UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

ESTATE OF GUGSA ABRAHAM DABELA, et al.,	:	NO.: 3:16-cv-00534-RNC
Plaintiffs,	:	**PLAINTIFFS' MEMORANDUM OF LAW IN OPPOSITION TO DEFENDANTS' MOTION TO QUASH**
v.	:	
TOWN OF REDDING, et al.,	:	
Defendants.	:	Dated: November 8, 2018

MEMORANDUM OF LAW
IN OPPOSITION OF DEFENDANTS' MOTION TO QUASH

ORAL ARGUMENT REQUESTED

Plaintiffs by and through their attorneys Excolo Law, PLLC respond to Defendants' Motion to Quash Subpoena Duces Tecum, ECF # 81, and state as follows:

INTRODUCTION

As this Court is well aware, this case concerns the death of Gugsa Abraham Dabela (Abe), of a single gunshot wound to the head in April 2014. According to the Defendants, Abe was found within his vehicle which had flipped over on the side of the road in Redding, Connecticut at approximately 1:30 am, less than 15 minutes after leaving a local restaurant and pub, The Black Cat Grille. By all eyewitness accounts, Abe was in his normal friendly, upbeat spirits in the moments and hours preceding his death, interacting with friends and patrons and handing out business cards for his burgeoning legal practice. The instant suit seeks damages for various constitutional violations, including the intentional failure to properly investigate the incident.

Plaintiffs also allege that the Defendants have conspired to cover-up Abe's murder, by insisting from day one that Abe's death was a "self-inflicted" suicide.

Approximately one year after Abe's death, and one year prior to the filing of the Complaint in this litigation, DNA samples were collected from various individuals who had been first responders to the scene of the motor vehicle accident. These DNA samples were submitted to the State of Connecticut DESPP Division of Scientific Services (Crime Lab) for examination.

The final DNA section reports prepared by the Crime Lab based on this initial DNA collection concluded that the first responders tested were all "excluded as contributors" to the DNA collected from Abe's gun. State's Attorney Stephen Sedensky informed Abe's father of this finding, and all parties proceeded for years as if the first responders were properly cleared of wrongdoing. Only in early September 2017 did serious questions arise about this initial collection of DNA of the first responding police officers and firefighters.

These questions arose after Abe's father, Dr. Abraham B. Dabela (Dr. Dabela), personally prepared a Freedom of Information Act request (FOIA Request) that he directly submitted to the Crime Lab (without involvement of the attorneys in this litigation). Dr. Dabela learned of four startling facts concerning the first responder DNA collection, which were withheld from him and his attorneys, and were not revealed in the Defendants' discovery responses. It is the following four facts that now underpin the demand that the DNA of all first responders be properly re-collected and properly tested:

First, the first responders' DNA was not collected by properly-trained DNA technicians. Rather, (i) the DNA of the first responding police officers was personally collected by now disgraced former police chief Defendant Fuchs, and (ii) the DNA of the first responding firefighters was personally collected by a member of Defendant Fuchs' staff, believed to be either

Captain Mark O'Donnell or Defendant Quinn. (See Exhibit "A" Chain of Custody Report (obtained by FOIA Request)).

Second, the Crime Lab's DNA forensic examiners had identified possible quality control issues with at least two of the samples submitted for testing. (Exhibit "B" Email regarding a possible quality control issue (obtained by FOIA Request)). Although the Crime Lab issued final reports based on these DNA specimens, the FOIA Request results reveal that the underlying samples may have had defects that could have compromised these results.

Third, during the Crime Lab's analysis, one of the samples from the firefighters tested as female, despite the identification as that of a male. This discrepancy was brought to the attention of the Redding Police Department by email inquiry on June 9, 2015. (Exhibit "C" Email regarding unexpected female DNA (obtained by FOIA Request)). However, this issue was not revealed in the subsequent litigation discovery; rather it was only discovered by Dr. Dabela himself two years later through his FOIA request. In response to the Crime Lab's inquiry, Mr. O'Donnell informed the Crime Lab that the individual he had identified as "Liam Bauer" in his police report, was really "Lauren Bauer." (Exhibit "D" DNA Section handwritten note regarding Captain O'Donnell's call (obtained by FOIA Request)). The Plaintiff submits that while a certain "Liam Bauer" is (and was in 2014) a Lieutenant firefighter with the Georgetown Fire Department, there is no evidence that a "Lauren Bauer" works for the department or had anything to do with the department or the scene response to Abe's death.

Fourth, three firefighters did not show up for DNA collection at the allotted time set for collection by Mr. O'Donnell. These three firefighters are Liam Bauer, Preston Boyd and Gregory Zap. These three men were never tested, and therefore never even preliminarily excluded as potential contributors to the DNA on Abe's gun. The Plaintiff also brings to the Court's attention

that in the weeks prior to Abe's death, local firemen had intimidated Abe at a local bar causing him to feel so uncomfortable that he left that local bar and went to The Black Cat Grille (the same bar from which he left immediately prior to his killing). (Exhibit "E" screen grab, Abe's Facebook message regarding fireman intimidation a few weeks preceding his death).

For these four reasons, there are serious questions concerning the integrity of the initial DNA collection process.

Further, contrary to the Defendants' claim that the requested DNA examinations have already been properly conducted, the Defendants' own DNA expert, Ms. Susan Ryan, in her deposition for the instant litigation, stated that the DNA testing that had been done on the first responders does not allow for the exclusion of the first responders as having touched the trigger. As such, it is crucial to have an independent third-party lab collect and re-examine the DNA using DNA that is confirmed to be collected from the actual individuals claimed.

With all this in mind, Plaintiffs, through counsel, have repeatedly requested the DNA from the same individuals who had voluntarily provided their DNA in the past, as well as the three firefighters who avoided being tested previously. Plaintiffs requested this voluntary testing for months prior to issuing the subpoena, because Defendants' counsel had advised that their clients would voluntarily agree to re-testing. Only on the very last day of the discovery period did Defendants' counsel advise Plaintiffs' counsel that their clients would refuse to submit to this testing, and that Defendants' counsel would move to quash any subpoena forcing them to do so. It was with shock that the Plaintiffs were then forced to scramble and submit the subpoenas at issue on the last day of the discovery period. Plaintiffs submit that Defendants and their counsel purposely misled Plaintiffs repeatedly in response to prior requests and that Defendants never actually intended to comply with the request to voluntarily submit to DNA re-examination, but

rather intended to expire the discovery period and delay the process of obtaining this confirmatory DNA in hopes that the judicial delay would cause Plaintiffs to cease pursuing this evidence.

Inexplicably, after voluntarily allowing Defendant Fuchs and his subordinates to collect their DNA for ostensibly the same purpose, these individuals are now refusing to allow the collection of their DNA by an independent, properly-trained lab technician, and are seeking judicial intervention to prevent the Plaintiffs from obtaining evidence that would not only be relevant to, but would in fact be central to, Plaintiffs claim of conspiracy and cover-up, and may even be probative on the question of the identity of the "Killer John Doe", whom the Defendants' cover-up is designed to protect.

Without voluntary compliance, Plaintiffs were forced to subpoena the DNA from these individuals. Defendants objected filing the instant motion to quash based upon grounds of burden and duplication. As shown below, there is neither undue burden nor unreasonable duplication.

ARGUMENT

I. DEFENDANTS HAVE FAILED TO SHOW UNDUE BURDEN

The Defendants Motion to Quash Subpoena Duces Tecum states that Plaintiffs' subpoenas duces tecum constitute an undue burden and are unreasonably cumulative and duplicative. The Federal Rules of Civil Procedure 26(b)(1) states:

> Unless otherwise limited by court order: parties may obtain discovery regarding any nonprivileged matter that is relevant to any party's claim or defense and proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit.

In the present case, Plaintiffs requested certain defendants as well as other first responders on the scene of Abe's motor vehicle accident to provide an additional DNA sample to allow for

independent testing and two distinct comparisons: (i) a comparison between the original test and the newly collected DNA, and (ii) a comparison of the newly collected DNA to the DNA recovered from Abe's gun. The request of additional DNA analysis is an important issue in the present action since Defendants claim that Abe committed suicide using Abe's own gun, yet there is no physical evidence to corroborate their allegation that Abe fired his gun himself that night. Indeed, there is physical evidence to the contrary that suggests some other as-yet-unidentified person fired Abe's weapon. According to the Connecticut State Laboratory Report, a testable sample of DNA was collected from the trigger of Abe's gun, and the Crime Lab's tests *excluded* Abe as a contributor to this DNA collected from the trigger. (See Exhibit "F", ¶ 5). In addition, the Crime Lab specifically requested samples of "suspects" for comparison testing to the DNA sample recovered from the trigger. *Id.*

Whether a subpoena imposes an "undue burden" "depends upon 'such factors as relevance, the need of the party for the documents, the breadth of the document, the time period covered by it, the particularity with which the documents are described, and the burden imposed." *See* Concord Boat Corp. v. Brusnwick Corp., 169 F.R.D. 44, 49 (S.D.N.Y.1996). In the present case, the Defendants did not specifically allege any reason why it is burdensome for Plaintiffs to request for additional DNA analysis. The Defendants should not be able to just claim that the request is not proportional, but must make a showing as to why such a request is disproportionable. In *United States Reg'l Econ. Dev. Auth., LLC v. Matthews,* the court held "that although a subpoena may be quashed if it calls for clearly irrelevant matter, the district judge need not pass on the admissibility of the documents sought in advance of trial nor quash a subpoena demanding their production if there is any ground on which they might be relevant." *See* United States Reg'l Econ. Dev. Auth., LLC v. Matthews, No. 3:16-CV-01093 (CSH), 2018 WL 2172713, at *9 (D. Conn. May 10, 2018).

While Defendants argue that the collection of the DNA evidence "constitutes an undue burden", Defendants present no evidence of such burden and make no claim as to irrelevance. More is required from the Defendants to establish their case for judicially quashing this subpoena.

On the other hand, there is little, if any burden to Plaintiffs' request. To collect the DNA as subpoenaed by Plaintiffs, an independent technician will obtain a buccal swab from the provider's mouth which requires that the provider open his mouth and allow the individual collecting the evidence to use a sterile cotton swab to swab his mouth. Nothing more. The entire process would take the provider less than 30 seconds of his time. To suggest that allowing one's mouth to be swabbed is "burdensome" borders on absurdity. There is no appreciable burden to complying with Plaintiffs' request. Furthermore, Plaintiffs intend to bear the cost of this testing and is seeking no reimbursement from Defendants. Thus, this Court should dismiss Defendants' claim of burden and the subpoenas should not be quashed.

II. THERE ARE SERIOUS QUESTIONS ABOUT THE INITIAL DNA TESTING OF THE FIRST RESPONDERS

Curiously, as more fully described in the "Introduction" section above, there is an apparent discrepancy in the original testing of the DNA samples from the firefighters. Attached as Exhibit "G" is a submission report where Capt. Mark O'Donnell submitted buccal swabs to the Crime Lab. On page three of the document, there is an indication that a buccal swab was obtained for a Liam Bauer. A review of all six names[1] from Exhibit "G" strongly suggests that these are male names. Attached as Exhibit "C" is an e-mail from Jian Tao, PhD (Forensic Examiner 1, Crime Lab) to

[1] Excerpt from Police Report regarding DNA collection:
On 4/13/2015 I was requested by Sergeant Quinn to go to the Gerogetown Fire Department to meet with eight members to obtain a DNA sample. These individuals are William Ely, Donald Baker, Liam Bauer, Michael Heibeck, Micheal Ducey, Preston Boyd, Gregory Zap and Khalid Gourad.These are all members of the volunteer Georgetown Fire Department and respond to medical and fire call and all responded to the scene for this incident. I met with and obtained a DNA swab from six of these members. Preston Boyd and Gregory Zap were not present to submit a sample. The DNA swabs were individually collected and sealed with evidence tape and identified with each members GFD call number. They were brought back to the Redding Police Department by myself and left for Officer Dias as instructed.

Captain O'Donnell in which Tao indicates that the DNA profile for item #22 is from a female. This is inconsistent with the names provided to the Crime Lab. In response to the e-mail, Capt. O'Donnell responded by telephone call (perhaps in an effort to avoid future email discovery) (*See* Exhibit "D") that Liam Bauer should be Lauren Bauer. This is extremely troubling.

First, Liam Bauer is a firefighter with the Georgetown Fire Department. (*See* Exhibit "H"). Second, a Lexis search of public records shows that an individual named "Lauren Bauer" lives with Liam Bauer[2]. Furthermore, the Lexis search also reveals that while Liam Bauer is licensed as an EMT, consistent with his association with the Georgetown Fire Department, Lauren Bauer lists no licenses. Thus, it is questionable as to why Lauren Bauer would have been one of the Georgetown Fire Department responders to the scene of Abe's death. It also raises serious questions as to why Lauren Bauer would voluntarily submit her DNA, in lieu of Liam Bauer's DNA, for a process intended to exculpate Liam Bauer from any lingering suspicion in this case.

If it turns out that it really was Liam Bauer who was at the scene of the motor vehicle accident, then the integrity of the DNA collections that were provided to the Crime Lab is necessarily called into question. Why would Lauren Bauer's DNA have been collected in place of Liam Bauer's DNA? To resolve these concerns, the DNA of these individuals should be re-collected and tested by an independent lab. A process intended to verify that the newly collected DNA samples are the same as the ones previous collected is entirely not duplicative of the prior collection and testing process. To the contrary, if it turns out that there are discrepancies between the samples, that would certainly be probative of whether Defendants engaged in the conduct complained of in the Complaint.

[2] Because of privacy concerns and licensing concerns, the Lexis report has not been attached to this motion but is available to the Court and opposing counsel on request.

III. CRIME LAB DNA TECHNICIANS IDENTIFIED POTENTIAL QUALITY CONTROL ISSUES WITH THE PREVIOUSLY SUBMITTED DNA SAMPLES

The Crime Lab's highly trained DNA forensic examiners identified possible quality control issues with at least two of the first responder DNA samples submitted for testing. (*See* Exhibit "B"). Although a Crime Lab supervisor had previously approved the finalization of lab reports despite these noted defects, given the criticality of the questions at issue in this case, re-collecting and re-testing the DNA of potential suspects should weigh in favor of re-examination with samples collected by properly-trained DNA technicians to minimize the risk that the prior tests were compromised in any respect.

IV. DEFENDANTS' EXPERT OPINED THAT THE ORIGINAL RESULTS ARE INCONCLUSIVE

Plaintiffs' counsel deposed Defendants' DNA expert, Ms. Susan Ryan, on October 11, 2018. During the deposition, Ms. Ryan testified that based upon the DNA evidence collected at the time, the first responders cannot be excluded:

> Let me ask a parallel question. Several of the first responders were swabbed for their DNA; right?
> A Yes.
> Q You'd agree that for the same reasoning that you can't exclude that Gugsa touched the gun, you couldn't exclude any of the first responders as well?
> A I agree. I think that the profile is inconclusive.
>
> Ryan, MS, D-ABC, Suzanne, (Page 45:4 to 45:11) Attached as Exhibit "I".

Thus, any reliance that the Defendants have on the previous DNA analysis is spurious at best. Given the inconclusive nature of the original results combined with questionable integrity of

the initial DNA collection, it is crucial for Plaintiffs to have an opportunity for an independent lab to collect and analyze the DNA from the first responders as subpoenaed.

V. DEFENDANTS HAVE FAILED TO SHOW THAT PLAINTIFFS' REQUEST IS DUPLICATIVE

Defendants next argue that the provision of additional samples of DNA is "unreasonably cumulative", yet there is nothing to show this to be the case. While it is claimed that DNA was collected in the past from these individuals, there are compelling reasons, as discussed above, for the DNA to be re-collected and analyzed. Given that there is essentially no burden to comply with the subpoenas, the existence of slight duplication of the initial DNA provides little weight against allowing the re-collection.

Furthermore, if there is a discrepancy between the re-collected samples and the original samples, this would be strong evidence in favor of Plaintiffs' claims which revolve to a large degree around the Defendants' intentional efforts to mislead the Crime Lab and create Crime Lab reports that seek to exonerate all scene personnel from being involved in Abe's killing. The taking of the original samples is a factual element in this case done by the Defendants more than one year prior to the Compliant being filed, and was not done for the purposes of litigation. Given the procedural and factual issues identified above and withheld from Plaintiffs by the Defendants and only obtained through Dr. Dabela's proactive effort to uncover the truth, Plaintiffs should be allowed to have an independent, properly-trained technician collect this DNA to test the integrity of the original collection as well as to compare the samples collected to the original collection of DNA. This confirmatory comparison has not as of yet been performed and cannot be performed without the collection of new samples of DNA.

Therefore, the collection of the DNA by an independent lab is not sufficiently cumulative or burdensome to warrant the granting of the motion to quash.

CONCLUSION

In summary, Plaintiffs requested the DNA for the subpoenaed individuals for good reasons. There are significant questions concerning the integrity of the initial testing. A Defendant and an employee of a Defendant were responsible for the collection of the initial DNA. There is no assurance that these DNA samples were collected correctly by a non-expert, and at least one sample was not collected from the stated individual that was reported to the Crime Lab.

