

1 no, I can't positively tell you there are sperm, but
2 that's because I didn't see them. And the only way
3 that I or anyone else I know feels comfortable with
4 saying they are there is to see them, but that doesn't
5 mean that the results don't indicate to me that there
6 could have been sperm cells there because we see DNA
7 where we would see DNA from sperm cells.

8 (RETURN TO OPEN COURT)

9 LISA SAKEVICIUS

10 having been first duly sworn to speak the truth, the whole truth
11 and nothing but the truth, then testified as follows:

12 DIRECT EXAMINATION

13 BY MR. FOGLEMAN:

14 Q Will you please state your name and occupation?

15 A Lisa Sakevicius and I'm a criminalist at the Arkansas State
16 Crime Lab.

17 Q What education, experience and training have you had to
18 qualify you as a criminalist at the Crime Lab?

19 A I have a degree in chemistry from the University of Central
20 Arkansas. I worked as a chemist for a year at the Arkansas
21 Plant Board where I learned to use several instruments. Then I
22 started working at the lab about five and a half years ago.

23 I have been to the accelerant detection course from the
24 FBI. I've had polarized light microscopy courses from the
25 McKrohn Institute and manmade fiber identifications from McKrohn

1 Institute. I've had a hair comparison course from the
2 Association of Forensic Sciences in Selma, Alabama. I have
3 been to various workshops involving trace evidence.

4 MR. FOGLEMAN: Your Honor, we would submit Miss
5 Sakevicius as an expert in the field as a criminalist.

6 THE COURT: Do you want to question her further?

7 MR. STIDHAM: No, your Honor.

8 THE COURT: All right. You may proceed.

9 BY MR. FOGLEMAN:

10 Q In the course of your duties did you come into contact with
11 items from the West Memphis Police Department in their
12 investigation of the murders of Michael Moore, Steve Branch and
13 Chris Byers?

14 A Yes, I did.

15 Q I want to show you what I have marked and introduced as
16 State's Exhibits 82, 81 and 80 and ask if you can identify those
17 items? (HANDING)

18 A (EXAMINING) Yes. These are my initials and the date that I
19 sealed this package and this is the ligature from Michael Moore.

20 (EXAMINING) Again my initials are on here. This is the
21 ligature from Chris Byers.

22 (EXAMINING) Here are my initials again. This is the
23 ligature from Steve Branch.

24 Q In regard to those ligatures -- and I assume the ligatures
25 are the knots in the shoestrings that we're referring to?

1 A Yes.

2 Q What examinations did you make of those items?

3 A I looked at the types of knots present and examined them
4 for hairs and fibers.

5 Q Referring first to Exhibit 80 -- on Exhibit 80 those were
6 the knots on which --

7 A Michael Moore.

8 Q What were your findings as to the knots on Michael Moore?

9 A Two pieces of black shoestring, one each tied between the
10 wrist and leg on the right and left side. The knots on the
11 wrist and leg on the left side were both square knots. The knot
12 on the wrist on the right side was a series of three half
13 hitches. The knot on the left side of the right side was a
14 series of four half hitches.

15 Q On the left side what kind of knots did you have?

16 A Square knots.

17 Q And on the right side what kind of knots?

18 A You had a series of three half hitches and then a series of
19 four half hitches.

20 Q On Exhibit 81 -- if you would refer to that exhibit.

21 A That is from Steve Branch.

22 Q What were your findings as to the knots on Exhibit 81?

23 A Examination of the ligatures revealed a black shoestring on
24 the right side tied in three half hitches with an extra loop
25 around the leg to a single half hitch with a figure eight around

1 the right wrist. The left side consisted of a white shoestring
2 tied in three half hitches around the wrist to three half
3 hitches around the leg.

