

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

1 then theoretically a bead of perspiration is sitting on top of
2 each of those pores at any given time.

3 When a hand comes in contact with a porous or nonporous
4 surface, a reproduction of those friction skin ridges are
5 deposited on that surface, and they are invisible.

6 That is why they are called latent. Latent is a Latin word
7 meaning invisible or hidden. And something has to be done like
8 powder applied to it or a chemical applied to that surface to
9 make that fingerprint visible. That is called a latent
10 fingerprint.

11 Q What is a fingerprint made up of?

12 A Ninety percent water and other body chemicals such as oils,
13 salts and amino acids.

14 Q In examining -- well, let me ask you this: One of the
15 items you examined -- I'm going to show you State's Exhibit 7
16 and see if you recognize that? (HANDING)

17 A (EXAMINING) Yes. It is a brown bag bearing tape that's got
18 my initials on it, bearing the lab case number. May I open it?

19 Q Yes.

20 A (OPENING) It is a toy sheriff's star. Again, my initials
21 are on the seal inside the smaller envelope. Small plastic
22 reflector, painted, and the other half of the same reflector
23 that has been painted green with red markings.

24 Q You examined those items for fingerprints?

25 A All three of these items were examined by me for latent

1 fingerprints using -- the first process I used would be to look
2 at it to see if I could see any visible prints on it.

3 I was unable to see any visible prints on these items so
4 they were placed into a tank in which Super Glue was heated to
5 develop fingerprints on it. Super Glue is the one of the
6 methods we use on hard evidence such as glass, plastic and
7 metal. The way it works is the Super Glue is heated. It turns
8 to gas and the gas attaches itself to the residue left behind by
9 fingerprints turning those fingerprints white. That was done in
10 these cases. However, no fingerprints of value for
11 identification were detected or no latent fingerprints were
12 visible.

13 Q These items were taken from the pants of one of the
14 victims?

15 A They were submitted to me in this envelope.

16 Q Where did you get it from?

17 A By the Evidence Receiving Section. They were submitted by
18 the Medical Examiner Section.

19 MR. FOGLEMAN: We would offer State's Exhibit 7.

20 MR. STIDHAM: No objection.

21 THE COURT: It may be received without objection.

22 (STATE'S EXHIBIT 7 IS RECEIVED IN EVIDENCE)

23 BY MR. FOGLEMAN:

24 Q Did you examine a number of other items in this case for
25 latent fingerprints?

1 A Yes, I did. On several occasions I received evidence.

2 Q Were you ever able to find any fingerprints suitable for
3 identification on any of the items submitted?

4 A No fingerprints of value for identification on any of the
5 items.

6 Q What would the effect of items being in water have on your
7 ability to find fingerprints?

8 A It would be very detrimental. The two most -- things that
9 are detrimental to fingerprints are -- since they are 98 percent
10 water to start with -- is water and fire. Water would
11 definitely affect the development of any prints.

12 Q I want to show you what has been introduced as State's
13 Exhibit 53. Do you recognize that? (HANDING)

14 A (EXAMINING) Yes, I do.

15 Q Did you also examine that item?

16 A I examined this item. This item was processed using a
17 chemical called ninhydrin, N-I-N-H-Y-D-R-I-N, which is an amino
18 acid indicator on paper, cardboard and unpainted wood. That
19 chemical is used and it turns the fingerprint a light purple or
20 violet. There are indications that amino acids are present on
21 this. However, there are no latent fingerprints of value for
22 identification. My initials and the case number appear on the
23 stick.

24 Q Again the same thing on the stick. Would water have an
25 effect?

1 A Absolutely. It would dissolve or dilute the fingerprints.

2 (WITNESS EXCUSED)

3 LISA SAKEVICIUS

4 having been previously duly sworn to speak the truth, the whole
5 truth and nothing but the truth, then testified as follows:

6 REDIRECT EXAMINATION

7 BY MR. FOGLEMAN:

8 Q I failed to ask you a question. When you were here in West
9 Memphis participating in the execution of the search warrants,
10 did you go in the trailer of Jason Baldwin?

11 A Yes.

12 Q Describe for the jury the defendant's room, what you
13 observed there.

14 MR. STIDHAM: Your Honor, we object. May we
15 approach the bench?

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

18 MR. STIDHAM: What relevance could that possibly
19 have?

20 THE COURT: I don't know.

21 MR. FOGLEMAN: Your Honor, it goes to that cult
22 stuff. He had all kinds of paintings on the wall.
23 Things of skulls and daggers and --

24 THE COURT: In thinking about the cult stuff I
25 might have restricted the State too much because they