Defendants have failed to show that the requested DNA would be burdensome to provide or that there is significant duplication in the production of the information. Clearly, there is a difference between being given the results of a test where Defendants have played a part in its creation, and allowing Plaintiffs their own independent opportunity to conduct the test. There is no meaningful burden to the individuals providing DNA swabs.

Finally, Defendants and their counsel purposely misled Plaintiffs repeatedly in response to prior requests to voluntarily submit to DNA re-examination. Due to their delay, *time is of the essence,* and Defendants should not benefit from additional delay introduced by their Motion to Quash.

As such, Defendants' motion to quash should be denied and the subpoenas should be complied with.

Respectfully Submitted,

Date: November 8, 2018

/s/ Keith Altman
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CERTIFICATE OF SERVICE

I hereby certify that on November 8, 2018, a copy of foregoing Memorandum of Law in Opposition to Defendants' Motion to Quash was filed electronically. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

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TOWN OF REDDING, et al.,	:	
Defendants.	:	

INDEX OF EXHIBITS

A. Chain of Custody Report

B. Email regarding Quality Control

C. Email regarding Unexpected Female DNA

D. Crime Lab Memo regarding Lauren Bauer vs. Liam Bauer

E. Abe's Facebook Post regarding Fire Fighter Intimidation

F. Crime Lab DNA Reports

G. Submission of First Responder DNA

H. News Article regarding Liam Bauer

I. Deposition Transcript of Defense Expert Suzanna Ryan

11/20/2014 2:56:02PM	Evidence Receiving - incoming (room 206)	[ ]	Rosen, Penni S	[X]
11/20/2014 2:56:04PM	Rosen, Penni S	[X]	Lopes-Phelan, Lucinda A.	[X]
12/3/2014 3:10:16PM	Lopes-Phelan, Lucinda A.	[X]	Rosen, Penni S	[X]
12/3/2014 3:10:18PM	Rosen, Penni S	[X]	Evidence Receiving - outgoing (room 207)	[ ]
1/6/2015 1:03:05PM	Evidence Receiving - outgoing (room 207)	[ ]	Andrews, Cheryl	[X]
1/6/2015 1:03:07PM	Andrews, Cheryl	[X]	O'Donnell, Mark	[ ]

Total number of transfers: **8**

ITEM # / DESCRIPTION: 008-RPT-1 Reconstruction report

Date/Time of Transfer	From	PIN	To	PIN
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11/20/2014 2:56:04PM	Rosen, Penni S	[X]	Lopes-Phelan, Lucinda A.	[X]
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12/3/2014 3:10:18PM	Rosen, Penni S	[X]	Evidence Receiving - outgoing (room 207)	[ ]
1/5/2015 2:56:21PM	Evidence Receiving - outgoing (room 207)	[ ]	Lopes-Phelan, Lucinda A.	[X]
1/5/2015 3:24:31PM	Lopes-Phelan, Lucinda A.	[X]	Andrews, Cheryl	[X]
1/5/2015 3:24:33PM	Andrews, Cheryl	[X]	Evidence Receiving - outgoing (room 207)	[ ]
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1/6/2015 1:03:07PM	Andrews, Cheryl	[X]	O'Donnell, Mark	[ ]

Total number of transfers: **11**

ITEM # / DESCRIPTION: 008-S1 SEM disk from left cuff

Date/Time of Transfer	From	PIN	To	PIN
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11/20/2014 2:56:02PM	Evidence Receiving - incoming (room 206)	[ ]	Rosen, Penni S	[X]
11/20/2014 2:56:04PM	Rosen, Penni S	[X]	Lopes-Phelan, Lucinda A.	[X]
12/3/2014 10:26:44AM	Lopes-Phelan, Lucinda A.	[X]	Kwok, Fung-Cho	[X]
5/2/2016 4:19:35PM	Kwok, MD, Fung C.	[ ]	SEM Storage - Room 163	[ ]

Total number of transfers: **6**

ITEM # / DESCRIPTION: 008-S2 SEM disk from right cuff

Date/Time of Transfer	From	PIN	To	PIN
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10/30/2014 3:07:59PM	Rosen, Penni S	[X]	Evidence Receiving - incoming (room 206)	[ ]
11/20/2014 2:56:02PM	Evidence Receiving - incoming (room 206)	[ ]	Rosen, Penni S	[X]
11/20/2014 2:56:04PM	Rosen, Penni S	[X]	Lopes-Phelan, Lucinda A.	[X]
12/3/2014 10:26:44AM	Lopes-Phelan, Lucinda A.	[X]	Kwok, Fung-Cho	[X]
5/2/2016 4:19:35PM	Kwok, MD, Fung C.	[ ]	SEM Storage - Room 163	[ ]

Total number of transfers: **6**

ITEM # / DESCRIPTION: 008-S3 Cutting - r/b stain on interior of left cuff

Date/Time of Transfer	From	PIN	To	PIN
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10/30/2014 3:07:59PM	Rosen, Penni S	[X]	Evidence Receiving - incoming (room 206)	[ ]
11/20/2014 2:56:02PM	Evidence Receiving - incoming (room 206)	[ ]	Rosen, Penni S	[X]
11/20/2014 2:56:04PM	Rosen, Penni S	[X]	Lopes-Phelan, Lucinda A.	[X]

NOTE: [X] indicates a secured transaction (a PIN was entered)

12/3/2014 10:27:23AM	Lopes-Phelan, Lucinda A.	[X]	Freezer Storage	[ ]

Total number of transfers: **5**

ITEM # / DESCRIPTION: 008-S4 Cutting - r/b stain on exterior of right cuff

Date/Time of Transfer	From	PIN	To	PIN
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11/20/2014 2:56:02PM	Evidence Receiving - incoming (room 206)	[ ]	Rosen, Penni S	[X]
11/20/2014 2:56:04PM	Rosen, Penni S	[X]	Lopes-Phelan, Lucinda A.	[X]
12/3/2014 10:27:23AM	Lopes-Phelan, Lucinda A.	[X]	Freezer Storage	[ ]

Total number of transfers: **5**

ITEM # / DESCRIPTION: 008rpt rpt

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11/20/2014 2:56:02PM	Evidence Receiving - incoming (room 206)	[ ]	Rosen, Penni S	[X]
11/20/2014 2:56:04PM	Rosen, Penni S	[X]	Lopes-Phelan, Lucinda A.	[X]
12/3/2014 10:26:44AM	Lopes-Phelan, Lucinda A.	[X]	Kwok, Fung-Cho	[X]
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4/13/2015 11:15:45AM	Niazi, Cara	[X]	Dias, Christina	[ ]

Total number of transfers: **9**

ITEM # / DESCRIPTION: 009 Envelope with "Buccal swab Sergeant #105"

Date/Time of Transfer	From	PIN	To	PIN
11/20/2014 8:37:36AM	Fuchs, Douglas	[ ]	Rosen, Penni S	[X]
11/20/2014 8:37:38AM	Rosen, Penni S	[X]	Evidence Receiving - incoming (room 206)	[ ]
11/21/2014 9:34:28AM	Evidence Receiving - incoming (room 206)	[ ]	Niazi, Cara	[X]
11/21/2014 9:34:30AM	Niazi, Cara	[X]	Hsiao, Christine	[X]
11/21/2014 11:06:58AM	Hsiao, Christine	[X]	DNA Knowns - Completed	[ ]
12/9/2014 8:57:13AM	DNA Knowns - Completed	[ ]	Tao, Ph.D., Jian	[X]
12/9/2014 1:24:48PM	Tao, Ph.D., Jian	[X]	Niazi, Cara	[X]
12/9/2014 1:24:50PM	Niazi, Cara	[X]	Evidence Receiving - outgoing (room 207)	[ ]
1/6/2015 1:03:05PM	Evidence Receiving - outgoing (room 207)	[ ]	Andrews, Cheryl	[X]
1/6/2015 1:03:07PM	Andrews, Cheryl	[X]	O'Donnell, Mark	[ ]

Total number of transfers: **10**

ITEM # / DESCRIPTION: 009-1 One FTA Buccal Card - Sergeant #105

Date/Time of Transfer	From	PIN	To	PIN
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11/21/2014 9:34:28AM	Evidence Receiving - incoming (room 206)	[ ]	Niazi, Cara	[X]
11/21/2014 9:34:30AM	Niazi, Cara	[X]	Hsiao, Christine	[X]
11/21/2014 11:06:56AM	Hsiao, Christine	[X]	DNA IQ - To Be Tested	[ ]
11/21/2014 1:52:03PM	DNA IQ - To Be Tested	[ ]	Morganti, Michael	[X]
11/21/2014 4:00:22PM	Morganti, Michael	[X]	FTA Buccal Known Storage	[ ]

Total number of transfers: **7**

ITEM # / DESCRIPTION: 009-RPT- DNA report
1

NOTE: [X] indicates a secured transaction (a PIN was entered)

Chain of Custody continued for: Item #: 009-RPT-1 Laboratory Case #: DSS-14-05119

Date/Time of Transfer	From	PIN	To	PIN
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11/21/2014 9:34:28AM	Evidence Receiving - incoming (room 206)	[ ]	Niazi, Cara	[X]
11/21/2014 9:34:30AM	Niazi, Cara	[X]	Hsiao, Christine	[X]
11/21/2014 11:06:58AM	Hsiao, Christine	[X]	DNA Knowns - Completed	[ ]
12/8/2014 3:43:22PM	DNA Knowns - Completed	[ ]	Tao, Ph.D., Jian	[ ]
12/9/2014 1:24:48PM	Tao, Ph.D., Jian	[X]	Niazi, Cara	[X]
12/9/2014 1:24:50PM	Niazi, Cara	[X]	Evidence Receiving - outgoing (room 207)	[ ]
1/6/2015 1:03:05PM	Evidence Receiving - outgoing (room 207)	[ ]	Andrews, Cheryl	[X]
1/6/2015 1:03:07PM	Andrews, Cheryl	[X]	O'Donnell, Mark	[ ]

Total number of transfers: **10**

ITEM # / DESCRIPTION: 010 Envelope with "Buccal swab Sergeant #109"

Date/Time of Transfer	From	PIN	To	PIN
11/20/2014 8:37:36AM	Fuchs, Douglas	[ ]	Rosen, Penni S	[X]
11/20/2014 8:37:38AM	Rosen, Penni S	[X]	Evidence Receiving - incoming (room 206)	[ ]
11/21/2014 9:34:28AM	Evidence Receiving - incoming (room 206)	[ ]	Niazi, Cara	[X]
11/21/2014 9:34:30AM	Niazi, Cara	[X]	Hsiao, Christine	[X]
11/21/2014 11:06:58AM	Hsiao, Christine	[X]	DNA Knowns - Completed	[ ]
12/9/2014 8:57:13AM	DNA Knowns - Completed	[ ]	Tao, Ph.D., Jian	[X]
12/9/2014 1:24:48PM	Tao, Ph.D., Jian	[X]	Niazi, Cara	[X]
12/9/2014 1:24:50PM	Niazi, Cara	[X]	Evidence Receiving - outgoing (room 207)	[ ]
1/6/2015 1:03:05PM	Evidence Receiving - outgoing (room 207)	[ ]	Andrews, Cheryl	[X]
1/6/2015 1:03:07PM	Andrews, Cheryl	[X]	O'Donnell, Mark	[ ]

Total number of transfers: **10**

ITEM # / DESCRIPTION: 010-1 One FTA Buccal Card - Sergeant #109

Date/Time of Transfer	From	PIN	To	PIN
11/20/2014 8:37:36AM	Fuchs, Douglas	[ ]	Rosen, Penni S	[X]
11/20/2014 8:37:38AM	Rosen, Penni S	[X]	Evidence Receiving - incoming (room 206)	[ ]
11/21/2014 9:34:28AM	Evidence Receiving - incoming (room 206)	[ ]	Niazi, Cara	[X]
11/21/2014 9:34:30AM	Niazi, Cara	[X]	Hsiao, Christine	[X]
11/21/2014 11:06:56AM	Hsiao, Christine	[X]	DNA IQ - To Be Tested	[ ]
11/21/2014 1:52:03PM	DNA IQ - To Be Tested	[ ]	Morganti, Michael	[X]
11/21/2014 4:00:22PM	Morganti, Michael	[X]	FTA Buccal Known Storage	[ ]

Total number of transfers: **7**

ITEM # / DESCRIPTION: 011 Envelope with "Buccal swab Sergeant #111"

Date/Time of Transfer	From	PIN	To	PIN
11/20/2014 8:37:36AM	Fuchs, Douglas	[ ]	Rosen, Penni S	[X]
11/20/2014 8:37:38AM	Rosen, Penni S	[X]	Evidence Receiving - incoming (room 206)	[ ]
11/21/2014 9:34:28AM	Evidence Receiving - incoming (room 206)	[ ]	Niazi, Cara	[X]
11/21/2014 9:34:30AM	Niazi, Cara	[X]	Hsiao, Christine	[X]
11/21/2014 11:06:58AM	Hsiao, Christine	[X]	DNA Knowns - Completed	[ ]
12/9/2014 8:57:13AM	DNA Knowns - Completed	[ ]	Tao, Ph.D., Jian	[X]
12/9/2014 1:24:48PM	Tao, Ph.D., Jian	[X]	Niazi, Cara	[X]
12/9/2014 1:24:50PM	Niazi, Cara	[X]	Evidence Receiving - outgoing (room 207)	[ ]
1/6/2015 1:03:05PM	Evidence Receiving - outgoing (room 207)	[ ]	Andrews, Cheryl	[X]

NOTE: [X] indicates a secured transaction (a PIN was entered)

1/6/2015	1:03:07PM	Andrews, Cheryl	[X]	O'Donnell, Mark	[ ]

Total number of transfers: **10**

ITEM # / DESCRIPTION: 011-1 One FTA Buccal Card - Sergeant #111

Date/Time of Transfer		From	PIN	To	PIN
11/20/2014	8:37:36AM	Fuchs, Douglas	[ ]	Rosen, Penni S	[X]
11/20/2014	8:37:38AM	Rosen, Penni S	[X]	Evidence Receiving - incoming (room 206)	[ ]
11/21/2014	9:34:28AM	Evidence Receiving - incoming (room 206)	[ ]	Niazi, Cara	[X]
11/21/2014	9:34:30AM	Niazi, Cara	[X]	Hsiao, Christine	[X]
11/21/2014	11:06:56AM	Hsiao, Christine	[X]	DNA IQ - To Be Tested	[ ]
11/21/2014	1:52:03PM	DNA IQ - To Be Tested	[ ]	Morganti, Michael	[X]
11/21/2014	4:00:22PM	Morganti, Michael	[X]	FTA Buccal Known Storage	[ ]

Total number of transfers: **7**

ITEM # / DESCRIPTION: 012 Envelope with "Buccal swab Officer #218"

Date/Time of Transfer		From	PIN	To	PIN
11/20/2014	8:37:36AM	Fuchs, Douglas	[ ]	Rosen, Penni S	[X]
11/20/2014	8:37:38AM	Rosen, Penni S	[X]	Evidence Receiving - incoming (room 206)	[ ]
11/21/2014	9:34:28AM	Evidence Receiving - incoming (room 206)	[ ]	Niazi, Cara	[X]
11/21/2014	9:34:30AM	Niazi, Cara	[X]	Hsiao, Christine	[X]
11/21/2014	11:06:58AM	Hsiao, Christine	[X]	DNA Knowns - Completed	[ ]
12/9/2014	8:57:13AM	DNA Knowns - Completed	[ ]	Tao, Ph.D., Jian	[X]
12/9/2014	1:24:48PM	Tao, Ph.D., Jian	[X]	Niazi, Cara	[X]
12/9/2014	1:24:50PM	Niazi, Cara	[X]	Evidence Receiving - outgoing (room 207)	[ ]
1/6/2015	1:03:05PM	Evidence Receiving - outgoing (room 207)	[ ]	Andrews, Cheryl	[X]
1/6/2015	1:03:07PM	Andrews, Cheryl	[X]	O'Donnell, Mark	[ ]

Total number of transfers: **10**

ITEM # / DESCRIPTION: 012-1 One FTA Buccal Card - Officer #218

Date/Time of Transfer		From	PIN	To	PIN
11/20/2014	8:37:36AM	Fuchs, Douglas	[ ]	Rosen, Penni S	[X]
11/20/2014	8:37:38AM	Rosen, Penni S	[X]	Evidence Receiving - incoming (room 206)	[ ]
11/21/2014	9:34:28AM	Evidence Receiving - incoming (room 206)	[ ]	Niazi, Cara	[X]
11/21/2014	9:34:30AM	Niazi, Cara	[X]	Hsiao, Christine	[X]
11/21/2014	11:06:56AM	Hsiao, Christine	[X]	DNA IQ - To Be Tested	[ ]
11/21/2014	1:52:03PM	DNA IQ - To Be Tested	[ ]	Morganti, Michael	[X]
11/21/2014	4:00:22PM	Morganti, Michael	[X]	FTA Buccal Known Storage	[ ]

Total number of transfers: **7**

ITEM # / DESCRIPTION: 013 #13 Envelope with " Buccal Swab (Dick Aarons) elimination swab."