4 Q So on the left side on the wrist you had three half
5 hitches?

6 A Correct.

7 Q And on the ankle you had three half hitches?

8 A Correct.

9 Q On the right side on the leg you had three half hitches
10 with what?

11 A An extra loop around the right leg.

12 Q On the wrist you had?

13 A A figure eight.

14 Q With one half hitch. Is that right?

15 A Yes, sir.

16 Q Refer to Exhibit 82.

17 A That would be from Chris Byers. Examination of ligatures
18 revealed one black shoestring tied in a double half hitch around
19 the right wrist to a double half hitch around the right leg.

20 The ligature on the left side consisted of a double half
21 hitch around the wrist and leg but was tied with a white
22 shoestring.

23 Q When you say, "a double half hitch," is that the same as
24 two half hitches?

25 A Yes.

1 Q So on Exhibit 82 all of the knots on both wrists and both
2 legs are the same?

3 A Yes.

4 Q And on Exhibit 80, which was Michael Moore, on the left
5 side you had the same kind of knots both on the leg and wrist
6 which were square knots?

7 A Yes, sir.

8 Q Tell me one more time what those were on the right side,
9 please.

10 A On the right side a series of three half hitches on -- I
11 called it the wrist -- and then on the left side four half
12 hitches.

13 Q You lost me there.

14 A I think what I mean is the wrist and the leg.

15 Q You had three half hitches and four half hitches?

16 A Yes.

17 Q And then on Exhibit 81 on the left side you had both the
18 wrist and ankle with three half hitches?

19 A Three half hitches around the wrist and leg.

20 Q You had some half hitches with some differences on the
21 right side, some extra --

22 A Correct.

23 Q You said there is a loop and then a figure eight. What do
24 you mean?

25 A Instead of just being once around, it had been wrapped

1 around twice and then the knot was tied.

2 Q Also in your examination of these ligatures did you find
3 any tissue or what you thought to be tissue?

4 A Yes.

5 Q Where was that found?

6 A I remember some of it was found from the Byers ligature.
7 On Exhibit 718 that would be Byers. There were skin particles
8 removed on the left wrist.

9 Q What did you do with those skin particles?

10 A I gave those to Kermit Channel in our serology section.

11 Q I want to show you what I have introduced as Exhibit 45 and
12 ask if you can identify that? (HANDING)

13 A (EXAMINING) Yes, I can. My laboratory case number, item
14 number and my initials. That is my seal.

15 Q In the course of your duties did you come into contact with
16 that item in the Crime Lab?

17 A Yes, I did.

18 Q I also want to show you State's Exhibits 8 and 44 and ask
19 if you can identify these? (HANDING)

20 A (EXAMINING) Yes. Here's my lab case number, item number
21 and initials and my seal. And here it is on this one.

22 Q What examinations did you make of those items?

23 A I looked at them for hairs and fibers.

24 Q On or about June third, late June third or early June
25 fourth, were you requested to come to West Memphis to

1 participate in a search?

2 A Yes.

3 Q Did you go to a residence in West Memphis identified to you
4 as Damien Echols' residence?

5 A Yes.

6 Q I want to show you Exhibits 85 and 86 and ask if you can
7 identify those two items? (HANDING)

8 A (EXAMINING) Here is our lab case number and my initials.

9 (EXAMINING) Here they are on this item.

10 Q And did you -- where did you come into contact with those
11 items?

12 A E80, which would be State's Exhibit 86, is a blue shirt
13 taken from Damien Echols' residence. Exhibit 85 -- my E79 --
14 that is a blue shirt taken from Damien's residence.

15 Q In the course of your search, were you looking for anything
16 in particular?

17 A Yes. I had a number of fibers that I had seen on the tapes
18 from the clothing of the victims, and I was looking for things
19 to match those.

20 Q Did you also go to a residence identified to you as Jason
21 Baldwin's?

22 A Yes, I did.

23 Q I want to show you what is marked for identification as
24 State's Exhibit 88 and ask if you can identify that? (HANDING)

25 A (EXAMINING) Yes. Here's my case number and my initials.

1 Q Where did you come into contact with that item?

2 A Jason Baldwin's residence.

3 Q In regard to State's Exhibits 45, 44 and 8, did you recover
4 any fibers from those items? If you could, take them one at a
5 time and tell what the item is and what was recovered.

