers ligature."
2S04-114-16	93-05718 Q4	Labeled as "Possible tissue from C. Byers ligature (skin, tissue, hair from ligature)."
2S04-114-17	93-05718 FP9	Labeled as "Hair from perineum of C. Byers ligature."
2S04-114-18	93-05718 FP10	Labeled as "Negroid hair from white sheet." [slide with 9 hairs]
2S04-114-18A		Hair from sheet, described as "Negroid hair frag."
2S04-114-18B		Hair from sheet.
2S04-114-18C		Hair from sheet.
2S04-114-18D		Hair from sheet.
2S04-114-18E		Hair from sheet.
2S04-114-18F		Hair from sheet.
2S04-114-18G		Hair from sheet, described as "animal hair."
2S04-114-18H		Hair from sheet.
2S04-114-18I		Hair from sheet.
2S04-114-19	93-05718 Q1-Q3	Labeled as "Swabs from C. Byers
2S04-114-19A		Three "oral" swabs.
2S04-114-19B		Three "rectal" swabs.
2S04-114-19C		Three "nasal" swabs.
2S04-114-20	93-05716 E3	Labeled as "Hair from E3."
2S04-114-20		Slide with two hairs (-20A and -20B).
2S04-114-21	93-05716 E5	Labeled as "Hair from scout cap."

Appendix A: List of evidence received on July 7, 2004 for DNA Analysis: (continued)

2S04-114-21		Slide with two hairs (-21A and -21B).
2S04-114-22	93-05716 E126	Labeled as "Hair from knife."
	93-05717 E127	
2S04-114-23	LS1-QH	Labeled as "Hair from tree stump."
2S04-114-24		Slide with two hairs (-24A and -24B).
2S04-114-25	93-05716 E3 Q10	Labeled as "Cutting from blue pants."
2S04-114-26	93-05716 E7 Q6	Labeled as "Cutting from jeans."
2S04-114-27	93-05717 FP7	Labeled as "Dyed hair from white sheet used to cover S. Branch."
2S04-114-28	93-05716 E27	Labeled as "Hair from knife."
2S04-114-29	93-05716 E28	Labeled as "Hair from butterfly knife."
2S04-114-30	93-05716 E134	Labeled as "Hair from knife."
2S04-114-31	93-05716 E178	Labeled as "Kershaw folding knife."
2S04-114-32	93-05716 E1A	Labeled as "Bag of clothing."
2S04-114-32A		Pair of white socks.
2S04-114-32B		Leather (or vinyl) pull tab of unknown origin.
2S04-114-32C		Plastic bag "Time Saver."
2S04-114-32D		Tan button down shirt.
2S04-114-32E		Black thermal shirt.
2S04-114-32F		Cargo style jeans.
2S04-114-32G		One "BIC" disposable razor.
2S04-114-32H		One "BIC" disposable razor.
2S04-114-33	93-05718 FP8 L1	Labeled as "Ligature between L-leg and L-wrist and R-leg and R-wrist [Byers]."
2S04-114-33A		Left side.
2S04-114-33B		Right side.
2S04-114-34	93-05717 FP6 L2	Labeled as "Ligature between ankles and wrist, L-leg, L-wrist, R-leg, R-wrist [Branch]."
2S04-114-34A		Left side.
2S04-114-34B		Right side.
2S04-114-35	93-05717 FP6 L3	Labeled as "Ligature, L-leg, L-wrist, R-leg, R-wrist [Moore]."
2S04-114-35A		Left side.
2S04-114-35B		Right side.
2S04-114-36	93-05716 E17	Labeled as "Three tree branches."

List of evidence received on October 12, 2006 for DNA analysis:

BODE #	Item ID	Description
2S04-114-37	N/A	Reference buccal swabs (ECHOLS)
2S04-114-38	N/A	Reference buccal swabs (MISSKELLEY)
2S04-114-39	N/A	Reference buccal swabs (BALDWIN)

BODE Case #: 2S04-114

Date: September 27, 2007

Agency Case #: 1993-WVS-05716; 93-05-0666

Appendix B: Mitochondrial DNA Sequence Results reported on December 30, 2005.