Date/Time of Transfer		From	PIN	To	PIN
2/25/2015	2:34:00PM	O'Donnell, Mark	[ ]	Andrews, Cheryl	[X]
2/25/2015	2:34:02PM	Andrews, Cheryl	[X]	Evidence Receiving - incoming (room 206)	[ ]
2/26/2015	10:58:36AM	Evidence Receiving - incoming (room 206)	[ ]	Andrews, Cheryl	[X]
2/26/2015	10:58:38AM	Andrews, Cheryl	[X]	Hsiao, Ph.D., Christine	[X]
2/26/2015	3:56:42PM	Hsiao, Ph.D., Christine	[X]	DNA Knowns - Completed	[ ]
3/2/2015	2:49:58PM	DNA Knowns - Completed	[ ]	Morganti, Michael	[X]
3/2/2015	3:05:32PM	Morganti, Michael	[X]	Niazi, Cara	[X]
3/2/2015	3:05:34PM	Niazi, Cara	[X]	Evidence Receiving - outgoing (room 207)	[ ]
4/13/2015	11:15:43AM	Evidence Receiving - outgoing (room 207)	[ ]	Niazi, Cara	[X]
4/13/2015	11:15:45AM	Niazi, Cara	[X]	Dias, Christina	[ ]

NOTE: [X] indicates a secured transaction (a PIN was entered)

Total number of transfers: **10**

ITEM # / DESCRIPTION: 013-1 One FTA Buccal Card - Dick Aarons

Date/Time of Transfer	From	PIN	To	PIN
2/25/2015 2:34:00PM	O'Donnell, Mark	[ ]	Andrews, Cheryl	[X]
2/25/2015 2:34:02PM	Andrews, Cheryl	[X]	Evidence Receiving - incoming (room 206)	[ ]
2/26/2015 10:58:36AM	Evidence Receiving - incoming (room 206)	[ ]	Andrews, Cheryl	[X]
2/26/2015 10:58:38AM	Andrews, Cheryl	[X]	Hsiao, Ph.D., Christine	[X]
2/26/2015 3:52:18PM	Hsiao, Ph.D., Christine	[X]	DNA IQ - To Be Tested	[ ]
2/27/2015 1:22:21PM	DNA IQ - To Be Tested	[ ]	Morganti, Michael	[X]
2/27/2015 2:37:45PM	Morganti, Michael	[X]	FTA Buccal Known Storage	[ ]

Total number of transfers: **7**

ITEM # / DESCRIPTION: 013-RPT-1 Supplemental DNA report

Date/Time of Transfer	From	PIN	To	PIN
2/25/2015 2:34:00PM	O'Donnell, Mark	[ ]	Andrews, Cheryl	[X]
2/25/2015 2:34:02PM	Andrews, Cheryl	[X]	Evidence Receiving - incoming (room 206)	[ ]
2/26/2015 10:58:36AM	Evidence Receiving - incoming (room 206)	[ ]	Andrews, Cheryl	[X]
2/26/2015 10:58:38AM	Andrews, Cheryl	[X]	Hsiao, Ph.D., Christine	[X]
2/26/2015 3:56:42PM	Hsiao, Ph.D., Christine	[X]	DNA Knowns - Completed	[ ]
3/2/2015 2:49:58PM	DNA Knowns - Completed	[ ]	Morganti, Michael	[X]
3/2/2015 3:05:32PM	Morganti, Michael	[X]	Niazi, Cara	[X]
3/2/2015 3:05:34PM	Niazi, Cara	[X]	Evidence Receiving - outgoing (room 207)	[ ]
3/19/2015 3:53:29PM	Evidence Receiving - outgoing (room 207)	[ ]	Rosen, Penni S	[X]
3/19/2015 3:53:31PM	Rosen, Penni S	[X]	Tao, Ph.D., Jian	[X]
3/19/2015 3:54:24PM	Tao, Ph.D., Jian	[X]	Rosen, Penni S	[X]
3/19/2015 3:54:26PM	Rosen, Penni S	[X]	Evidence Receiving - outgoing (room 207)	[ ]
4/13/2015 11:15:43AM	Evidence Receiving - outgoing (room 207)	[ ]	Niazi, Cara	[X]
4/13/2015 11:15:45AM	Niazi, Cara	[X]	Dias, Christina	[ ]

Total number of transfers: **14**

ITEM # / DESCRIPTION: 014 Envelope with "Buccal swab sample-Bernice Satrinno"

Date/Time of Transfer	From	PIN	To	PIN
5/6/2015 1:31:22PM	O'Donnell, Mark	[ ]	Rosen, Penni S	[X]
5/6/2015 1:31:24PM	Rosen, Penni S	[X]	Evidence Receiving - incoming (room 206)	[ ]
5/7/2015 8:36:43AM	Evidence Receiving - incoming (room 206)	[ ]	Dawson, Vivian	[X]
5/7/2015 8:36:45AM	Dawson, Vivian	[X]	Hsiao, Ph.D., Christine	[X]
5/7/2015 12:10:16PM	Hsiao, Ph.D., Christine	[X]	DNA Knowns - Completed	[ ]
5/14/2015 8:48:39AM	DNA Knowns - Completed	[ ]	Morganti, Michael	[X]
5/14/2015 8:59:33AM	Morganti, Michael	[X]	Niazi, Cara	[X]
5/14/2015 8:59:35AM	Niazi, Cara	[X]	Evidence Receiving - outgoing (room 207)	[ ]
5/20/2015 11:53:00AM	Evidence Receiving - outgoing (room 207)	[ ]	Dawson, Vivian	[X]
5/20/2015 11:53:02AM	Dawson, Vivian	[X]	O'Donnell, Mark	[ ]

Total number of transfers: **10**

ITEM # / DESCRIPTION: 014-1 One FTA Buccal Card - Bernice Satrinno

Date/Time of Transfer	From	PIN	To	PIN
5/6/2015 1:31:22PM	O'Donnell, Mark	[ ]	Rosen, Penni S	[X]
5/6/2015 1:31:24PM	Rosen, Penni S	[X]	Evidence Receiving - incoming (room 206)	[ ]
5/7/2015 8:36:43AM	Evidence Receiving - incoming (room 206)	[ ]	Dawson, Vivian	[X]

NOTE: [X] indicates a secured transaction (a PIN was entered)

Chain of Custody continued for Item #: 014-1 Laboratory Case #: DSS-14-001194

5/7/2015 8:36:45AM	Dawson, Vivian	[X]	Hsiao, Ph.D., Christine	[X]
5/7/2015 12:10:14PM	Hsiao, Ph.D., Christine	[X]	DNA IQ - To Be Tested	[ ]
5/12/2015 10:03:54AM	DNA IQ - To Be Tested	[ ]	Morganti, Michael	[X]
5/12/2015 11:07:35AM	Morganti, Michael	[X]	FTA Buccal Known Storage	[ ]

Total number of transfers: **7**

ITEM # / DESCRIPTION: 014-RPT-1 Supplemental DNA report 4

Date/Time of Transfer	From	PIN	To	PIN
6/5/2015 1:32:30PM	O'Donnell, Mark	[ ]	Tao, Ph.D., Jian	[ ]
6/5/2015 2:52:13PM	Tao, Ph.D., Jian	[X]	Niazi, Cara	[X]
6/5/2015 2:52:15PM	Niazi, Cara	[X]	Evidence Receiving - outgoing (room 207)	[ ]
7/1/2015 12:07:34PM	Evidence Receiving - outgoing (room 207)	[ ]	Andrews, Cheryl	[X]
7/1/2015 12:07:36PM	Andrews, Cheryl	[X]	O'Donnell, Mark	[ ]

Total number of transfers: **5**

ITEM # / DESCRIPTION: 015 Envelope with "Buccal swab sample-Barbara Perry"

Date/Time of Transfer	From	PIN	To	PIN
5/6/2015 1:31:22PM	O'Donnell, Mark	[ ]	Rosen, Penni S	[X]
5/6/2015 1:31:24PM	Rosen, Penni S	[X]	Evidence Receiving - incoming (room 206)	[ ]
5/7/2015 8:36:43AM	Evidence Receiving - incoming (room 206)	[ ]	Dawson, Vivian	[X]
5/7/2015 8:36:45AM	Dawson, Vivian	[X]	Hsiao, Ph.D., Christine	[X]
5/7/2015 12:10:16PM	Hsiao, Ph.D., Christine	[X]	DNA Knowns - Completed	[ ]
5/14/2015 8:48:39AM	DNA Knowns - Completed	[ ]	Morganti, Michael	[X]
5/14/2015 8:59:33AM	Morganti, Michael	[X]	Niazi, Cara	[X]
5/14/2015 8:59:35AM	Niazi, Cara	[X]	Evidence Receiving - outgoing (room 207)	[ ]
5/20/2015 11:53:00AM	Evidence Receiving - outgoing (room 207)	[ ]	Dawson, Vivian	[X]
5/20/2015 11:53:02AM	Dawson, Vivian	[X]	O'Donnell, Mark	[ ]

Total number of transfers: **10**

ITEM # / DESCRIPTION: 015-1 One FTA Buccal Card - Barbara Perry

Date/Time of Transfer	From	PIN	To	PIN
5/6/2015 1:31:22PM	O'Donnell, Mark	[ ]	Rosen, Penni S	[X]
5/6/2015 1:31:24PM	Rosen, Penni S	[X]	Evidence Receiving - incoming (room 206)	[ ]
5/7/2015 8:36:43AM	Evidence Receiving - incoming (room 206)	[ ]	Dawson, Vivian	[X]
5/7/2015 8:36:45AM	Dawson, Vivian	[X]	Hsiao, Ph.D., Christine	[X]
5/7/2015 12:10:14PM	Hsiao, Ph.D., Christine	[X]	DNA IQ - To Be Tested	[ ]
5/12/2015 10:03:54AM	DNA IQ - To Be Tested	[ ]	Morganti, Michael	[X]
5/12/2015 11:07:35AM	Morganti, Michael	[X]	FTA Buccal Known Storage	[ ]

Total number of transfers: **7**

ITEM # / DESCRIPTION: 016 Envelope with "Buccal swab sample-VinTech EMT 15211"

Date/Time of Transfer	From	PIN	To	PIN
5/6/2015 1:31:22PM	O'Donnell, Mark	[ ]	Rosen, Penni S	[X]
5/6/2015 1:31:24PM	Rosen, Penni S	[X]	Evidence Receiving - incoming (room 206)	[ ]
5/7/2015 8:36:43AM	Evidence Receiving - incoming (room 206)	[ ]	Dawson, Vivian	[X]
5/7/2015 8:36:45AM	Dawson, Vivian	[X]	Hsiao, Ph.D., Christine	[X]
5/7/2015 12:10:16PM	Hsiao, Ph.D., Christine	[X]	DNA Knowns - Completed	[ ]
5/14/2015 8:48:39AM	DNA Knowns - Completed	[ ]	Morganti, Michael	[X]
5/14/2015 8:59:33AM	Morganti, Michael	[X]	Niazi, Cara	[X]
5/14/2015 8:59:35AM	Niazi, Cara	[X]	Evidence Receiving - outgoing (room 207)	[ ]

NOTE: [X] indicates a secured transaction (a PIN was entered)

5/20/2015 11:53:00AM	Evidence Receiving - outgoing (room 207)	[ ]	Dawson, Vivian	[X]
5/20/2015 11:53:02AM	Dawson, Vivian	[X]	O'Donnell, Mark	[ ]

Total number of transfers: **10**

ITEM # / DESCRIPTION: 016-1 One FTA Buccal Card - VinTech EMT 15211

Date/Time of Transfer	From	PIN	To	PIN
5/6/2015 1:31:22PM	O'Donnell, Mark	[ ]	Rosen, Penni S	[X]
5/6/2015 1:31:24PM	Rosen, Penni S	[X]	Evidence Receiving - incoming (room 206)	[ ]
5/7/2015 8:36:43AM	Evidence Receiving - incoming (room 206)	[ ]	Dawson, Vivian	[X]
5/7/2015 8:36:45AM	Dawson, Vivian	[X]	Hsiao, Ph.D., Christine	[X]
5/7/2015 12:10:14PM	Hsiao, Ph.D., Christine	[X]	DNA IQ - To Be Tested	[ ]
5/12/2015 10:03:54AM	DNA IQ - To Be Tested	[ ]	Morganti, Michael	[X]
5/12/2015 11:07:35AM	Morganti, Michael	[X]	FTA Buccal Known Storage	[ ]

Total number of transfers: **7**

ITEM # / DESCRIPTION: 017 #17 Envelope with " Buccal Swab (Georgetown FD.) G 46."

Date/Time of Transfer	From	PIN	To	PIN
5/20/2015 11:50:43AM	O'Donnell, Mark	[ ]	Andrews, Cheryl	[X]
5/20/2015 11:50:45AM	Andrews, Cheryl	[X]	Evidence Receiving - incoming (room 206)	[ ]
5/20/2015 1:06:33PM	Evidence Receiving - incoming (room 206)	[ ]	Rosen, Penni S	[X]
5/20/2015 1:06:35PM	Rosen, Penni S	[X]	Hsiao, Ph.D., Christine	[X]
5/20/2015 1:15:51PM	Hsiao, Ph.D., Christine	[X]	DNA Knowns - Pending	[ ]
5/22/2015 10:02:03AM	DNA Knowns - Pending	[ ]	Hsiao, Ph.D., Christine	[X]
5/22/2015 5:47:21PM	Hsiao, Ph.D., Christine	[X]	DNA Knowns - Completed	[ ]
5/28/2015 1:19:10PM	DNA Knowns - Completed	[ ]	Morganti, Michael	[X]
5/28/2015 1:28:52PM	Morganti, Michael	[X]	Rosen, Penni S	[X]
5/28/2015 1:28:54PM	Rosen, Penni S	[X]	Evidence Receiving - outgoing (room 207)	[ ]
7/1/2015 12:07:34PM	Evidence Receiving - outgoing (room 207)	[ ]	Andrews, Cheryl	[X]
7/1/2015 12:07:36PM	Andrews, Cheryl	[X]	O'Donnell, Mark	[ ]

Total number of transfers: **12**

ITEM # / DESCRIPTION: 017-1 One FTA Buccal Card - (Georgetown FD.) G46

Date/Time of Transfer	From	PIN	To	PIN
5/20/2015 11:50:43AM	O'Donnell, Mark	[ ]	Andrews, Cheryl	[X]
5/20/2015 11:50:45AM	Andrews, Cheryl	[X]	Evidence Receiving - incoming (room 206)	[ ]
5/20/2015 1:06:33PM	Evidence Receiving - incoming (room 206)	[ ]	Rosen, Penni S	[X]
5/20/2015 1:06:35PM	Rosen, Penni S	[X]	Hsiao, Ph.D., Christine	[X]
5/20/2015 1:15:51PM	Hsiao, Ph.D., Christine	[X]	DNA Knowns - Pending	[ ]
5/22/2015 10:02:03AM	DNA Knowns - Pending	[ ]	Hsiao, Ph.D., Christine	[X]
5/22/2015 5:47:17PM	Hsiao, Ph.D., Christine	[X]	DNA IQ - To Be Tested	[ ]
5/26/2015 10:37:44AM	DNA IQ - To Be Tested	[ ]	Morganti, Michael	[X]
5/26/2015 11:38:09AM	Morganti, Michael	[X]	FTA Buccal Known Storage	[ ]

Total number of transfers: **9**

ITEM # / DESCRIPTION: 017-RPT-1 Supplemental DNA report 5

Date/Time of Transfer	From	PIN	To	PIN
6/10/2015 4:32:43PM	DNA Storage (room 206)	[ ]	Tao, Ph.D., Jian	[ ]
6/11/2015 9:31:17AM	Tao, Ph.D., Jian	[X]	Rosen, Penni S	[X]
6/11/2015 9:31:19AM	Rosen, Penni S	[X]	Evidence Receiving - outgoing (room 207)	[ ]
7/1/2015 12:07:34PM	Evidence Receiving - outgoing (room 207)	[ ]	Andrews, Cheryl	[X]

NOTE: [X] indicates a secured transaction (a PIN was entered)

Date/Time of Transfer	From	PIN	To	PIN
7/1/2015 12:07:36PM	Andrews, Cheryl	[X]	O'Donnell, Mark	[ ]

Total number of transfers: **5**

ITEM # / DESCRIPTION: 018 #18 Envelope with " Buccal Swab (Georgetown FD.) G 54."