6 A Okay. E2 is a black and white shirt with a square pattern
7 on it.

8 Q Is that Exhibit 44?

9 A Yes.

10 Q What did you recover from that item?

11 A Single red rayon fiber microscopically similar to those
12 used in the construction of E99 was recovered from E2 being
13 Exhibit 88.

14 Q Exhibit 88?

15 A Yes, sir.

16 Q So from Exhibit 44 you recovered a red rayon fiber
17 microscopically similar to Exhibit 88 which is an item from
18 Jason Baldwin's home?

19 A Correct.

20 Q In regard to Exhibit 8 what, if anything, did you recover?

21 A That is my E5. That is a blue and yellow Cub Scout cap. A
22 green polyester fiber microscopically similar to those used in
23 the construction of E79, which is Exhibit 85, was recovered from
24 E5.

25 Q So from the Cub Scout hat you got a fiber that was

1 microscopically similar to Exhibit 85 which was a shirt from
2 Damien Echols?

3 A Correct.

4 Q In regard to Exhibit 44 what did you find?

5 A We have done 44. That is this one.

6 Q Okay, 45.

7 A That's E3. A single green cotton fiber microscopically
8 similar to those used in the construction of E79, again the same
9 Exhibit 85, was recovered from E3 and also a green polyester
10 fiber microscopically similar to those used in the construction
11 of E79 was recovered from E3.

12 Q From Exhibit 45 you found a cotton fiber and a polyester
13 fiber that were microscopically similar to the fibers in Exhibit
14 85?

15 A Correct.

16 Q What is the fiber content of Exhibit 85?

17 A Cotton polyester blend.

18 Q So it's a polycotton?

19 A Yes.

20 Q Describe what secondary transfer is.

21 A Primary transfer would be if I were to touch you and you
22 touch me, and fibers from our items were found cross
23 transferred. If I were you touch you and you were to touch
24 someone else and I were to find fibers from my item on the other
25 person you touched, that would be considered secondary transfer.

1 Q What types of cases do you get secondary transfers? Is
2 that from like clothes laying next to each other or coming into
3 contact with each other and then being transferred again?

4 A Correct.

5 Q So we are not saying that anybody was wearing a red
6 housecoat out at the scene.

7 MR. CROW: Object to leading.

8 THE COURT: Avoid leading.

9 MR. FOGLEMAN: I'll rephrase the question, your
10 Honor. Your Honor, we would offer Exhibits 85, 86 and
11 88.

12 MR. CROW: Subject to our previous objections,
13 your Honor.

14 THE COURT: I don't remember what they were.
15 You'll have to approach the bench.

16 (THE FOLLOWING CONFERENCE WAS HELD AT THE BENCH
17 OUT OF THE HEARING OF THE JURY)

18 MR. CROW: We object to evidence linking only the
19 other two defendants.

20 THE COURT: Overruled.

21 (RETURN TO OPEN COURT)

22 THE COURT: They may be received.

23 (STATE'S EXHIBITS 85, 86 AND 88 ARE RECEIVED IN
24 EVIDENCE)

25 BY MR. FOGLEMAN:

1 Q Just so we're real clear on all this, on the Cub Scout cap,
2 which is State's Exhibit 8, you found a fiber microscopically
3 similar to the fibers in State's Exhibit 85 which is a shirt
4 from Damien Echols' residence?

5 A Correct.

6 Q And then you found a fiber on the white polka-dot shirt,
7 State's Exhibit 44, which was consistent with the fiber from the
8 red housecoat from Jason Baldwin's house?

9 A That's correct.

10 Q And then you found a green polyester fiber on the pair of
11 blue pants labeled State's Exhibit 45 that was microscopically
12 similar to the same shirt from Damien Echols?