Bode Sample # Agency ID	Hypervariable Region I	Hypervariable Region II
2S04-114-03Aa Hair from ligature (Moore)	16221 T Confirmed Region: 15998-16390	263 G 309.1 C 315.1 C Confirmed Region: 35-361
2S04-114-03B Hair from ligature (Moore)	16069 T 16126 C 16193 T 16195 C 16242 A 16357 C Confirmed Region: 15998-16390	73 G 150 T 152 C 263 G 295 T 309.1 C 315.1 C Confirmed Region: 35-361
2S04-114-08A Hair (Branch)	16069 T 16126 C 16145 A 16186 T 16231 C 16261 T Confirmed Region: 15998-16390	73 G 75 A 150 T 152 C 195 C 215 G 263 G 295 T 309.1 C 315.1 C 319 C Confirmed Region: 35-361
2S04-114-08Ba Hair (Branch)	16069 T 16126 C 16145 A 16186 T 16231 C 16261 T Confirmed Region: 15998-16390	73 G 75 A 150 T 152 C 195 C 215 G 263 G 295 T 309.1 C 315.1 C 319 C Confirmed Region: 35-361

Appendix B: Mitochondrial DNA Sequence Results reported on December 30, 2005 (continued).

Bode Sample # Agency ID	Hypervariable Region I	Hypervariable Region II
2S04-114-08Bb Hair (Branch)	16069 T 16126 C 16145 A 16186 T 16231 C 16261 T Confirmed Region: 15998-16390	73 G 75 A 150 T 152 C 195 C 215 G 263 G 295 T 309.1 C 315.1 C 319 C Confirmed Region: 35-361
2S04-114-11B Hair from body (Byers)	16069 T 16126 C 16145 A 16172 C 16222 T 16261 T Confirmed Region: 15998-16390	73 G 242 T 263 G 295 T 315.1 C Confirmed Region: 49-361
2S04-114-11C Hair from body (Byers)	16069 T 16126 C 16145 A 16172 C 16222 T 16261 T Confirmed Region: 15998-16390	73 G 242 T 263 G 295 T 315.1 C Confirmed Region: 35-361
2S04-114-11P Hair from body (Byers)	16069 T 16126 C 16145 A 16172 C 16222 T 16261 T Confirmed Region: 15998-16390	73 G 242 T 263 G 295 T 315.1 C Confirmed Region: 35-361
2S04-114-11Q Hair from body (Byers)	16069 T 16126 C 16145 A 16172 C 16222 T 16261 T Confirmed Region: 15998-16390	73 G 242 T 263 G 295 T 315.1 C Confirmed Region: 49-361

Appendix B: Mitochondrial DNA Sequence Results reported on December 30, 2005 (continued).

Bode Sample Agency ID	Hypervariable Region I	Hypervariable Region II
2S04-114-11V Hair from body (Byers)	16069 T 16126 C 16145 A 16172 C 16222 T 16261 T Confirmed Region: 15998-16390	73 G 242 T 263 G 295 T 315.1 C Confirmed Region: 35-361
2S04-114-11Z Hair from body (Byers)	16069 T 16126 C 16145 A 16172 C 16222 T 16261 T Confirmed Region: 15998-16390	73 G 242 T 263 G 295 T 315.1 C Confirmed Region: 35-361
2S04-114-14 Hair from lower body (Byers)	16069 T 16126 C 16145 A 16172 C 16222 T 16261 T Confirmed Region: 15998-16390	73 G 242 T 263 G 295 T 315.1 C Confirmed Region: 49-361
2S04-114-15 Hair from ligature (Byers)	16093 C 16192 T 16256 T 16262 T 16270 T Confirmed Region: 15998-16390	73 G 263 G 315.1 C Confirmed Region: 35-361
2S04-114-17 Hair from perineum (Byers)	16222 T 16261 T Confirmed Region: 16210-16390	Not Analyzed

Appendix B: Mitochondrial DNA Sequence Results reported on December 30, 2005 (continued).