Date/Time of Transfer	From	PIN	To	PIN
5/20/2015 11:50:43AM	O'Donnell, Mark	[ ]	Andrews, Cheryl	[X]
5/20/2015 11:50:45AM	Andrews, Cheryl	[X]	Evidence Receiving - incoming (room 206)	[ ]
5/20/2015 1:06:33PM	Evidence Receiving - incoming (room 206)	[ ]	Rosen, Penni S	[X]
5/20/2015 1:06:35PM	Rosen, Penni S	[X]	Hsiao, Ph.D., Christine	[X]
5/20/2015 1:15:51PM	Hsiao, Ph.D., Christine	[X]	DNA Knowns - Pending	[ ]
5/22/2015 10:02:03AM	DNA Knowns - Pending	[ ]	Hsiao, Ph.D., Christine	[X]
5/22/2015 5:47:21PM	Hsiao, Ph.D., Christine	[X]	DNA Knowns - Completed	[ ]
5/28/2015 1:19:10PM	DNA Knowns - Completed	[ ]	Morganti, Michael	[X]
5/28/2015 1:28:52PM	Morganti, Michael	[X]	Rosen, Penni S	[X]
5/28/2015 1:28:54PM	Rosen, Penni S	[X]	Evidence Receiving - outgoing (room 207)	[ ]
7/1/2015 12:07:34PM	Evidence Receiving - outgoing (room 207)	[ ]	Andrews, Cheryl	[X]
7/1/2015 12:07:36PM	Andrews, Cheryl	[X]	O'Donnell, Mark	[ ]

Total number of transfers: **12**

ITEM # / DESCRIPTION: 018-1 One FTA Buccal Card - (Georgetown FD.) G54

Date/Time of Transfer	From	PIN	To	PIN
5/20/2015 11:50:43AM	O'Donnell, Mark	[ ]	Andrews, Cheryl	[X]
5/20/2015 11:50:45AM	Andrews, Cheryl	[X]	Evidence Receiving - incoming (room 206)	[ ]
5/20/2015 1:06:33PM	Evidence Receiving - incoming (room 206)	[ ]	Rosen, Penni S	[X]
5/20/2015 1:06:35PM	Rosen, Penni S	[X]	Hsiao, Ph.D., Christine	[X]
5/20/2015 1:15:51PM	Hsiao, Ph.D., Christine	[X]	DNA Knowns - Pending	[ ]
5/22/2015 10:02:03AM	DNA Knowns - Pending	[ ]	Hsiao, Ph.D., Christine	[X]
5/22/2015 5:47:17PM	Hsiao, Ph.D., Christine	[X]	DNA IQ - To Be Tested	[ ]
5/26/2015 10:37:44AM	DNA IQ - To Be Tested	[ ]	Morganti, Michael	[X]
5/26/2015 11:38:09AM	Morganti, Michael	[X]	FTA Buccal Known Storage	[ ]

Total number of transfers: **9**

ITEM # / DESCRIPTION: 019 #19 Envelope with " Buccal Swab (Georgetown FD.) G 311."

Date/Time of Transfer	From	PIN	To	PIN
5/20/2015 11:50:43AM	O'Donnell, Mark	[ ]	Andrews, Cheryl	[X]
5/20/2015 11:50:45AM	Andrews, Cheryl	[X]	Evidence Receiving - incoming (room 206)	[ ]
5/20/2015 1:06:33PM	Evidence Receiving - incoming (room 206)	[ ]	Rosen, Penni S	[X]
5/20/2015 1:06:35PM	Rosen, Penni S	[X]	Hsiao, Ph.D., Christine	[X]
5/20/2015 1:15:51PM	Hsiao, Ph.D., Christine	[X]	DNA Knowns - Pending	[ ]
5/22/2015 10:02:03AM	DNA Knowns - Pending	[ ]	Hsiao, Ph.D., Christine	[X]
5/22/2015 5:47:21PM	Hsiao, Ph.D., Christine	[X]	DNA Knowns - Completed	[ ]
5/28/2015 1:19:10PM	DNA Knowns - Completed	[ ]	Morganti, Michael	[X]
5/28/2015 1:28:52PM	Morganti, Michael	[X]	Rosen, Penni S	[X]
5/28/2015 1:28:54PM	Rosen, Penni S	[X]	Evidence Receiving - outgoing (room 207)	[ ]
7/1/2015 12:07:34PM	Evidence Receiving - outgoing (room 207)	[ ]	Andrews, Cheryl	[X]
7/1/2015 12:07:36PM	Andrews, Cheryl	[X]	O'Donnell, Mark	[ ]

Total number of transfers: **12**

ITEM # / DESCRIPTION: 019-1 One FTA Buccal Card - (Georgetown FD.) G311

Date/Time of Transfer	From	PIN	To	PIN
5/20/2015 11:50:43AM	O'Donnell, Mark	[ ]	Andrews, Cheryl	[X]
5/20/2015 11:50:45AM	Andrews, Cheryl	[X]	Evidence Receiving - incoming (room 206)	[ ]

NOTE: [X] indicates a secured transaction (a PIN was entered)

5/20/2015	1:06:33PM	Evidence Receiving - incoming (room 206)	[ ]	Rosen, Penni S	[X]
5/20/2015	1:06:35PM	Rosen, Penni S	[X]	Hsiao, Ph.D., Christine	[X]
5/20/2015	1:15:51PM	Hsiao, Ph.D., Christine	[X]	DNA Knowns - Pending	[ ]
5/22/2015	10:02:03AM	DNA Knowns - Pending	[ ]	Hsiao, Ph.D., Christine	[X]
5/22/2015	5:47:17PM	Hsiao, Ph.D., Christine	[X]	DNA IQ - To Be Tested	[ ]
5/26/2015	10:37:44AM	DNA IQ - To Be Tested	[ ]	Morganti, Michael	[X]
5/26/2015	11:38:09AM	Morganti, Michael	[X]	FTA Buccal Known Storage	[ ]

Total number of transfers: **9**

ITEM # / DESCRIPTION: 020 #20 Envelope with " Buccal Swab (Georgetown FD.) G 95."

Date/Time of Transfer	From	PIN	To	PIN
5/20/2015 11:50:43AM	O'Donnell, Mark	[ ]	Andrews, Cheryl	[X]
5/20/2015 11:50:45AM	Andrews, Cheryl	[X]	Evidence Receiving - incoming (room 206)	[ ]
5/20/2015 1:06:33PM	Evidence Receiving - incoming (room 206)	[ ]	Rosen, Penni S	[X]
5/20/2015 1:06:35PM	Rosen, Penni S	[X]	Hsiao, Ph.D., Christine	[X]
5/20/2015 1:15:51PM	Hsiao, Ph.D., Christine	[X]	DNA Knowns - Pending	[ ]
5/22/2015 10:02:03AM	DNA Knowns - Pending	[ ]	Hsiao, Ph.D., Christine	[X]
5/22/2015 5:47:21PM	Hsiao, Ph.D., Christine	[X]	DNA Knowns - Completed	[ ]
5/28/2015 1:19:10PM	DNA Knowns - Completed	[ ]	Morganti, Michael	[X]
5/28/2015 1:28:52PM	Morganti, Michael	[X]	Rosen, Penni S	[X]
5/28/2015 1:28:54PM	Rosen, Penni S	[X]	Evidence Receiving - outgoing (room 207)	[ ]
7/1/2015 12:07:34PM	Evidence Receiving - outgoing (room 207)	[ ]	Andrews, Cheryl	[X]
7/1/2015 12:07:36PM	Andrews, Cheryl	[X]	O'Donnell, Mark	[ ]

Total number of transfers: **12**

ITEM # / DESCRIPTION: 020-1 One FTA Buccal Card - (Georgetown FD.) G95

Date/Time of Transfer	From	PIN	To	PIN
5/20/2015 11:50:43AM	O'Donnell, Mark	[ ]	Andrews, Cheryl	[X]
5/20/2015 11:50:45AM	Andrews, Cheryl	[X]	Evidence Receiving - incoming (room 206)	[ ]
5/20/2015 1:06:33PM	Evidence Receiving - incoming (room 206)	[ ]	Rosen, Penni S	[X]
5/20/2015 1:06:35PM	Rosen, Penni S	[X]	Hsiao, Ph.D., Christine	[X]
5/20/2015 1:15:51PM	Hsiao, Ph.D., Christine	[X]	DNA Knowns - Pending	[ ]
5/22/2015 10:02:03AM	DNA Knowns - Pending	[ ]	Hsiao, Ph.D., Christine	[X]
5/22/2015 5:47:17PM	Hsiao, Ph.D., Christine	[X]	DNA IQ - To Be Tested	[ ]
5/26/2015 10:37:44AM	DNA IQ - To Be Tested	[ ]	Morganti, Michael	[X]
5/26/2015 11:38:09AM	Morganti, Michael	[X]	FTA Buccal Known Storage	[ ]

Total number of transfers: **9**

ITEM # / DESCRIPTION: 021 #21 Envelope with " Buccal Swab (Georgetown FD.) G 79."

Date/Time of Transfer	From	PIN	To	PIN
5/20/2015 11:50:43AM	O'Donnell, Mark	[ ]	Andrews, Cheryl	[X]
5/20/2015 11:50:45AM	Andrews, Cheryl	[X]	Evidence Receiving - incoming (room 206)	[ ]
5/20/2015 1:06:33PM	Evidence Receiving - incoming (room 206)	[ ]	Rosen, Penni S	[X]
5/20/2015 1:06:35PM	Rosen, Penni S	[X]	Hsiao, Ph.D., Christine	[X]
5/20/2015 1:15:51PM	Hsiao, Ph.D., Christine	[X]	DNA Knowns - Pending	[ ]
5/22/2015 10:03:32AM	DNA Knowns - Pending	[ ]	Hsiao, Ph.D., Christine	[X]
5/22/2015 5:47:21PM	Hsiao, Ph.D., Christine	[X]	DNA Knowns - Completed	[ ]
5/28/2015 1:19:10PM	DNA Knowns - Completed	[ ]	Morganti, Michael	[X]
5/28/2015 1:28:52PM	Morganti, Michael	[X]	Rosen, Penni S	[X]
5/28/2015 1:28:54PM	Rosen, Penni S	[X]	Evidence Receiving - outgoing (room 207)	[ ]

NOTE: [X] indicates a secured transaction (a PIN was entered)

Chain of Custody continued for Item #: 021 Laboratory Case #: DSS-14-001194

7/1/2015 12:07:34PM	Evidence Receiving - outgoing (room 207)	[ ]	Andrews, Cheryl	[X]
7/1/2015 12:07:36PM	Andrews, Cheryl	[X]	O'Donnell, Mark	[ ]

Total number of transfers: **12**

ITEM # / DESCRIPTION: 021-1 One FTA Buccal Card - (Georgetown FD.) G79

Date/Time of Transfer	From	PIN	To	PIN
5/20/2015 11:50:43AM	O'Donnell, Mark	[ ]	Andrews, Cheryl	[X]
5/20/2015 11:50:45AM	Andrews, Cheryl	[X]	Evidence Receiving - incoming (room 206)	[ ]
5/20/2015 1:06:33PM	Evidence Receiving - incoming (room 206)	[ ]	Rosen, Penni S	[X]
5/20/2015 1:06:35PM	Rosen, Penni S	[X]	Hsiao, Ph.D., Christine	[X]
5/20/2015 1:15:51PM	Hsiao, Ph.D., Christine	[X]	DNA Knowns - Pending	[ ]
5/22/2015 10:03:32AM	DNA Knowns - Pending	[ ]	Hsiao, Ph.D., Christine	[X]
5/22/2015 5:47:17PM	Hsiao, Ph.D., Christine	[X]	DNA IQ - To Be Tested	[ ]
5/26/2015 10:37:44AM	DNA IQ - To Be Tested	[ ]	Morganti, Michael	[X]
5/26/2015 11:38:09AM	Morganti, Michael	[X]	FTA Buccal Known Storage	[ ]

Total number of transfers: **9**

ITEM # / DESCRIPTION: 022 #22 Envelope with " Buccal Swab (Georgetown FD.) G 53."

Date/Time of Transfer	From	PIN	To	PIN
5/20/2015 11:50:43AM	O'Donnell, Mark	[ ]	Andrews, Cheryl	[X]
5/20/2015 11:50:45AM	Andrews, Cheryl	[X]	Evidence Receiving - incoming (room 206)	[ ]
5/20/2015 1:06:33PM	Evidence Receiving - incoming (room 206)	[ ]	Rosen, Penni S	[X]
5/20/2015 1:06:35PM	Rosen, Penni S	[X]	Hsiao, Ph.D., Christine	[X]
5/20/2015 1:15:51PM	Hsiao, Ph.D., Christine	[X]	DNA Knowns - Pending	[ ]
5/22/2015 10:02:03AM	DNA Knowns - Pending	[ ]	Hsiao, Ph.D., Christine	[X]
5/22/2015 5:47:21PM	Hsiao, Ph.D., Christine	[X]	DNA Knowns - Completed	[ ]
5/28/2015 1:19:10PM	DNA Knowns - Completed	[ ]	Morganti, Michael	[X]
5/28/2015 1:28:52PM	Morganti, Michael	[X]	Rosen, Penni S	[X]
5/28/2015 1:28:54PM	Rosen, Penni S	[X]	Evidence Receiving - outgoing (room 207)	[ ]
7/1/2015 12:07:34PM	Evidence Receiving - outgoing (room 207)	[ ]	Andrews, Cheryl	[X]
7/1/2015 12:07:36PM	Andrews, Cheryl	[X]	O'Donnell, Mark	[ ]

Total number of transfers: **12**

ITEM # / DESCRIPTION: 022-1 One FTA Buccal Card - (Georgetown FD.) G53

Date/Time of Transfer	From	PIN	To	PIN
5/20/2015 11:50:43AM	O'Donnell, Mark	[ ]	Andrews, Cheryl	[X]
5/20/2015 11:50:45AM	Andrews, Cheryl	[X]	Evidence Receiving - incoming (room 206)	[ ]
5/20/2015 1:06:33PM	Evidence Receiving - incoming (room 206)	[ ]	Rosen, Penni S	[X]
5/20/2015 1:06:35PM	Rosen, Penni S	[X]	Hsiao, Ph.D., Christine	[X]
5/20/2015 1:15:51PM	Hsiao, Ph.D., Christine	[X]	DNA Knowns - Pending	[ ]
5/22/2015 10:02:03AM	DNA Knowns - Pending	[ ]	Hsiao, Ph.D., Christine	[X]
5/22/2015 5:47:17PM	Hsiao, Ph.D., Christine	[X]	DNA IQ - To Be Tested	[ ]
5/26/2015 10:37:44AM	DNA IQ - To Be Tested	[ ]	Morganti, Michael	[X]
5/26/2015 11:38:09AM	Morganti, Michael	[X]	FTA Buccal Known Storage	[ ]

Total number of transfers: **9**

ITEM # / DESCRIPTION: 023 #0003 Envelope with "one (1) druggist fold with physiological substance"

Date/Time of Transfer	From	PIN	To	PIN
8/10/2015 3:35:28PM	Downs, Michael	[ ]	Niazi, Cara	[X]
8/10/2015 3:35:30PM	Niazi, Cara	[X]	Evidence Receiving - incoming (room 206)	[ ]
10/7/2015 8:50:48AM	Evidence Receiving - incoming (room 206)	[ ]	Andrews, Cheryl	[X]

NOTE: [X] indicates a secured transaction (a PIN was entered)

Russell, Melanie

From: Russell, Melanie
Sent: Friday, August 28, 2015 2:26 PM
To: Carreiro, Cheryl
Subject: RE: possible quality issue

Is it ok with you for me to send the report? It's ready now. The actual protocol deviation (from our Work Instruction) was not having a negative control for the manipulations during the concentration process (which CL OK'd).

From: Carreiro, Cheryl
Sent: Friday, August 28, 2015 8:20 AM
To: Russell, Melanie
Subject: RE: possible quality issue

Excellent ☺ thanks Mel

From: Russell, Melanie
Sent: Friday, August 28, 2015 8:19 AM
To: Carreiro, Cheryl
Subject: RE: possible quality issue

Batch ppwk found, RB was quanted.

From: Carreiro, Cheryl
Sent: Thursday, August 27, 2015 4:44 PM
To: Russell, Melanie
Subject: RE: possible quality issue

Ok good-
I talked with Carll- he's gona read the QAS and talk with me tomorrow

Thanks,
CLC

From: Russell, Melanie
Sent: Thursday, August 27, 2015 4:36 PM
To: Carreiro, Cheryl
Subject: RE: possible quality issue

I can't find the batch ppwk (JT may have it since he needed the quant info to concentrate, I left him a note) but based on other batches he did at the time, he appears to have been an RB-quanter.

From: Russell, Melanie
Sent: Thursday, August 27, 2015 3:48 PM
To: Carreiro, Cheryl
Cc: Ladd, Carll; Bryant, Steven; Tao, Jian
Subject: possible quality issue

Hi Cheryl, a few weeks ago JT concentrated 2 samples for case 14-1194. I was doing the analysis for the batch he amped them with, so I analyzed those samples too. I noticed that the RB was not concentrated and re-Amped with the samples. He concentrated and amped the RB the next day. All of the results were as expected based on the previous testing. Upon Tech Review, SEB noted that concentrating and amping in this way was a variation from protocol because there was no manipulation blank for the concentration of the samples. As there would have been no way to add a manipulation blank by the time the problem was discovered, and the conclusions regarding the concentrated samples were substantially the same as before, CL approved the variation. I was told to email you about it. The 2 concentration worksheets with note and initials added are attached. The report for these samples will be 14-1194 Sup6, which I'm planning to send tomorrow.