13 A Polyester and cotton.

14 Q Two fibers. One cotton, one polyester?

15 A Correct.

16 Q I noted the fibers were what color?

17 A Green.

18 Q And the shirt is blue. Explain that to me.

19 A The color that I see under the microscope isn't necessarily
20 the overall color that it might appear to you. If I have a
21 glass of water, it appears clear but if you look at the ocean,
22 it appears blue. That's the difference in my terminology from
23 what I'm seeing.

24 Q So what exactly are you looking at when you are looking at
25 -- when you're making a fiber comparison?

1 A I look at both of the fibers side by side in a comparison
2 microscope. I examine the color. I look at a property called
3 birefringence. I look at delustrants.

4 I take them to another instrument called a
5 microspectrophotometer. I examine to make sure the dyes are
6 similar. I take them if they are synthetic to another
7 instrument called a fourier transform infrared microscope and
8 examine them there to make sure the polymers are the same.

9 Q So it is not just a matter of looking at them under the
10 microscope and saying they are similar?

11 A Correct.

12 Q In regard to the fiber on the housecoat or fibers in the
13 housecoat that match the housecoat from Jason Baldwin's house
14 and the fiber found on Exhibit 44, which was the black and white
15 shirt, is that a common type fiber that you see in the lab?

16 A I don't see it as often as I do a lot of the other types.

17 CROSS EXAMINATION

18 BY MR. STIDHAM:

19 Q Can you tell the jury what microscopically similar means?

20 A That I cannot distinguish the two. They look the same to
21 me.

22 Q Does that mean it is a definite match or just similar?

23 A That means there are no distinguishable differences between
24 the two fibers.

25 Q Are you able to exclude all other possibilities between the

1 two? In other words does it definitely come from that source
2 because it's similar?

3 A It does not necessarily mean it comes from that source.
4 There could be a number of items containing that same fiber type
5 so we can never say it came from a particular source.

6 Q So we are not talking about exactness then, are we.

7 A It can be exactness in that the fibers are alike, but you
8 cannot say that it came from a particular source.

9 Q You cannot exclude all other sources?

10 A Correct.

11 Q Were any of these fibers you just mentioned -- were they
12 similar to anything else that you looked into or compared?

13 A These that we have just talked about, no.

14 Q Have you found any fibers at all that are similar to any
15 fibers that are related to Mr. Misskelley?

16 A No.

17 Q How many fibers have you examined in this case?

18 A Hundreds.

19 Q You haven't found any fiber that was microscopically
20 similar to Jessie Misskelley?

21 A No items from his household, no.

22 Q You have also analyzed hairs in this case?

23 A Yes, I have looked at hairs.

24 Q How many hairs have you looked at, would you say?

25 A I have no idea.

1500

1 Q Hundreds like the fibers?

2 A If you include the standards, yes.

3 Q Have you compared Jessie Misskelley's hairs to these known
4 hairs?

5 A Yes.

6 Q Have you found any similarities?

7 A No.

8 Q None at all?

9 A No.

10 MR. STIDHAM: Could we have a short recess?

11 THE COURT: Ladies and gentlemen, with the usual
12 admonition not to discuss the case among yourselves or
13 with anyone, you may stand in recess for about ten
14 minutes.

15 (RECESS)

16 (RETURN TO OPEN COURT)

17 CONTINUED CROSS EXAMINATION

18 BY MR. CROW:

19 Q Ma'am, I'm Greg Crow. I'm Mr. Stidham's partner. I'm
20 going to ask you a couple more questions. I believe you told
21 Mr. Stidham before there were not any hair or fiber matches for
22 Mr. Misskelley?

23 A Correct.

24 Q In covering the possibility of things coming from more than
25 one source, I believe you told Mr. Stidham it is possible that

1 fibers come from two different sources and you can't say that
2 just because there's a match that the fiber comes from this
3 particular source. Is that correct?

4 A That's correct.

5 Q In this particular case wasn't there three red fibers that
6 came from three different sources that at one time were or --
7 were found to be a match with some of Mr. Echols' clothing but
8 also turned out to be a match with Melissa Byers' clothing?