Bode Sample Agency ID	Hypervariable Region I	Hypervariable Region II
2S04-114-18A Negroid hair from sheet	16129 A 16183 D 16189 A 16215 G 16223 T 16278 T 16294 T 16311 C 16360 T Confirmed Region: 15998-16390	73 G 151 T 152 C 182 T 186 A 189 C 247 A 263 G 315.1 C 316 A Confirmed Region: 35-361
2S04-114-18B Hair from sheet	16069 T 16126 C 16145 A 16172 C 16222 T 16261 T Confirmed Region: 15998-16390	73 G 242 T 263 G 295 T 315.1 C Confirmed Region: 35-361
2S04-114-18C Hair from sheet	16069 T 16126 C 16145 A 16172 C 16222 T 16261 T Confirmed Region: 15998-16390	73 G 242 T 263 G 295 T 315.1 C Confirmed Region: 35-361
2S04-114-18D Hair from sheet	16069 T 16126 C 16145 A 16172 C 16222 T 16261 T Confirmed Region: 15998-16390	73 G 242 T 263 G 295 T 315.1 C Confirmed Region: 35-361
2S04-114-18E Hair from sheet	16069 T 16126 C 16145 A 16172 C 16222 T 16261 T Confirmed Region: 15998-16390	73 G 242 T 263 G 295 T 315.1 C Confirmed Region: 35-361

Appendix B: Mitochondrial DNA Sequence Results reported on December 30, 2005 (continued).

Bode Sample # Agency ID	Hypervariable Region I	Hypervariable Region II
2S04-114-18F Hair from sheet	16069 T 16126 C 16145 A 16172 C 16222 T 16261 T Confirmed Region: 15998-16390	73 G 242 T 263 G 295 T 315.1 C Confirmed Region: 35-361
2S04-114-18H Hair from sheet	16069 T 16126 C 16145 A 16172 C 16222 T 16261 T Confirmed Region: 15998-16390	73 G 242 T 263 G 295 T 315.1 C Confirmed Region: 49-361
2S04-114-18I Hair from sheet	16069 T 16126 C 16145 A 16172 C 16222 T 16261 T Confirmed Region: 15998-16390	73 G 242 T 263 G 295 T 315.1 C Confirmed Region: 35-361
2S04-114-20B Hair from E3	16069 T 16126 C 16145 A 16172 C 16222 T 16261 T Confirmed Region: 15998-16390	73 G 242 T 263 G 295 T 315.1 C Confirmed Region: 49-361
2S04-114-21A Hair from scout cap	16069 T 16126 C 16193 T 16195 C 16242 A 16357 C Confirmed Region: 16009-16390	73 G 150 T 152 C 263 G 295 T 309.1 C 315.1 C Confirmed Region: 35-361

Appendix B: Mitochondrial DNA Sequence Results reported on December 30, 2005 (continued).

Bode Sample / Agency ID	Hypervariable Region I	Hypervariable Region II
2S04-114-21B Hair from scout cap	16223 T 16278 T 16362 C Confirmed Region: 16210-16390	Not Reported
2S04-114-23 Hair from scout cap	Anderson Confirmed Region: 16009-16390	263 G 309.1 C 315.1 C Confirmed Region: 35-361
2S04-114-27 Dyed hair from white sheet (Branch)	16261 T Confirmed Region: 15998-16390	263 G 309.1 C 315.1 C Confirmed Region: 49-361

EXHIBIT X

THIS IS A CAPITAL CASE

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

DAMIEN WAYNE ECHOLS,	)	Case No. 5:04CV00391-WRW
)	
Petitioner,	)	DECLARATION OF
	)	<u>RACHAEL GEISER</u>
vs.)	
)	
LARRY NORRIS, Director,)	
Arkansas Department of Corrections,)	
)	
Respondent.)	
_____)	

I, Rachael Geiser, hereby state and declare as follows:

1. I am a licensed private investigator employed by the firm of Inquisitor, Inc., headed by Ron Lax, in Memphis, Tennessee.

2. Our firm has been retained to perform post-conviction investigate work on behalf of petitioner Damien Echols in this matter.