Melanie Russell
Forensic Science Examiner 1
CT DESPP Division of Scientific Services
278 Colony St, Meriden, CT 06451
Phone: 203-694-6535
Fax: 203-639-6485

Tao, Jian

From: Tao, Jian
Sent: Tuesday, June 09, 2015 10:41 AM
To: 'modonnell@reddingpolice-ct.us'
Subject: recent submissios of DSS-14-1194, 142477

Capt. Donnell
Recently, we analyzed 6 buccal samples collected at Georgetown Fire Department for the case shown in the subject line of this mail. Based on the names in the request form, they are all male names; but the DNA profile from item #22 is a female's. This potentially may become an issue in the future. Please take a look at the request form and let me know your findings.

Jian Tao
Tel. 203 427 4039

DNA Section

Lab #: 14-1194
Date: 6/9/15
Examiner: JT

MSG left to Capt. Mark O'Donnell.

eMail sent to "modonnell@reddingpolice-ct.us"

Informed that 6 buccal samples ~~labeled~~ recoded JT w/ male-like names in request form; but item #22 has been shown to be a female DNA profile.

Capt. Donnell called back and stated that "Liam Bauer" should be "Lauren Bauer", which was a female's name.

Do you mah

Gad Gaddy Monday, February 3, 2014 at 10:00am EST

becca was all over me the other night at LY but i had to act uninterested since all the firehouse dudes were looking at me salty

Gad Gaddy Monday, February 3, 2014 at 10:02am EST

i had to leave to black car which is when i called you

STATE OF CONNECTICUT

DEPARTMENT OF
EMERGENCY SERVICES and PUBLIC PROTECTION
DIVISION OF SCIENTIFIC SERVICES

Guy M. Vallaro, Ph.D.
Director

DNA SECTION
SUPPLEMENTAL DNA REPORT

LABORATORY CASE #: **DSS-14-001194**

SUBMITTING AGENCY: **Redding Police Department**
96 Hill Rd
Redding, CT 06875
Xref: OCME

AGENCY CASE #: **14-2477**
Xref:14-05387

DATE OF REQUEST: **7/2/2014**

DATE OF REPORT: **07/31/2014**

EVIDENCE DESCRIPTION:

#1-1S1 Stain on Firearm – muzzle
#1-1S2 Tissue-like material on Firearm – muzzle
#1-1S3 Swabbing on Firearm – Trigger
#1-1S4 Swabbing on Firearm – Grip
#1-1S5 Swabbing on Firearm – Slide pull area
#1-2S1 Stains on Magazine
#1-2S2 Swabbing of Magazine

#7 Known buccal sample, Gugsa Dabela

RESULTS OF EXAMINATION:

1. DNA was previously extracted and analyzed from items #1-1S1, #1-1S2, #1-1S3, #1-1S4, #1-1S5, #1-2S1 and #1-2S2 (see DNA Report dated 06/26/2014). Extracted DNA obtained from item #7 was amplified by the AmpF*l*STR Identifiler Plus procedure. STR alleles were separated and detected.

SUPPLEMENTAL DNA REPORT

2. The following results were obtained on the amplified items:

Identifiler Plus Alleles Detected

Item #	D8S1179	D21S11	D7S820	CSF1PO	D3S1358	TH01	D13S317	D16S539	D2S1338
1-1S1	15	29,31	8,10	11,12	15	7,8	11,12	11,12	23
1-1S2	15	29,31	8,10	11,12	15	7,8	11,12	11,12	23
1-1S3	10,11,13, 14,15	28,29,30	9,10	10,*	14,15,16, 17,18	6,7,9,9.3	8,10,11,13	9,11,12	17,21,*
1-1S4	15	29,31	8,10	11,12	15	7,8	11,12	11,12	23
1-1S5	10,13,14, 15	29,30,31	8,9,10	11,12	15,16	6,7,8,9,*	8,11,12	11,12,*	23
1-2S1	15	29,31	8,10	11,12	15	7,8	11,12,*	11,12	23
1-2S2	15,*	29,31	8,10	11,12	15	7,8	9,11,12,*	11,12	23
7	15	29,31	8,10	11,12	15	7,8	11,12,13	11,12	23

Item #	D19S433	vWA	TPOX	D18S51	AMEL	D5S818	FGA
1-1S1	12,15.2	15,18	8,9	12,13	X,Y	13	19,21
1-1S2	12,15.2	15,18	8,9	12,13	X,Y	13	19,21
1-1S3	12,13,14, 15	15,17,18	8,11	16,*	X,Y	10,11,12	19,21,23,*
1-1S4	12,15.2	15,18	8,9	12,13	X,Y	13	19,21
1-1S5	12,13,14, 15.2,*	15,17,18	8,9	12,13	X,Y	11,12,13	19,21
1-2S1	12,15.2	15,18	8,9	12,13	X,Y	13	19,21
1-2S2	12,14,15.2	15,18,*	8,9	12,13	X,Y	11,13	19,21
7	12,15.2	15,18	8,9	12,13	X,Y	13	19,21

* = Additional minor peak(s) detected. NR = No Results.

3. Item #7 was retained at the Laboratory.

CONCLUSIONS:

4. Gugsa Dabela cannot be eliminated as the source of the Identifiler Plus DNA profiles from items #1-1S1, #1-1S2, #1-1S4, and #1-2S1. The expected frequency of individuals who cannot be eliminated as the source of the Identifiler Plus DNA profile (at all loci tested except D13S317) from items #1-1S1, #1-1S2, #1-1S4, and #1-2S1 is less than 1 in 7 billion in the African American, Caucasian, and Hispanic populations.

5. The Identifiler Plus results demonstrate that item #1-1S3 is a mixture. Gugsa Dabela is eliminated as a contributor to the Identifiler Plus DNA profile from item #1-1S3.

SUPPLEMENTAL DNA REPORT

CONCLUSIONS
CONTINUED:

6. The Identifiler Plus results demonstrate that item #1-1S5 is a mixture. Gugsa Dabela cannot be eliminated as a contributor to the Identifiler Plus DNA profile from item #1-1S5. The expected frequency of individuals who cannot be eliminated as a contributor to the Identifiler Plus DNA profile (at all loci tested except D13S317) from item #1-1S5 is approximately 1 in 5.9 billion in the African American population, approximately 1 in 395.9 million in the Caucasian population, and approximately 1 in 3.1 billion in the Hispanic population.

7. The Identifiler Plus results demonstrate that item #1-2S2 is a mixture. Gugsa Dabela cannot be eliminated as a contributor to the Identifiler Plus DNA profile from item #1-2S2. The expected frequency of individuals who cannot be eliminated as a contributor to the Identifiler Plus DNA profile (at all loci tested except D13S317) from item #1-2S2 is less than 1 in 7 billion in the African American, Caucasian, and Hispanic populations. The profile from item #1-2S2 is not appropriate for entry into the Connecticut and National DNA Databases.

8. The profiles from items #1-1S1, #1-1S2, #1-1S3, #1-1S4, #1-1S5 and #1-2S1 are not appropriate for entry into the Connecticut and National DNA Databases.

9. A known sample from any suspect developed is requested for comparison to the evidentiary results.

This report reflects the test results, conclusions, interpretations, and/or the findings of the analyst as indicated by their signature below.

Jian Tao (Analyst)
Forensic Science Examiner 1

Melanie G. Russell (Technical Reviewer)
Forensic Science Examiner 1

STATE OF CONNECTICUT

Department of Emergency Services and Public Protection

Division of Scientific Services

278 Colony Street
Meriden, CT 06451
Telephone: 203-639-6400
Fax: 203-639-6484

Evidence Receipt

Date: 5/20/15
Time: 12:01 PM

LABORATORY CASE #: **DSS-14-001194**
SUBMITTING AGENCY: **Redding Police Department**
AGENCY CASE #: **142477**
TOWN (if applicable): **Redding**
RECEIVED AT LAB BY (Signature): Cheryl Andrews

Cheryl Andrews
Evidence Control Officer

Submission #:	Description:
017	#17 Envelope with " Buccal Swab (Georgetown FD.) G 46."
018	#18 Envelope with " Buccal Swab (Georgetown FD.) G 54."
019	#19 Envelope with " Buccal Swab (Georgetown FD.) G 311."
020	#20 Envelope with " Buccal Swab (Georgetown FD.) G 95."
021	#21 Envelope with " Buccal Swab (Georgetown FD.) G 79."
022	#22 Envelope with " Buccal Swab (Georgetown FD.) G 53."

Agencies submitting evidence to the Division of Scientific Services for specific analysis agree to allow the Division to determine the appropriate methodology for the evidence submitted. Descriptions of analyses offered by the Division of Scientific Services are detailed on our website. If the Division needs to deviate from standard test methodologies you or your agency will be contacted prior to the analysis being performed. The Division reserves the right to use contract laboratories to perform case analysis as needed. This contract serves to inform you as the client of this potential event. In the event a contract laboratory is used the name and address of the contract laboratory will be stated on the laboratory report to the submitting agency. Any concerns or specific requests about the required testing can be discussed with the section Deputy Director or Laboratory Director prior to case analysis.

☐ Barcode/Local No. Correspond

DELIVERED TO LAB BY (Please Print): Capt. Mark O'Donnell

DELIVERED TO LAB BY (Signature): Capt. Mark O'Donnell #103

Lt. - Mark O'Donnell

STATE OF CONNECTICUT
DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION
DIVISION OF SCIENTIFIC SERVICES
278 COLONY STREET, MERIDEN CT 06451
TELEPHONE (203) 639-6400 FAX (203) 639-6484

REQUEST FOR ANALYSIS

DSS-14-001194

Redding Police Department 142477

Has evidence been previously submitted? If "Yes", Laboratory Number: DSS-14-1194

Name & Address of Submitting Agency:
Redding Police Dept.
96 Hill Rd. Redding Ct.
Telephone: 203-938-3400

Type of Offense: MVC. Fatal/Suicide
Town of Incident: Redding
Date of Incident: 4-5-14
Agency Case Number: 14-2477

Investigating Officer Requesting Analysis(Print Name):
Capt. Mark O'Donnell

Phone Number: 203-948-4796
Email Address: modonnell@reddingpolice.ct.us

Name of Victim (Last, First, M)	DOB	Race	Sex
Dabela, Gugsa, A.	1-1-79	B	M

Name of Suspect (Last, First, M)	Arrest Made?	DOB	Race	Sex	SPBI#
None	No				

Detailed Case History (or attach Police Report or Complete Search Warrant):

Supp. Report Attached

Information on Evidence Submitted		Type of Examination Requested (check box)												Respond: Yes or No	
Agency Item#/ Exhibit#	Briefly describe the contents of each package of evidence	Arson/GSR	Biology/DNA	Firearms/ Toolmarks	Imprints/ Footwear	Latent Prints*	Quest. Docs	Trace	Controlled Substance	Toxicology**	Computer Analysis	Video/Audio	Other (Explain)	Was this evidence collected at the primary crime scene?	Was this evidence collected from the suspect's person or possession?
17	Buccal Swab (Georgetown FD.) G96		✓												
18	Buccal Swab (Georgetown FD) G54		✓												
19	" " " " G311		✓												
20	" " " " G95		✓												
21	" " " " G79		✓												
22	" " " " G53		✓												

Property Crimes: Is total property loss or damage over $2,000.00? *If "No", please contact the Laboratory prior to submitting the evidence*

Person Submitting Evidence (Print Name): Capt. Mark O'Donnell #103 Date: 5-20-15

**All Latent Print non-porous evidence must be fumed prior to submission unless other arrangements have been made with the Laboratory.*
***DUI evidence should be accompanied with Form DPS-0009-C (Rev. 9/2013)*

Incident No.	Code		Additional NIBRS Codes	Redding Police Department Incident Report Supplemental 64
14-2477	06F	MVA - Fatality		

Youth Involved	Rpt Date	Rpt Time	Occurred On Date	Time	Occurred To Date	Time	
	4/13/2015	21:08	4/5/2014	139:00			215

Incident Location Street	Apt	Intersection	Reporting Officer	Dispatcher
Umpawaug Road		Mallory Lane	215 Peterson	551

(Other Person) Discala, Nicole S: F R: W DOB [redacted]-1988 42 Twitchgrass Rd , Fairfield ,CT

(Other Person) Elmendorf, Donald Work:203-287-3969 TD Bank Corporate Security

(Other Person) Barghaus, Peter Work:203-802-7559 Geico Insurance

(Other Person) Kennedy, John S: M R: W DOB: [redacted]1959 Home:203-743-9122 16 Turkey Pln Rd , Bethel ,CT

(Other Person) Santos, Jeffrey S: M R: W Home:203-648-1855 85 Grassy Pln Rd , Bethel ,CT

(Other Person) Harper, Albert 45 Walker Rd , Lenox ,MA

(Other Person) Amorando, Jacob S: M R: W DOB: [redacted]1993 12 Barnes Lanes , New Milford ,CT Lic #. [redacted]

Oper: DABELA, Gugsa A. S: Male DOB: 1/1/1979 8 Indian Hill Road Redding,CT Lic No.: 018971608 CT
Owner: ABRAHAM DABELA & ASSOC LLC
, 4505 Queensbury Rd ,Riverdale,MD
(Accident) 2004 MERCEDES BENZ ML SUV GRAY Reg: AET14F MD VIN: 4JGAB57E54A476902

F COPY

On 4/13/2015 I was requested by Sergeant Quinn to go to the Gerogetown Fire Department to meet with eight members to obtain a DNA sample. These individuals are William Ely, Donald Baker, Liam Bauer, Michael Heibeck, Micheal Ducey, Preston Boyd, Gregory Zap and Khalid Gourad.These are all members of the volunteer Georgetown Fire Department and respond to medical and fire call and all responded to the scene for this incident. I met with and obtained a DNA swab from six of these members. Preston Boyd and Gregory Zap were not present to submit a sample. The DNA swabs were individually collected and sealed with evidence tape and identified with each members GFD call number. They were brought back to the Redding Police Department by myself and left for Officer Dias as instructed.

☐ Ofc ☐ Prosecuto ☐ Det ☐ Yout ☐ Records ☐ Spec ☐ Patrol ☐ Traffic ☐ Admi

Subscribed and sworn to before me ... se statement.

DSS-14-001194

Supervisor ID ID Date
This Day of 20

Redding Police Department 142477

the Redding Pilot
NEWS ARCHIVES PRIOR TO JANUARY 2018 • AN HAN NETWORKSITE

Georgetown firefighters are raising money for Tunnel to Tower 5K

By Redding Pilot on September 17, 2014 in Events, Police & Fire · 0 Comments

About author

Redding Pilot

Georgetown volunteer firefighters Matt Billy, Frank Rizzo, Hal Gourad and Liam Bauer practice running in their full-gear for the Tunnel to Tower 5K in New York on Sept. 28. The men practiced by running a 5K in town last week.

Four Georgetown volunteer firefighters will once again run the Stephen Siller Tunnel to Tower 5K in New York on Sept. 28 in full turn-out gear.

The four firefighters, Matt Billy, Frank Rizzo, Hal Gourad and Liam Bauer, are raising awareness and money for the Stephen Siller Tunnel to Towers Foundation, where proceeds go to first responders and military service members who need assistance.

On Sept. 11, 2001, Stephen Siller, a firefighter from Park Slope, Brooklyn, had just gotten off the evening shift at Squad 1 when he heard about a plane hitting one of the towers of the World Trade Center. He then put on his gear and drove his truck to the Brooklyn Battery Tunnel, which was already closed to traffic. Instead of turning around, Mr. Siller ran through the tunnel to get to the towers while wearing all his gear that weighed about 60 pounds. Mr. Siller did not come back from the World Trade Center.

Mr. Gourad said the department has a goal to raise $5,000 by Sept. 28.

To donate, visit gtownfire.org or stop by the firehouse Monday evenings at 7.

To learn more about the race visit tunneltotowers.org/stephens-story.

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UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

ESTATE OF GUGSA ABRAHAM DABELA, et al,	)	
Plaintiffs,	)	
vs.	)	No. 3:16-cv-00534-RNC
TOWN OF REDDING, et al,	)	
Defendants.	)	

VIDEO CONFERENCE DEPOSITION OF SUZANNA RYAN, MS, D-ABC

CARLSBAD, CALIFORNIA

THURSDAY, OCTOBER 11, 2018

REPORTED BY:

Valerie C. Rodriguez
CSR No. 12871 (orig 6980)

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

ESTATE OF GUGSA ABRAHAM DABELA, et al.,
Plaintiffs,
vs.
TOWN OF REDDING, et al,
Defendants.
) No. 3:16-cv-00534-RNC

VIDEO CONFERENCE DEPOSITION OF SUZANNA RYAN, MS, D-ABC, TAKEN ON BEHALF OF THE PLAINTIFFS, AT REGUS BUSINESS CENTER, 701 PALOMAR AIRPORT ROAD, SUITE 300, CARLSBAD, CALIFORNIA, COMMENCING AT 9:07 a.m. AND ENDING AT 11:21 a.m. ON THURSDAY, OCTOBER 11, 2018, BEFORE VALERIE C. RODRIGUEZ, CERTIFIED SHORTHAND REPORTER NO. 12871 (ORIGINALLY 6980).