9 A Correct.

10 Q So were --

11 A Excuse me. Let me refer to that report. (EXAMINING) I
12 believe the red fibers came from the Moore household.

13 Q Oh, the Moore. I'm sorry. In any event that were certain
14 fibers that were initially -- or did match fibers -- fibers from
15 the crime scene matched something found from Damien Echols'
16 house but also ended up matching something from the Moore home?

17 A That's correct.

18 REDIRECT EXAMINATION

19 BY MR. FOGLEMAN:

20 Q So those fibers could have come from either source?

21 A That's correct.

22 Q Those were cotton fibers?

23 A Yes, they were.

24 Q Are cotton fibers more common?

25 A They are the most common type of fiber we work with.

1 Q What is the effect as far as your ability to find hair and
2 fibers on something being in water?

3 A It is very detrimental.

4 Q Mr. Stidham asked you a question about you had looked at
5 hundreds of hairs. I think you said something about including
6 -- what did you say?

7 A Including standards. The known samples.

8 Q When you say, "known samples," what do you mean by known
9 samples?

10 A The pulled samples from the different individuals labeled
11 as having come from a specific person.

12 Q A family member's hair or a potential suspect's hair?

13 A Correct.

14 Q Besides the known or standard samples and the hairs that
15 you would associate with any of the three victims, approximately
16 how many hairs did you have that you would call questioned
17 hairs?

18 A Very few.

19 RE CROSS EXAMINATION

20 BY MR. STIDHAM:

21 Q What do you mean by a questioned hair?

22 A A questioned hair is a hair that is recovered off of
23 clothing that I have to determine its possible source.

24 Q Isn't it true that there was a Negroid hair found on the
25 victim Byers or was found on the body or something that was

1 covering the body?

2 A I think that was off of a sheet used to cover his body.

3 Q To your knowledge, are any of the defendants black?

4 A No.

5 REDIRECT EXAMINATION

6 BY MR. FOGLEMAN:

7 Q What was the nature of the hair you found?

8 A A single Negroid hair fragment recovered from FP10, which
9 is case number 5718, which belongs with Byers.

10 Q What was FP10?

11 A I believe it was a sheet covering his body.

12 Q Out of all the hairs you found, was that the only Negroid
13 hair?

14 A I believe so.

15 Q That wasn't found on any of the kids' clothing or anything
16 else. It was found on a sheet that had been placed on or over
17 or under the victim?

18 A Correct.

19 Q You don't know whether any of the Negro --

20 MR. CROW: Objection to leading.

21 BY MR. FOGLEMAN:

22 Q Do you know whether or not any of the black police officers
23 of the City of West Memphis were involved with that?

24 A I don't know.

25 Q You're aware that West Memphis police officers --

1 MR. STIDHAM: That calls for speculation. The
2 hair was found on the sheet that the body was wrapped
3 in. That is pure speculation.

4 THE COURT: I'm not following your objection.

5 MR. FOGLEMAN: I will withdraw the question.

6 (WITNESS EXCUSED)

7 RALPH TURBYFILL

8 having been first duly sworn to speak the truth, the whole truth
9 and nothing but the truth, then testified as follows:

10 DIRECT EXAMINATION

11 BY MR. FOGLEMAN:

12 Q Will you please state your name and occupation?

13 A My name is Ralph Turbyfill. The last name is spelled
14 T-U-R-B-Y-F-I-L-L. I'm the chief latent fingerprints examiner
15 with the Arkansas State Crime Lab in Little Rock.

16 Q In the course of your duties with the Crime Lab did you
17 examine a number of items for the West Memphis Police Department
18 in the case of -- involving the deaths of Michael Moore, Steve
19 Branch and Chris Byers?

20 A Yes, I did.

21 Q Explain to the jury what a latent fingerprint is.

22 A The palmar surface of the hand is covered with friction
23 skin which is made up of sweat pores. On the fingerprints
24 there's different patterns, patterns formed like arches, loops
25 and whirls. Those patterns are formed of those sweat pores, and

15211