3. In the course of my investigative work on behalf of Mr. Echols, Mr. Lax and I made repeated contacts in 2007 with Terry Hobbs, the stepfather of victim Steven Branch.

4. On February 9, 2007, I retrieved two cigarette butts from the front yard of Mr. Hobbs' residence in Memphis, Tennessee. I picked up the cigarette butts and placed them in a clear plastic baggie. I maintained the cigarette butts in the baggie until our office transmitted them on February 12, 2007, to Mr. Echols' counsel in San Francisco, California.

5. On February 24, 2007, prior to commencing an interview with Terry Hobbs at his Memphis residence, I retrieved two additional cigarette butts from an ashtray in the living room where the interview later took place. I picked up the cigarette butts and placed them in an orange plastic bag. I maintained the cigarette butts in the bag until our office transmitted them on March 5, 2007, to Mr. Echols' counsel in San Francisco, California.

6. Mr. Lax and I conducted the February 24, 2007 interview with Terry Hobbs. During that interview, Mr. Hobbs described, among other things, how he and his then four year old daughter Amanda had searched in his West Memphis neighborhood for Mr. Hobbs' stepson, Steven, during the late afternoon and evening hours of May 5, 1993. Mr. Hobbs stated that he had also searched for Steven that night with David Jacoby and Pam Hobbs' father, Jackie Hicks, Sr.; that during that period they had gone into the area known as Robin Hood Hills; and that at one point Mr. Hobbs (unaccompanied by Mr. Jacoby or Mr. Hicks) had

approached, but not arrived at, the ditch where the bodies of the victims were later found. Mr. Hobbs also stated that he had never been interviewed by the police regarding his whereabouts or any information he had to offer about the search.

7. During a telephone conversation with Terry Hobbs on May 18, 2007, Mr. Hobbs stated to me that Pam Hobbs and her family “still blame” Terry for the death of Steven Branch.

8. On May 19, 2007, I was present when Mr. Hobbs was questioned by Mr. Lax at the offices of Inquisitor, Inc., in Memphis Tennessee. At that time, Mr. Lax informed Mr. Hobbs that a hair matching his DNA profile was found under the ligature of Michael Moore after the bodies were recovered. In response, Mr. Hobbs did not deny that the hair on the Moore ligature was his. He stated that the ligature hair must have been innocently transferred from himself to Moore.

9. During an interview I conducted with Pam Hobbs’ sisters, Judy Sadler and Jo Lynn McCaughey on May 24, 2007, Ms. McCaughey described having found several knives in the residence of Terry Hobbs in 2003. Ms. McCaughey further stated that she had shown the knives to her father, Jackie Hicks, Sr., and that Mr. Hicks had recognized one of them as a pocketknife he had given to Steven Branch. Ms. McCaughey stated that she later gave the knives to Mr. Dan Stidham. Both Ms. McCaughey and Ms. Sadler also stated that they had been present in the

Hobbs residence during the evening of May 5, 2003, and that during the evening, Terry Hobbs had washed curtains, bed linens, and all items of clothing in the house.

10. On May 26, 2007, I conducted an interview with David Jacoby at his residence in Blytheville, Arkansas. During that interview, Mr. Jacoby stated that at about 5 p.m. on May 5, 1993, Terry Hobbs had come to Mr. Jacoby's nearby residence in West Memphis, Arkansas, with his daughter, Amanda; that Mr. Hobbs had left at about 6 or 6:30 p.m.; that he (Mr. Jacoby) could not recall whether Amanda had gone with Mr. Hobbs when he left at that time; and that Mr. Hobbs had returned to the Jacoby residence after about an hour, i.e., at about 7 or 7:30 p.m. Mr. Jacoby also stated that at this time, he accompanied Mr. Hobbs to search for Steven Branch, and that at one point they had walked to a bridge over the big bayou just south of the ten mile bayou and looked around.

11. During a subsequent interview I conducted with Mr. Jacoby on October 23, 2007, Mr. Jacoby stated that he had never crossed a bridge or pipe into the Robin Hood Hills area during his search for Steven Branch. He additionally stated that he never entered the Robin Hood Hills area from the Blue Beacon car wash.