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ALSO PRESENT: (VIA PHONE)

ALBERT ASCIUOTTO
MADDY SINKOVICH

INDEX TO DEPOSITION OF SUZANNA RYAN, MS, D-ABC
OCTOBER 11, 2018

EXHIBITS

MARKED	DESCRIPTION	PAGE
Exhibit 200	Report of Suzanna Ryan, MS	7
Exhibit 201	Report on Forensic DNA Analysis, by Michael J. Spence, Ph.D.	7
Exhibit 202	Investigation Report by Sgt. Mark Davison	8

INFORMATION REQUESTED: (None)

DIRECTIONS NOT TO ANSWER: (None)

CARLSBAD, CALIFORNIA, THURSDAY, OCTOBER 11, 2018
~~~9:07 A.M.~~~
-000-
SUZANNA RYAN, MS, D-ABC,
having been first duly sworn,
was examined and testified as follows:
-o0o-
EXAMINATION
-o0o-

BY MR. ALTMAN:

Q Good morning, Ms. Ryan. How are you today?
A Good morning. I'm fine. How about you?
Q My name is Keith Altman. I'm the plaintiff's counsel in this case. We've never met before; correct?
A Correct.
Q I've looked at your CV and you've obviously testified many times in the past; correct?
A I have.
Q How many times have you been deposed, actually deposed in a situation like this?
A When you say "situation like this," do you mean in a civil case?
Q In any case where you've had an actual deposition as opposed to simply testifying on the stand.
A Sure. Well, I worked in Florida in the past
~~~

and that's a deposition state. So I did probably about 20 depos there. Then probably another four or five in addition to that since that time.

Q How many civil depositions have you done?

A That's probably the four or five that I was referring to.

Q What states did you do those in?

A Well, I was in California. I can't remember. One was Chicago, two were California. Now this one. I can't recall the others.

Q I'd just like to go over a few things. You haven't actually been deposed that many times. This is not an endurance test. Any time you think you need a break, let me know, as long as there's no pending question. We'll take a break as you need.

One of the things that's really important and it takes a lot of practice is for you to wait for me to finish asking my questions, and for me to wait until you finish answering my questions so get a clean record and so that the court reporter doesn't get mad at either one of us, particularly me. Okay?

A Sure.

Q You have to use verbal responses. Nods of the head don't work. You have to say yes, no. Okay?

A Gotcha; yes.

Q If you don't understand a question, please let me know. If you don't tell me that you don't understand a question, I will assume that you do; okay?

A Okay.

MR. ALTMAN: I'm going to hand you what's been marked as Exhibit 200, which I believe is a copy of your report in this case.

(S. Ryan Exhibit 200 was marked for identification.)

BY MR. ALTMAN:

Q Could you please confirm that that is your report.

A Yes.

MR. ALTMAN: I'm going to hand you what's been marked as Exhibit 201 which is the expert report of Dr. Michael Spence.

(S. Ryan Exhibit 201 was marked for identification.)

MR. ALTMAN: I believe you reviewed that in this case; correct?

THE WITNESS: Yes.

MR. ALTMAN: I'll hand you what I've marked as Exhibit 202, the accident reconstruction report by Sergeant Davison of the Connecticut State Police.

///

(S. Ryan Exhibit 202 was marked for identification.)

BY MR. ALTMAN:

Q I believe you've seen that report before; correct?

A Yes.

Q Ms. Ryan, to a reasonable degree of scientific certainty, can you say that it's more likely than not that Gugsa Dabela fired the gun involved in his death the night he died?

A We don't really use that term anymore, "reasonable degree of scientific certainty." But -- no, I can't say one way or the other based upon the DNA.

Q Do you think that anybody who -- strike that.

Did you review all of Sergeant Davison's reconstruction report or only the DNA portions?

A I reviewed the entire thing just because I wanted to know what all was in there. But my specialty is solely with DNA analysis. So the other -- there were other components of that report that I would not have an opinion on.

Q You said you don't use the term "to a reasonable degree of scientific certainty." What is the term of art these days that expresses the same context?

A You know, I'm not sure. The only reason I say

that is because it's been brought up a number of times recently and some of -- there's a lot of discussion, especially in other fields, about how certain we are with our forensic results. And it's just come up a number of times that it's not -- for whatever reason, that's not really the way that it's expressed at this point.

Q Well, how would you express it?

A I don't know.

Q So sitting right here as an expert, you don't know how to express the comfort level with your conclusion?

A Well, DNA is a little bit different. But then you get into trace DNA. That's the issue. So I can tell you, I can be confident in results when you have a single source sample that's not a mixture. We can be very confident in those results as far as if someone is included or excluded.

When you get into complex low-level mixtures, that's where we have, you know, issues regarding, is a person included or excluded and there's less certainty.

Q Okay. You would agree that if a person touches an object, it is more likely than not that they will leave some of their DNA; correct?

A No, I wouldn't agree with that. I would agree

that you certainly can leave DNA behind and the tests are getting much more sensitive. So we have a better ability to detect low amounts of DNA. Unfortunately, there's a huge amount of variability in what people -- the amount of DNA that people can leave behind when they touch something.

So they might leave some DNA behind. It might not be detectable amounts.

Q Well, that's a different issue.

A Okay.

Q So let's be precise.

A Sure.

Q If somebody touches an object, there's two choices: Either they leave some of their DNA behind or they don't; right?

A Sure. I mean, if it's below a detectable level, we don't know if it's there or not. I can't tell you if it's there or not if it's below a detectable level.

Q That's not what I'm asking you.

A On.

Q I'm not asking about detection.

A Okay.

Q If somebody handles an object, there's only two possibilities: Either they are going to leave some of

their DNA or they're not going to leave some of their DNA; right?

A Sure.

Q Putting whether you can detect it or not, you would agree, it's more likely than not that if somebody touches an object, they will leave some of their DNA behind than leave none of their DNA behind; right?

A If I can't detect it, I don't know if they left it behind or not. Those two go hand in hand. I mean, I can't answer that question without talking about the detection. There are detection limits. So if I can't detect it, I don't know if they left DNA behind or not.

Q Do you know of any study that shows that a majority of the people who handled an object did not leave a detectable amount of DNA behind?

A Not a majority. There are studies that show people that don't leave DNA behind when they touch something. It's kind of all over the spectrum from leaving no DNA to leaving DNA.

Q But I'm asking the majority. So you're saying you know of no study that says a majority of people --

A No, I don't know that, no.

Q Let me be clear. Let me finish that so we can -- this is very important.

A Sure.

Q I just want to be clear. You know of no study that looked at the question that shows that a majority of the people who handle an object leave an undetectable amount of DNA behind or no DNA; right?

A That is correct.

Q So given that, wouldn't you expect that if somebody touched an object, it is more likely than not that they would leave DNA behind?

A Leaving detectable --

Q I didn't say detectable. You're putting detectable in it.

A But I can't answer that question without knowing it's detected or not.

Q Well --

A You can leave DNA behind and I wouldn't know if it's so low that I can't get a result.

Q So as you sit here right now, you don't have and expectation that if somebody handles an object, it's more likely than not they'll leave DNA behind?

A No, I don't have that expectation because there's too many variables with people that can leave DNA behind or not leave DNA behind. So I can touch something and maybe I'm not a person that tends to leave a lot of DNA behind. You can swab there and not get my DNA even though we have on video that I touched this.

So that's a possibility.

Q I think we're missing each other. Just because it's a possibility that an individual person may not leave DNA behind, I'm asking a different question.

A Okay.

Q You would expect, though, that the majority of people who touch an object would leave DNA behind; right?

A People -- yes, sure. People tend to leave DNA behind when they touch something. The levels of that DNA are different.

Q That's fine.

A Okay.

Q So you would also agree then the failure to detect DNA make it more likely than not the person did not handle that object.

A In some instances, sure.

Q When would it be more likely than not that they did handle the object?

A Again, because there are so many variables with touch DNA, that's not an easy answer -- an easy question to answer. Because people can touch things and leave somebody else's DNA behind. People can touch things and not leave DNA behind.

Those do tend to be the outliers and not the

typical result, but it can and does happen. So I can't tell you a specific number or probability.

Q I'm not -- let me put it this way: If you were told that we tested -- and you're told to say this -- and to pick the most likely -- well, strike that.

The following answers, I want you to give me the more likely answer. The person touched the object, the person didn't touch the object. You get a result that does not detect the person's DNA on the object.

Is it more likely that they touched the object or more likely that they didn't touch the object?

A I do not feel that I can answer that with what we know about touch and trace DNA, because I don't know if that particular person tends to leave DNA behind or not.

So if they are a person that doesn't leave a lot of DNA behind, then it would be equally as likely that they didn't leave DNA when they touched an object.

Q You're getting into the individuals of that person. All things being equal, you know nothing specific about the person.

Wouldn't you agree that it's more likely they didn't touch the object than that they did --

A No.

Q -- if you didn't find DNA?

A No, I cannot answer that scientifically. I can't.

Q I see. So you're saying that -- so, in other words, you're saying that if you can't detect the DNA, it's just as likely that they touched the object as they didn't? Is that what you're saying?

A Say it again, sorry.

Q Okay. So, are you saying, if you do not detect a person's DNA on an object, you are saying that it's just as likely that they touched the object as that they didn't touch the object.

A It would be based upon other scenarios and factors. If -- if this object was a hundred miles away and they had no access to it, then that's different. But based solely on the DNA, I can't give you a specific answer because there's too much variability with touch DNA.

Q So what you're saying, then, is that that's the only piece of information you have, it's just as likely that they touched it as they didn't touch it?

A Based upon what we know about touch DNA; yes.

Q Now, you talked briefly about somebody's -- may transfer somebody else's DNA to an object; right?

A That's possible; yes.

Q So does that mean that the presence of DNA on

an object, you can't tell whether -- you can't -- strike that.

The presence of DNA on an object could mean that that person did not touch the object, but somebody else transferred their DNA; right?

A Yes, that's true.

Q So are you saying that if you have evidence of somebody's DNA on an object, it's just as likely that they didn't touch it as that somebody transferred their DNA to the object?

A It would depend upon the amount of DNA. Not always on the amount, because sometimes -- this is -- again goes back to variability of how much a person -- how much DNA a person leaves behind. So I would want to look at maybe the amount of DNA.

If there's an extremely large amount of DNA, it would be more likely that it's a primary or direct transfer. But what the studies indicate is that when you have lower levels of DNA, there's no way to determine if something is direct or indirect transfer.

You can't look at that profile and say, oh, that's a secondary transfer or, oh, that's directly deposited. So that is true. Most of the time, it's very difficult to determine if something is deposited from direct contact or secondary.

Q Is there somewhat of a hard and fast threshold?

A No.

Q So basically what you're saying, any test that deals with low levels of DNA means nothing?

A It doesn't -- I'm not saying it means nothing. It -- in order for a person's DNA, even if it's secondary transferred to an object, typically we would expect if it was from someone's hands, they had to have recent contact with that person to secondarily transfer it.

Because if it is a transfer from the palm of hand, like you and I shake hands and then I touch something else, I could transfer your DNA to that item. But if you and I shake hands and then five hours later I'm touching something, it would be unlikely for me to transfer your DNA because I've touched so many other things that I've likely lost your DNA.

Does that make sense?

Q Sure. What about if you touch lots of different things in between?

A Right, that's exactly what I'm saying.

Q For example, a wallet, a car door?

A Anytime -- sorry.

Q So for example, touching a wallet would make it less likely; right?

A Made what less likely?
Q In you shook somebody's hands and then subsequent that you touched somebody's wallet, I mean, touched your wallet, then somewhere down the road, it would make it less likely you would transfer their DNA to a third object; right?
A Sure, yes.
Q After you touched the wallet, you touched your money, that would make it even less likely; right?
A Yeah, it could.
Q After that you touched the door of a building to get out, would make it even less likely; right?
A Well, yes, but you also have to understand that you're also picking up DNA. If you touch a doorknob, you're probably picking up DNA that was on that doorknob.
Q I see.
A There's a back and forth transfer. You probably left some of your DNA and whatever was on your hand, you would pick up something, what was on there.
Q Your car door?
A Uh-huh.
Q That would make it less?
A Yes.
Q Your steering wheel, that would make it less;

right?
A Sure. Again, the back and forth transfer would be going on, but absolutely. But that's like, if there was one particular person, not just kind of background, general DNA mixture, but one particular person; yes, absolutely.
Q You'd also agree that a bullet passing through a human body is likely to pick up biological material from the body; right?
A Typically, yes.
Q You would expect that to happen; right?
A Yeah, that's what the studies indicate, that as that bullet is passing through, it's going to be picking up tissue, blood, et cetera.
Q Particularly a hollow point, for example, that has a --
A Yes.
Q -- depressed area, you'd even expect it more likely to pick up biological material?
A Yes.
Q You would agree that a bullet that lacks any biological material on it is unlikely to have passed through a human body, all things being equal; right?
A If it's collected right away, yeah.
Q What if it's checked sometime afterwards, a few

days afterwards?
A It depends. You know, I mean, that is, environmental insults are very detrimental to DNA. It depends on how much starting material was there. Typically, we would expect a large amount of DNA if it had passed through the body. So it would certainly be possible to get a DNA profile even after several days. It would depend on exposure to the elements, did it rain, UV light, things like that.
Q Do you know of any studies that has looked at the degradation of DNA on an object such as a bullet over time?
A So I looked for a particular study about DNA on a bullet. No, I did not find that particular type of study. Touch DNA, which would have less typically DNA to begin with, would degrade and be completely -- no result obtained at all after two weeks. Certainly if you have a body fluid or tissue, it could last for longer than that, I would expect.
Q But even if the DNA were not detectable after a few days, you would still have biological material and biological material is not going to vanish?
A I don't know. I wouldn't have -- I don't have an answer for that.
Q But wouldn't you agree that if a bullet lacks

biological material on it, first of all, there's two possibilities. It could either pass through the body or it didn't; right?
A Correct.
Q If you picked up the bullet immediately after it was fired and it lacked biological material, you'd agree that it was unlikely to be the bullet that struck a person; correct?
A I would agree.
Q Even after a few days, you would still agree that it is unlikely if it has no biological material, that it's unlikely to have passed through a body; correct?
A Probably. Like I said, it would depend. If this bullet were exposed to like a rainstorm, there was a lot of rain, you know, that would be my caveat. Like water, bacterial growth, things like that can definitely have a hugely detrimental impact. But if that didn't occur, it wasn't really hot out, then certainly you would still be able to get DNA after a couple of days.
Q But you don't know any study, though, that has looked at the degradation adopted by water, et cetera; correct?
A I didn't say that.
Q Well, do you know of any study that has looked

at a bullet --
A None.
Q What it does to a bullet over time?
A Sorry. Not a bullet, no.
Q So it's really speculation as you sit here now?
A Well, I don't consider it speculation because I'm an expert in forensic DNA. So tissues contain DNA. Blood contains DNA. So I do have an understanding or education about specifically DNA.
On a particular object, not necessarily, but the DNA is not going to behave differently if it's on a bullet as opposed to a rock or a two-by-four or a knife or something like that.
Q Well, that's not necessarily true because the composition of the material you're talking about, one is a wood versus one is a metal object; correct?
A I'm telling you my opinion and my educated opinion of what I know about DNA. I'm not going to argue about it, like that's just an example.
Q I'm asking you for a scientific paper that has looked at the question. You don't know of one.
A Not specifically on a -- well, actually, can I refer to my notes quickly.
Q Of course you can.
A Because I did try to -- there is a bread

wrapper if you need it. Never know what I'm going to find in my bag.
I did try to do some research specifically on bullets and, you know, as they pass through a person. That was certainly something I looked at and that I kind of already had an opinion on that and that helped kind of solidify that opinion, especially with the hollow point we would expect to see tissue and DNA.
I'm just wondering if this particular study had time passage or was the bullet outside. So that's what I'm looking at right now.
Okay. So the particular studies that I relied upon, I don't -- I don't think that they discussed necessarily a perforating bullet that had been left outside for any extended time period.
Q Okay. So you agree that the absence of biological material on the bullet in this case means it unlikely that was the bullet that struck Gugsa Dabela; correct?
A I think it makes it less likely. I would want to know what the specific environmental conditions were during that time period when it was outside before it was collected. Because I do think that that does have an impact and I would also want to know exactly where the item was swabbed. I did have some questions about

that.
I looked at the notes from the analyst, but it was unclear to me whether that middle hollow point was swabbed. It seems likely that it would have been. I did look at her experience. She's a trained, you know, experienced analyst. I would expect that it was.
There was just some conflicting information.
Q I mean, I'm a general scientific guy too, and I think it's reasonably common sense that the hollow point is going to be the most likely place to accrete biological material; correct?
A I would expect that that area would have been swabbed. Like I said, the only reason I bring it up as a question was based upon a comment in the reconstruction report.
Q Right. Now, can you say to a reasonable degree -- whatever standards you want.
A Uh-huh.
Q To a reasonable -- can you say that it's more likely than not Gugsa pulled the trigger that night?
A No.
Q Would it be -- you have a criminology background; correct?
A I mean, it's -- yes, general, but it's specific to DNA. My specialization is DNA and that's what my

training and experience has been in.
Q I understand that. But do you think based upon -- you read Sergeant Davison's report. Do you think it's a reasonable conclusion by anyone given the circumstances, you obviously read them, that Gugsa pulled the trigger that night, that it's more likely --
MS. WINTERS: Objection to form.
BY MR. ALTMAN:
Q Strike that. Let me ask it a little better.
Based upon your review of the reports and your knowledge and expertise, do you think it's a reasonable conclusion for anyone to say that it is more likely than not that Gugsa pulled the trigger that night?
MS. WINTERS: Objection to form.
THE WITNESS: But I can still answer; correct?
MR. ALTMAN: Yeah, yes.
MS. WINTERS: Yes.
THE WITNESS: That's not my job to determine. As a -- I would not -- that's not my area of expertise. I don't do crime scene reconstruction. I look at DNA. That's it. So that's not anything I could ever answer.
BY MR. ALTMAN:
Q But based solely on the DNA, you would say it would be unreasonable to say that Gugsa pulled the trigger that night?