12. On May 26, 2007, I retrieved two cigarette butts from Mr. Jacoby's front yard in Blytheville, and placed them in an envelope. On the same date, and during our interview, Mr. Jacoby voluntarily provided me with hair samples and

with two cheek swabs. I placed the cigarette butts, hair, and cheek swabs in three respective envelopes where I maintained them until our office transmitted the envelopes on May 29, 2007, to Mr. Echols' counsel in San Francisco, California.

13. During an interview Mr. Lax and I conducted with Pam Hobbs and her mother on May 23, 2007, Pam Hobbs stated that she had previously had, and continued to have, suspicions that Terry Hobbs was involved in the deaths of the three victims in this matter.

14. On March 23, 2007, Alyson Frazier of the office of Inquisitor, Inc. conducted a criminal background check on Anthony Hollinsworth (d/o/b

1971). Anthony pled guilty on February 4, 1991 in Crittendon County Circuit Court- Second Division in case CR-91-457 to a charge of Carnal Abuse in the First Degree, a Class C felony, the victim being his younger sister Mary (dob 1983).

Anthony was sentenced to a ten year probationary term. The prosecutor in the case was John Fogelman.

Ms Frazier also conducted a background check on Narlene Hollinsworth. Narlene was cited on May 5, 1993 for "Following Too Closely- Accident Involved." (C-93-3429). She pled no contest to that charge on June 7, 1993, and the fine imposed was suspended. (Municipal Court of West Memphis No. C-93-3429).

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 26 day of October, 2007, at Memphis, Tennessee.



Rachael Geiser

EXHIBIT Y

THIS IS A CAPITAL CASE

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

DAMIEN WAYNE ECHOLS,	)	Case No. 5:04CV00391-WRW
)	
Petitioner,	)	DECLARATION OF
	)	DONALD M. HORGAN
vs.	)	IN SUPPORT OF SECOND
	)	AMENDED PETITION FOR
LARRY NORRIS, Director,	)	<u>A WRIT OF HABEAS CORPUS</u>
Arkansas Department of Corrections,)	
)	
Respondent.)	
_____)	

I, Donald M. Horgan, hereby state and declare as follows:

1. I am a partner in the firm of Riordan and Horgan and an attorney of record for petitioner Damien Echols.

2. Paragraphs 5, 8, 9, 13, 15 in section I.B.1 of the accompanying memorandum in support of petitioner's second amended petition for a writ of habeas corpus identify various reports issued by the Bode Technology Laboratory in Virginia. I am personally aware that copies of each of those reports were received in the offices of Riordan & Horgan shortly after the dates on which they

were issued. True and exact copies of the reports are attached to the memorandum and are designated as stated in the relevant paragraphs of the memorandum.

3. As stated in paragraph 14 of section I.B.1 of the memorandum, on August 16, 2007, Amy Jeanguenat, a DNA analyst at the Bode Technology Laboratory, sent me an e-mail concerning relevant DNA test results. A true and exact copy of the correspondence is attached to the memorandum as exhibit V-1.

4. In February, 2007, our office received various evidentiary items from Inquisitor, Inc., in Memphis, Tennessee, as described in paragraphs 17 and 18 in section I.B.1 of the memorandum. Our office maintained those items in their original packaging following their receipt. On February 15, 2007 and March 7, 2007, our office transmitted the items via Federal Express to Thomas Fedor with accompanying instructions, as described in paragraph 18 of the memorandum.

5. Similarly, in late May, 2007, our office received additional evidentiary items from Inquisitor, Inc., as described in paragraphs 24 and 25 in section I.B.1 of the memorandum. Our office again maintained those items in their original packaging following their receipt. On June 12, 2007, our office transmitted the items via Federal Express to Mr. Fedor with accompanying instructions, as described in paragraph 25 in section I.B.1 of the memorandum.

6. Paragraphs 19 and 26 in section I.B.1 of the accompanying memorandum identify two reports issued by Thomas Fedor of the Serological

Research Institute in Richmond, California. I am personally aware that copies of each of those reports were received in the offices of Riordan & Horgan shortly after the dates on which they were issued. True and exact copies of the reports are attached to the memorandum and are designated as stated in paragraphs 19 and 23 of the memorandum.

7. In a letter to counsel for all three defendants sent on June 25, 2007, Mr. Davis stated that he had instructed personnel at the state crime lab to send the known hair samples from Terry Hobbs to Bode for testing and that he expected that transmission to occur shortly. In a telephone conversation on October 26, 2007, an analyst at the Bode laboratory informed me that Bode had not received from the crime lab any hair samples for Terry Hobbs.

8. On August 2, 2007, Mr. Davis transmitted to our office transcripts of interviews conducted by state authorities with David Jacoby, Terry Hobbs, Pam Hobbs, Lo Lynn McCaughey, and Terry Anderson in June, 2007. Mr. Davis subsequently provided our office with videotapes of the Jacoby, Terry Hobbs, Pam Hobbs, and McCaughey interviews, and an audiotape of the Anderson interview.

9. In his state interview, Mr. Hobbs confirmed that he had been in the Robin Hood Hills area in the early evening of May 5, 1993. He further stated that prior to his divorce from Pam Hobbs, she and some others in her family had accused him of being responsible for the homicides at issue in this matter.

10. In his state interview, Mr. Jacoby recalled that Terry Hobbs had come to his residence in West Memphis at about 5:30 or 6 p.m. on May 5, 1993 and played guitar with Mr. Jacoby for about an hour before leaving. Mr. Jacoby said that later that evening he accompanied Terry Hobbs while searching for Steven Branch.

11. In her state interview, Jo Lynn McCaughey stated that several years ago, she had discovered fourteen knives in a night stand at the residence of Terry Hobbs. She stated that her father had later identified the knife as a pocketknife he had given to Steven Branch. Ms. McCaughey said she subsequently provided the knives to Mr. Dan Stidham.

12. In her state interview, Pam Hobbs stated that after Terry Hobbs picked her up from work on May 5, 1993, he said he had been in the woods earlier that day. She also confirmed that she had previously harbored suspicions that Terry Hobbs had been involved in the homicides. She recounted Jo Lynn McCaughey's discovery of certain knives at the residence of Terry Hobbs, one of which was a pocketknife given to Steven Branch by Pam Hobbs' father. Pam Hobbs stated that Steven carried the knife all of the time and believed he would have had it on the day of his death.

13. In his state interview, Terry Anderson, a West Memphis police officer in May, 1993, described his activities at the crime scene shortly after the discovery

of the victims' bodies in Robin Hood Hills on May 6, 1993. In that connection, Mr. Anderson recounted his discovery of a fingerprint or other type of print in the mud. Mr. Anderson stated that the print was located within five to ten feet of the first body discovered at the scene. He stated that the print was at an angle that made clear it had been left by someone who had been in the water. Mr. Anderson said he compared the print to Echols, Misskelley, and Baldwin, as well as every police officer at the scene, and found no match.

14. Paragraphs 6, 12, 25, and 26 in section I.B.2 of the accompanying memorandum identify reports issued by certain forensic experts retained by the defense in this matter. I am personally aware that copies of each of those reports were received in the offices of Riordan & Horgan shortly after the dates on which they were issued. True and exact copies of the reports are attached to the memorandum and are designated as stated in the relevant paragraphs of the memorandum.

15. Paragraphs 2, 7, 11, and 15 in section I.B.2 of the memorandum describe other expert forensic expert reports provided to our office. I am aware of the timing and contents of those reports and they are stated in those paragraphs of the memorandum.

16. Paragraph 16 in section I.B.2 of the memorandum discusses a draft report issued by Dr. Robert Wood in May, 2007. The contents of that report are

likewise as stated in paragraph 16.

17. Paragraphs 13 and 18 in section I.B.2 of the memorandum discuss meetings conducted in February and May, 2007 in Jonesboro, Arkansas, involving, among others, counsel for the defendants and prosecutor Brent Davis. I attended those meetings, and they were as they are described in paragraphs 13 and 18.