A No, I would not stay that.
MS. WINTERS: Objection to form.
BY MR. ALTMAN:
Q So you think it's a reasonable conclusion that he pulled the trigger?
A Yes.
Q Based on what?
A Based upon the fact that, number one, you don't always leave your DNA behind when you touch something.
Number two, I don't think the lab interpreted the mixture properly and I think it's quite likely his DNA is probably present on that trigger.
Number three, talking about the bullet, there is some DNA there. The lab chose to discontinue testing, but there is some DNA present on that item and I would love to see that concentrated and amplified and see whose DNA is on that.
Q So you think it's more likely than not Gugsa actually pulled that trigger.
A That's not what I said.
Q I just asked you -- well, okay.
A You asked me the opposite and I didn't agree with that.
Q Right. Let's be clear, then. Is it more likely than not Gugsa pulled the trigger that night?

A I cannot say that.
Q Okay. So it wouldn't be a reason- -- based on the DNA, would it be a reasonable conclusion for anyone to say that it's more likely than not that Gugsa pulled the trigger that night?
A I don't think that you can say --
MS. WINTERS: Objection to form.
THE WITNESS: My opinion is, based upon the DNA, you can't make a determination one way or the other. That's not what the DNA is telling you or can ever tell you.
BY MR. ALTMAN:
Q So you're saying that DNA can never tell you that somebody didn't touch an object?
A Wait, what?
Q Are you saying that the DNA test can never conclude -- confirm that somebody did not touch -- that somebody did not touch an object?
A Correct.
Q The presence of DNA cannot say for sure that somebody did touch the object; right?
A That's true, not necessarily.
Q So isn't DNA essentially useless except in the most extreme conditions?
A I would tell you that as the testing has gotten

more sensitive and we know that we can pick up other people's DNA, it has -- it's not as useful, unless you have, you know, blood stains, things like that. You have a perpetrator's DNA on a victim that they don't know each other, there should be no -- there's no reason for their DNA. That can be a linkage.
When you have an object and you swab it and you get a mixture of three, four, five different individuals, it becomes not as useful, not as informative. Absolutely.
Q Now, you'd agree one of the scenarios is Gugsa did not touch the trigger that night; right?
A Sure, that's a possibility.
Q Another scenario is he did touch the trigger; right?
A Did touch the trigger?
Q Right.
A Yes.
Q You're saying, based on the DNA, you can't tell which is which or which is more likely than the other?
A That's correct.
Q So it's more likely that Gugsa touched the trigger and did not leave enough of his DNA behind than he didn't touch the trigger?
A I can't tell you which one is more likely. I

just said that.
Q So based on your experience now, you find it close to as likely either way?
A Yes, because I don't know if this individual tends to leave DNA behind, how much DNA he leaves behind. I also don't agree with the lab's conclusions that he's 100 percent excluded. I -- well...
Q So you disagree with the lab?
A I disagree with their conclusions. I'm not disagreeing with their results. I disagree with the conclusion that he is one -- that he is excluded. Excluded is 100 percent he is not present in that mixture.
When I look at the data, my conclusion would be that it is inconclusive because it is low-level data with dropout. I don't believe it was properly interpreted.
Q You're saying excluded means 100 percent. That's not true. It means highly unlikely; correct?
A No, not in DNA -- not in the world of DNA testing. Excluded means that person is not present on that item.
Q But that's always a statistical assertion.
A No. There's no statistics applied when you do -- when you have an exclusion. When you have an

inclusion, then you apply a statistic to determine how likely it is that it's their DNA or the probability that their DNA is present.

Q So you're saying, it's possible to exclude a person 100 percent, literally 100 --

A I don't think --

Q I'm saying, in general, there is the possibility of excluding a person 100 percent?

A Yes.

Q Not one part in 10 trillion, but literally 100 percent?

A Exclusion is exclusion. They are not present.

Q Gotcha. By the way, a bit of common sense here is if Gugsa -- you'd agree, if Gugsa did fire the gun that night, he didn't commit suicide; right?

A I can't --

Q Listen to my --

A I have --

Q Listen to my question --

A I --

Q Listen -- before you say it, just listen to my question. If it turns out he did not fire the gun, he could not have committed suicide by shooting himself in the head with a gun; right?

A Okay, so -- sorry.

MS. WINTERS: Objection to form.

THE WITNESS: I apologize. Yes. If he did not fire the gun, right, then he did not commit suicide. I apologize.

BY MR. ALTMAN:

Q Okay. I mean, it's kind of a condition -- it's kind of a condition precedent; right?

A That's -- that's a common sense sort of answer. That doesn't have to -- yeah.

Q Right. So if you can't say for sure that he fired the gun that night, you certainly couldn't with any more precision say he committed suicide that night; right?

A Absolutely. I cannot say.

Q But nobody could, not just you. Nobody could; right?

A If he -- right; yes.

Q I mean, you can't -- this is not one of the those circumstances where there's eight or ten factors and you can compare them all together in reaching a conclusion. This is a step.

In order to get to suicide, you have to get to fire the gun, et cetera, and things like that. There has to be a gun around. These are things, if any one of them fails, the whole rest of the conclusion fails;

correct?

A Sure.

Q I want to be precise with my question, so bear with me a second.

A Sure.

Q So you'd agree that if the DNA does not allow a conclusion as to whether Gugsa pulled the trigger that night, that there would have to be some other non DNA evidence to allow you to conclude that he pulled the trigger; right?

A No. There can be -- oh, non-DNA. I apologize; yes.

Q There would have to be other additives besides --

A Sure.

Q Like if somebody watched him pulled the trigger --

A Sure, sure, sure. I was thinking you were saying other DNA evidence. Yeah, no. There would -- well, there should be some other -- I don't know. I have a problem answering this because it's kind of getting outside the realm of my expertise.

It would make sense in a police investigation or some investigatory manner that there would be some evidence of him pulling the trigger, sure.

Q Now, in your report, if you'd flip to the last page, page 14.

A Okay.

Q Conclusion number two. You wrote, "It is entirely possible to touch a person or object and not leave behind a detectable amount of DNA;" right?

A Yes.

Q Okay. Based on the, studies you reviewed, how likely is that to happen?

A Every study that discusses touch and transfer DNA has examples and instances where there's no DNA detected. So it's a likely possibility. It doesn't mean that every time.

So I don't have a specific number of, like, percentage of samples. But every single study that talks about touch transfer DNA has examples of no DNA being detected.

Q I understand that. But a likely possibility, that doesn't really say anything. That's not a -- how probable is it. You're saying you can't say how probable it is; right?

A Because there are other factors. That's why I said detectable, because it's not just did they leave DNA behind, but was it swabbed appropriately? Was the right type of swab used? How did they extraction? Were

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there any errors in the extraction? Was the sample concentrated?

So there's all these other factors that lead up to, can we get a profile.

Q But I think you said before, you know of no study that shows a majority --

A That's true.

Q -- of the people?

Do you know any study that shows more than 20 percent of the people left behind no detectable DNA?

A I think that would probably be -- I would have to do the research and find a particular one, but based upon my review and understanding of touch and transfer DNA, I think that's a likely possibility, to find a paper where 20 percent did not leave a profile.

Q I'm not asking for a likely possibility, but that's not something that really -- do you know of any paper that shows where a study was done, and a protocol where they tried to be consistent approach, because I understand your concerns about how it was done, but a study that had a protocol, you know what I mean; right?

A Yes.

Q They had a specific setup?

A Yes.

Q Do you know of any study that shows that more

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than 20 percent of the people left behind no detectable DNA?

A I would say yes, some of the earlier studies. I would say now, later, as we get more and more sensitive with the testing methodology, I'm not sure 20 percent in the newer, more sensitive tests.

But I would not -- I'm trying to, you know, I'm -- I read a lot of papers. I'm trying to think off the top of my head studies that talk about specific percentages.

I would say -- I could probably do the research and find a paper between 10 to 20 percent of individuals who do not -- are not leaving a detectable profile.

Q But you don't know if such a paper exists?

A I know some of the older studies and probably some of the newer studies as well. I cannot point you to a specific study at this juncture.

Q This is an important question in this particular case, isn't it?

A Yes. And that's why I'm remarking that every single study talks about people leave behind DNA, people leave behind no detectable DNA. It is not surprising. It is not -- if you look at any study on transfer of DNA, you will see that.

Q I --

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A That's why I listed all those studies.

Q I understand, Ms. Ryan, but we're talking about overall, in a study, not just an isolated case report.

A I'm not talking about isolated case reports. I'm talking about studies.

Q I was talking about, but that's still a case report within a study.

Do you understand, when I say a case report, you can always point to in any clinical trial of any kind, even when the chosen drug is efficacious, there are still people for which the drug didn't work; right?

A Sure.

Q That's biological variability. That's kind of what we're talking about here; right?

A Sure.

Q Talk about some people shed a lot of DNA and some people don't.

A Yes.

Q So in any study, no matter what the overall results are, you can always find somebody that is contrary to the conclusions of the study; right?

A Yes. But the studies are not showing just one person that's not leaving DNA. It is consistently through every study, through multiple studies, it's not just one person. That is a known -- this is not like an

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unknown thing in the field of forensic DNA testing. Sometimes you leave DNA behind and it's detectable and sometimes you can't detect it.

Q And I --

A If you want, I can stop and let me go through my studies and let's see if I can pull out a percentage for you with the ones that I have here.

Q Well, maybe we'll come to that. But just because you can find one and just because every study finds one does not mean that, overall, as I asked, 20 percent of the people.

I mean, you would agree, there's a difference between if 50 percent of the people leave no DNA says one thing, if one percent of the people leave no DNA, that's a completely different conclusion; right?

A Sure.

Q And even though -- and maybe it showed a couple people left behind no DNA, the fact that it is one percent means something very different than if it was 50 percent of the people; right?

A Sure.

Q Now, if the study -- if there's no study that shows that more than 20 percent, let's say, and I'm throwing that number out there, of the people leave behind no DNA, you would agree that all things being

equal, you would have to say if an object didn't have a person's DNA on it, it's unlikely they touched the object; right?

A I would not use the term "unlikely."

Q Well, it's --

A There might be a lower likelihood or lower probability, but I would not use the term "unlikely" because there's so many factors in touch DNA and so many different variables that I couldn't answer that question.

Q I see. What if you weren't able to give those results, you would still be able -- you will still just say, no, I couldn't say one way or the other, even though the vast majority of people leave behind DNA. The fact that there's no DNA --

MS. WINTERS: Objection to form.

BY MR. ALTMAN:

Q -- mean anything; correct?

A You lost me on that one, sorry.

Q So is what you're saying, that even if the studies all show consistently that the vast majority of people leave behind DNA, you wouldn't be able to say anything about the absence of DNA on a particular object with respect to a particular person?

A That is true; yes.

MS. WINTERS: Objection to form.

MR. ALTMAN: Gotcha.

BY MR. ALTMAN:

Q In other words, all the scientific studies mean nothing to you --

A No.

Q Let me finish my question.

A Sure.

Q -- because regardless of what the general conclusions are, every case could be different anyway; right?

A No. Scientific --

MS. WINTERS: Objection to form.

THE WITNESS: Scientific studies actually do mean a lot to me and I spend a lot of time reading them because I think they are important to get a baseline understanding of trace or touch DNA and what we as scientists can expect or not expect to find.

So it is important to look at those studies and have an understanding that just because someone has touched something does not mean they're going to leave their DNA.

There's a study where they have videotaped experiments watching people. They know that these people touched particular objects and sometimes when they swab those objects, there was no DNA.

BY MR. ALTMAN:

Q But --

A Sometimes there was transfer DNA from one person to another to another that they never came into directly contact. They touched the same jug of water or jug of juice and they saw that transfer.

So the point is, as a scientist, I cannot say because someone's DNA is there, that means they didn't touch it. I cannot stay that.

Q But the vast majority of people when they touch an object, they leave DNA behind; correct?

A I don't agree with the vast majority.

MS. WINTERS: Objection to form.

THE WITNESS: I don't agree with that.

BY MR. ALTMAN:

Q More than 50 percent of the people who touch an object leave behind their DNA; correct?

A I would say that is likely, yes.

Q More than 75 percent of the people who touch an object leave behind their DNA.

A I don't know about that.

Q Okay. More than 50 percent of the time, the presence of somebody's DNA on an object means they touched the object; correct?

A No. I can't say -- because someone's DNA is on an object, I can't say that they directly contacted that.

Q I didn't say that.

A You said touched.

Q More than 50 percent of the time, would you agree that if somebody's DNA is on the object, they touched the object; right?

A No.

Q So you have studies that show that it is more likely than when somebody's DNA is found on an object, they did not touch the object?

A No. I have studies --

MS. WINTERS: Object to the form.

THE WITNESS: I have studies that show that secondary transfer is a very real possibility and does occur. So I cannot, as a scientist on the stand say, because that person's DNA is on the object, they must have had direct contact with that. I cannot stay that.

BY MR. ALTMAN:

Q Do you know of any study that says more than 50 percent of the time when somebody's DNA is found on an object, they did not directly touch the object?

A That's not the way the scientific studies work in the forensic field. We're looking to see what

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occurs, you know, based -- given a particular scenario or experiment, what do we tend to see. And the results are all over the place. Sometimes you see the person's DNA that touched it. Sometimes they transfer someone else's DNA. Most of the time, there's a mixture of DNA.

So I can't take one particular scenario and say, because that person's DNA is on the object or is not on the object, that that means they touched it or did not touch it. I can't stay that. We cannot scientifically say that.

Q What question did I -- were you answering here? Because I don't know if it's the same as the one I was asking.

A Okay.

Q What question were you answering?

A I don't remember anymore. You can ask again.

Q Do you know of any study that says that more than 50 percent of the time, when a person's DNA is found on an object, it was because of secondary transfer?

A Yes.

Q Where more than 50 percent of the people, it was secondary transfer?

A Yes.

Q What study is that?

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A The Kale study.

Q That Kale study. Which one is that?

A I believe that that was one that I have referenced, where they were seeing secondary transfer multiple -- in multiple scenarios. It was with a knife.

Q And more than 50 percent of the time --

A I can pull it up and double-check the percentages.

Q Let's do that.

A Because that's not exactly what we do as far as percentages, but I can certainly do that.

Q Let's do that because I think that's an important one.

A Okay. Secondary transfer occurred in 17 of the 20 knife samples, 85 percent.

Q Can I see that?

A Four of those samples, no DNA was transferred at all.

Q Where did you just read that?

A Secondary DNA transfer occurred in 17 of the 20 samples, which is 85 percent.

Q How many of those had no DNA, undetectable DNA from the person who primary touched the gun -- primary touched the knife?

A The knife?

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Q And only transferred the secondary DNA.

A Okay.

Q Do you understand my question?

A Yes, I do.

Okay, let's see. Secondary transfer from knife samples B, I, L, N, and X, which -- where the secondary contributor was either the only contributor -- oh, it says or the major contributor -- hold on. Let's see if it tells me only the secondary transfer.

I apologize. I believe it was only one, but I just want to -- since it's an important point here, I want to make sure that I get the correct answer.

So I think it's just one where the main -- well, this is major component. I don't think it specifies. It talks about five samples where secondary transfer was the most pronounced -- the secondary contributor was either the only -- they had to have at least one.