18. Paragraphs 14, 17, 19, 20, 23, and 24 in section I.B.II of the memorandum discusses various items of correspondence between and among various parties. I am aware of the content of such correspondence and it is as described in those paragraphs. True and exact copies of the correspondence are attached to the memorandum and are designated as stated in the relevant paragraphs.

19. Defense counsel transmitted payment for the victim tissue slides to the Arkansas crime lab on July 24, 2007. The crime lab transmitted the slides to defense expert Werner Spitz on September 7, 2007.

20. As of the date of filing the present petition, we have received no information from the Arkansas crime lab on past cases involving corpses submerged in water (or any other information).

28. As of the date of filing the present petition, Dr. Peretti has provided the defense with no response to the questions on forensic issues set forth by counsel

for defendant Echols in the letter to Dr. Peretti sent on October 4, 2007.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 27th day of October, 2007, at San Francisco, California

/s/ Donald Horgan

Donald Horgan

EXHIBIT Z



SEROLOGICAL RESEARCH INSTITUTE

RESUME OF THOMAS FEDOR

EDUCATION

- 1975** *University of Michigan, Ann Arbor, Michigan*
Bachelor of Science, Chemistry and Psychology
- 1983** *University of Michigan, Ann Arbor, Michigan*
Master of Science, Cellular and Molecular Biology
- 1999** *North Carolina State University, Raleigh, North Carolina*
Continuing Education Units, Forensic and Paternity Data Analysis,
Summer Institute in Statistical Genetics

EMPLOYMENT

- 2002-Present** *Serological Research Institute, Richmond, California*
Forensic Serologist
- Forensic analysis of human blood and body fluid stains; Critical evaluation of forensic and paternity analyses undertaken in other laboratories; Preparation of written reports for legal professionals and the Courts; Expert witness testimony.
- 2001-2002** *California Department of Justice, Richmond, California*
Criminalist Supervisor
- Oversight of eight criminalists in the Convicted Offender DNA Databank Laboratory.

EMPLOYMENT (Continued)

1996-2001

Serological Research Institute, Richmond, California
Forensic Serologist

Forensic analysis of human blood and body fluid stains; Critical evaluation of forensic and paternity analyses undertaken in other laboratories; Preparation of written reports for legal professionals and the Courts; Expert witness testimony.

1995 - 1996

London, England, Private Practice
Independent Forensic Science Consultant

Critical evaluation of forensic and paternity analyses undertaken in other laboratories; Preparation of written reports for legal professionals and the Courts; Expert witness testimony.

1991 - 1995

U.K. Forensic Science Services Limited, Melbourn, Royston, Hertfordshire, England
Forensic Science Consultant

Forensic analysis of blood and body fluid stains; Microscopic comparison of hairs and fibers; Microspectrophotometry of fibers and thin-layer chromatography of fiber dyes; Footwear marks; Crime scene examination; Critical evaluation of forensic and paternity analyses undertaken in other laboratories; Preparation of written reports for legal professionals and the Courts; Expert witness testimony.

1989 - 1991

University Diagnostics Limited, University College London, England
Senior Forensic Scientist

DNA analysis for disputed family relationships; Critical evaluation of forensic and paternity analyses undertaken in other laboratories; Preparation of written reports for legal professionals and the Courts; Expert witness testimony.

1988 - 1989

Pediatric Research Unit, Department of Medical Molecular Genetics, Guy's Hospital Medical School, London, England
Research Assistant

Biochemical research and diagnostic testing of inherited diseases.

EMPLOYMENT (Continued)

1986 - 1988

Detroit Police Department, Detroit, Michigan
Forensic Serologist

Forensic analysis of blood and body fluid stains; Microscopic comparison of hairs and fibers; Footwear marks; Crime scene examination; Preparation of written reports for legal professionals and the Courts; Expert witness testimony.

PROFESSIONAL CERTIFICATIONS

Diploma in Criminalistics, American Board of Criminalistics, 1997-2007

Fellow in Biochemistry and Molecular Biology, American Board of Criminalistics, 1998-2007