I'm sorry, I can take some time off the record and re-read this, but my recollection was one. It talks about five samples where the secondary contributor was either the only contributor, the major contributor, but I -- if you like, I can --

Q Well, leave that on the side.

A Sure.

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Q I actually want to look at that paper for a second.

A Sure.

Q Let me ask a parallel question. Several of the first responders were swabbed for their DNA; right?

A Yes.

Q You'd agree that for the same reasoning that you can't exclude that Gugsa touched the gun, you couldn't exclude any of the first responders as well?

A I agree. I think that the profile is inconclusive.

Q Is there any special training to do a buccal swab?

A I don't know if it would be special training. I mean, they do talk about -- there's some training. You want to wear gloves. You want to use a sterile buccal swab, sterile swab and -- a small amount of training. I don't know if I would call it special training or specialized training.

Q Can anybody just take one of the those things and open it up and do it right?

A I hesitate to say anybody. I'm sure there's someone who could mess it up.

Q Somebody, a reasonably intelligent person.

A Yes. I believe so, yes.

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Q What's the ASCLD?
A ASCLD. That's American Society of Crime Laboratory Directors.
Q Who are they?
A Well, they are -- so there's ASCLD and ASCLD/LAB. Are you asking me about the accreditation board or about --
Q The accreditation board.
A So ASCLD/LAB is the laboratory accreditation board of that organization. They've since merged with another company that does audits. They audit forensic laboratories.
Q You're aware that -- ASCLD, is that what you say?
A ASCLD/LAB.
Q The lab in Connecticut is ASCLD/LAB certified?
A Yes.
Q Does that mean as a general proposition, they do things the right way?
A In general; yes.
Q Do you have any evidence that ASCLD/LAB had any problems with the Connecticut lab?
A I wasn't provided with that information. I know they're certainly accredited, so certainly nothing to the level of losing their accreditation or something.

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Q Do you know if there have ever been complaints to ASCLD about the Connecticut lab?
A I wouldn't know.
Q So you don't know?
A I do not know.
Q Those labs are routinely subject to audits; right?
A Right. Every five years is when the ASCLD/LAB audit is conducted.
Q Do you know anything about the last audit on the Connecticut lab?
A I don't. I was going to also say that every other year, there's another agency that comes in and does an audit, but I do not know of any issues with audits.
Q I think you alluded to this before, but anytime there's mixtures of low-level DNA, that creates interpretation problems; correct?
A It can, for sure.
Q As the level of detection becomes lower, lower, and lower, it becomes a bigger and bigger problem; correct?
A I would agree with that; yes.
Q So you in essence disagree with the Connecticut lab and Dr. Spence that Gugsa is excluded based on the

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results; correct?
A Yes, I think the results are inconclusive.
Q Based on what you know, how likely is it that somebody would transfer secondary DNA and none of their own to an object? Do you have anything besides the Kale study?
A There are a couple other studies that indicate that. That is definitely less likely. Usually, you would see maybe a mixture of the person's DNA as well as the secondarily transferred DNA. So that's kind of an outlier. It can occur, but certainly not as frequently.
Q Talking about the projectile, you say there was DNA on the bullet; right?
A It was a very low amount, but there was some DNA detected; yes.
Q Using Quantifiler Duo; correct?
A Yes.
Q What does the Duo mean?
A That you're looking for both male -- total amount of human DNA as well as is there any male DNA present.
Q You said that there was 72.5 picograms of male DNA.
A Can I refer to my report?
Q Sure. Listen, the exact number doesn't matter.

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It's a pretty small number; right?
A Exactly.
Q If it was 72.3, we're not going to quibble over...
A Okay.
Q Do you know who John Butler is?
A I do.
Q Were you aware that he said, when you get measurements in the range of 10 picograms to 90 picograms, the estimates are notoriously widely unreliable?
A Sure. That's fair.
Q The 72.5 picograms, is that maybe about 12 cells?
A Yeah. That sounds right; yes.
Q The total DNA estimation was undetermined, right?
A Yes, that's correct.
Q Which means zero effectively; right?
A So that would be in the -- what they call the total human DNA. That came up as zero. There was some very low detected level in the male specific quantitation; right.
Q Males are human; right?
A Yes.

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Q Wouldn't you expect that if you found some male DNA, you'd find some total human DNA?
A Well, that's a problem. You get to that low of a level, it's not as reliable. So it could be that that's a false reading. That's certainly possible when you have that low amount. Or it could be just a few cells worth of DNA, yeah.
Q But it is a bit inconsistent that --
A That happens sometimes. There's two different primers that are being used during the real-time PCR. So it would be possible to have a result in one, either in the human and not in the Y, or in the Y and not in the human when you have levels that are that low.
Or when you have levels that low, it can be just a background reading as well.
Q In other words, there is no DNA?
A That's possible; yes.
Q So based on those readings and those results, is it more likely than not that there's human DNA on that bullet?
A The problem is, I can't stay for sure because quantitation is an estimation. So it's possible. You know, what we've learned is that you can get a zero reading and amplify it and get a DNA profile.
So I am one -- in my training, I've always

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moved forward with DNA testing regardless of the quantitation results. And in this case, since we are seeing an indication of possible DNA, you could move forward and see if you're able to get a result.
Q But as you know right now, okay, not with what you might be able to do. I mean, first of all, you can do that and find there's no DNA; right?
A Sure.
Q How often have you come across instances with original readings that low and under amplification, you find measurable DNA?
A I just did a validation study at my laboratory. We were getting results down to seven and a half picograms of DNA.
Q Right.
A So that's ten times as much. You could get a result from that. It doesn't mean that you will. It is low level.
Q I'm asking how likely, how often does it happen?
A Every sample is different. I can't --
Q In your --
A I can't --
Q You don't have a generalized --
A At least 50 percent of the time, probably even

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more --
Q -- that you --
A -- you would get a result, at least a partial result when you have a reading of 72 and a half picograms.
Q By the way, if somebody breathed on the bullet, could that put that level of DNA on a bullet?
A No, no. Maybe if they coughed on it, maybe, but not just breathing on it.
Q If they had a cold?
A If they touched it with their fingers and they didn't have a glove on, it could.
Q They would probably leave more DNA than that if they touched it?
A No, not necessarily. Right?
Q I understand. But probably they would leave more DNA than that?
A No.
Q I didn't say always.
A No, I can't say probably.
Q Gotcha. Is it still possible to test the bullet and do the amplification that you talked about?
A Assuming that the labs saved the extract, yes, the DNA extract. So you wouldn't want to go back and retest the bullet. I mean, assuming that everywhere had

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been swabbed on the bullet, the DNA extract, so the liquid that the DNA is in, that should have been retained and, yes, that could be tested.
Q So what do they do when they concentrate it. They just...
A So, you know, I think it was 50 microliters was the original volume. That's about the size of a drop from a medicine dropper. You can concentrate that liquid, make -- basically you're evaporating some of the liquid.
There's different ways to do it. Different labs do it differently. But you would concentrate it down to the maximum amount that you can put in the amplification reaction, which it depends on what kit they're using. But probably about 10 microliters.
All that's doing is making sure that you get -- all of the DNA that is in that sample is then added to the copying reaction. So there's a maximum amount you can put in there. You can't put 50 microliters in. You can only put 10 microliters or 15 microliters, depending on the kit.
Q So in other words, you're taking out the excipients or whatever?
A Taking out the what?
Q The excipients, the medium of exchange, for

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lack of a better term, whatever it is that you have the DNA in --
A Yes.
Q -- you're getting rid of the non-DNA portion of it?
A Yes. Basically it's in a liquid form, so you're just -- you're basically evaporating some of the that liquid, so that instead of 50 microliters, now you have the same amount of DNA but in a smaller amount of liquid, so all of that can go in.
Q The issue with the temperature of the bullet.
A Yes.
Q What was the temperature of the bullet as it passed through the skull?
A So there have been some studies that have been done on this, when -- I don't know when it went through the skull. When it's fired from the -- from the weapon itself, it does reach very high temperatures.
Probably -- I could refer to my report, but -- or to a journal references, but it's around a thousand degrees Celsius.
Q The front of the bullet?
A The bullet itself. I don't know, I would have to look at that and see if they're talking about the front of bullet or the casing.

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Q So you think it's likely that the entire bullet itself gets to a thousand degrees from it being fired?
A I'm not sure. That's -- you know, I looked at references to try to get an estimation for how hot that bullet gets when it is fired. But I don't have a specific knowledge of that other than what I've tried to research.
Q So is it fair to say you have no idea what the effective temperature was on this bullet in this case?
A Right. So I can say the casing and when the bullet is fired, what the research has shown, that it's at least a thousand degrees Celsius. But this particular bullet, the head of the bullet versus the casing of the bullet, I don't know.
Q Or what happens to the temperature as it passes through the skull, you have no idea?
A Sure, that's true.
Q So is it fair to say you really can't say that temperature had any effect on the ability for it to accrete DNA or not?
MS. WINTERS: Objection to form.
THE WITNESS: So, like we already discussed, when a bullet passes through a body, there's a pretty good likelihood you're going to get DNA from that bullet. So that's all I can say about that. I know

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that it would not immediately hit the body and destroy any DNA that's present. You're likely to get a DNA profile from that.
BY MR. ALTMAN:
Q I understand, but I'm just trying to -- because you commented on the temperature. I just want to take the temperature issue.
Is it fair to say that you really don't know what, if any, effect the temperature of the bullet had on the ability to accrete and retain DNA? Is that a fair statement?
A You're talking about the bullet specifically, not the casing; correct?
Q Whatever passed through the skull.
A Okay, then the bullet. Yes, that is fair to say. I am not necessarily an expert on bullets passing through bodies other than to say that I know you can get DNA from them. I know that heat can have an impact certainly on DNA. But even that high of heat, we can still get DNA sometimes from the casings.
Q From the casings?
A Yes.
Q But we're talking about the bullet here.
A I understand that.
Q There's no paper you read that talked about the

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effect of temperature on the bullet as it passed through the body --
A No.
Q -- on its ability to accrete DNA?
A No, that's correct.
Excuse me.
Q Do you need to --
A No. It was from New York, so it's not from my child.
Q Been there, done that. I have four.
A I'm sure.
Q I know all about it.
A But thank you. I appreciate that.
MR. ALTMAN: Let's take a break.
(Break in the deposition taken at 10:12 a.m.)
0o0
(The deposition resumed at 10:19 a.m.)
0o0
BY MR. ALTMAN:
Q So coming back to conclusion two.
A Okay.
Q You say it's entirely possible to touch a person or object and not leave behind a detectable amounts of DNA; correct?
A Yes.

Q But you can't specify how probable that is; correct?

A I mean, not specifically, because there's -- because of the individual variation in people. We can look at -- like you had mentioned, looking at the studies to try to get a percentage.

The study that I was just looking at is talking about no profile and they looked at different age groups. And it was -- this is -- but the problem is, they consider no profile to be less than 10 alleles.

Q What study is that, by the way?

A Sure. Sorry. This is another one that's referenced in my report. I don't know how you pronounce her name, Micaela Poetsch, P-O-E-T-S-C-H. They were looking at different age groups and what they consider no profile. One- to four-year-olds, 20 percent left no profile. 11- to 14-year-olds, 40-some percent left no profile.

But again, I would agree with you that -- or add the caveat that they're saying no profile is less than 10 alleles or types. So a little bit different than absolutely no DNA. But they're showing that of the whole range, where you can get a full profile from touch, partial profile, or no results at all.

Q Three, you say it's also possible for a person

to touch an object and leave their own DNA, a mixture of their own DNA, and foreign DNA, or to leave only another individual's DNA on their item in question.

A Right.

Q That's certainly a 100 percent possibility because those are the only three possibilities; right?

A Well, they can also not leave their DNA.

Q Okay. That one is not here. That's fine.

Assuming that DNA is left -- and I guess if you took two and three, that would equal 100 percent?

A Sure.

Q Okay. And I think you said before, you would agree that more than 50 percent of people would leave some DNA; right?

A I think that's a fair assessment; yes.

Q So of these three possibilities, can you quantify them, the probability of each one of the those?

A Not specifically, not without looking at a lot of studies and results from all the studies that I can find and coming up with a specific number. So I guess it would be possible. I don't have that number to give you right now, though.

Q But I think you did concede that the last choice, to only leave somebody else's DNA, that is much less likely?

A I would agree with that; yes.

Do you want me to add to that?

Q Sure.

A I would say that typically, it's most common to leave a mixture of your own DNA and someone else's DNA. I would say that's probably the most -- either leaving your own DNA or a mixture of yours and someone else's is probably the most common scenario.

Q What is the likelihood of leaving detect -- you know, interpretable amounts of somebody else's DNA and not interpretable amounts of your own?

A That does occur. I don't have a specific number to give you. I think that's -- like I said, that's probably a lesser likelihood, but we do know that it occurs and it occurs routinely because people leave different amounts of DNA.

So if you happen to be a person that leaves a lot of DNA and I happen to be one that doesn't and we shake hands, then there could very easily be more of your DNA on my hand to be transferred elsewhere.

Q You would agree, along with conclusion number four, if this bullet didn't pass through Gugsa's head, it is not the bullet that killed him; right?

A Sure; yes.

Q You know, I'm just a bit curious. You talked

about fingerprint analysis on page 4 of your report. Why did you even discuss fingerprint analysis at all if that's not your area?

A Why did I discuss it? I discussed it because I know that it's possible at times to get a fingerprint from an item that you can also get DNA from. So many times, an item that is going to be tested for DNA is also first processed for latent prints.

Q I understand that. But why, I'm just -- you know, given the fact that you said you really are only in the DNA context why you would even talk about fingerprints at all.

A Because many times, those items are then submitted for DNA testing. So I need to be aware of the types of items that could potentially -- or if an item comes in and DNA is going to be done on it, then I might need to talk to an investigator or whoever submitted the item and say, well, are you sure you don't want latent print analysis on this. Because once we swab it for DNA, it destroys the latent print.

Q I see. So when you criticized the laboratory testing, that's not the DNA lab's fault, that's the crime lab's fault?

A Yes, or it could be.

MS. WINTERS: Objection to form.

THE WITNESS: It could be the investigator never requested DNA -- or excuse me, latent print testing.

BY MR. ALTMAN:

Q Based on your experience, you think it was -- it would have been reasonable to conclude that this was a suicide before there had been any ballistic DNA testing, fingerprint testing, or an autopsy on the body?

A I think that's not my area of expertise to do any kind of crime scene reconstruction or make a determination as to cause or manner of field. That's not my field.

Q I didn't ask you to make determinations. I'm asking you, in the absence of all that information, based on your experience, do you think it would be reasonable to reach a conclusion as to the manner of death?

MS. WINTERS: Objection to form.

THE WITNESS: I don't feel like I know enough about investigations and how they're carried out. I don't know. And I don't know what was done specifically in this case.

Typically, you would expect some sort of investigation to occur before a determination is made. But again, that's not my --

MR. ALTMAN: I understand.

THE WITNESS: I'm not a police officer investigator. I don't know.

BY MR. ALTMAN:

Q Sergeant Davison's report, starting on page 17, going through page 20, he attempts to answer the question, was the recovered firearm fired by the decedent. Do you see that?

A Yes.

Q There's two hypotheses: The recovered firearm was fired by the decedent, the recovered firearm was fired by someone else; correct?

A Correct.

Q Now, you obviously read this because this discusses the DNA evidence; correct?

A Correct.

Q You see that it say "The data" -- page 20, "The data evaluated in this framework does not provide a conclusive determination of who fired the recovered firearm."

Did I read that correct?

A That's what it says.

Q You read that; right?

A Yes.

Q Do you interpret that to mean it's inconclusive

as to who fired the gun?

A Yes.

Q Okay. So if you're not sure who fired the gun, you can't be sure that he committed suicide, could you?

A I --

MS. WINTERS: Objection to form.

BY MR. ALTMAN:

Q Listen. You're still involved in crime scene stuff. If you can't say that a person fired a gun, you can't say with any more precision they committed suicide, right?

A I don't really think that's --

MS. WINTERS: Objection to form.

THE WITNESS: -- my area of expertise or what I'm here to be answering. I can answer you in a common sense type of manner, but that's not my area of expertise.

BY MR. ALTMAN:

Q You see that almost the entire -- by the way, do you agree with Sergeant Davison's conclusion there, because it's almost entirely based on the DNA evidence?

A I would agree, because the DNA cannot tell you who fired the gun either. So if that's -- you know.

Q Well, the DNA also couldn't say who touched the trigger according to you; right?

A Right.

Q You had to pull the trigger to fire the gun?

A Yes. So the DNA cannot determine who pulled the trigger, who fired the gun.

Q Well --

A Even if his DNA were on the trigger, I would -- conclusively just his, I would say somebody else could have fired the gun. I can't say because a person's DNA is present on a trigger, that they fired a gun or did not fire the gun.

Q I mean, absence, you say, can't tell you it either?

A I can't, no.

Q So you'd agree, you can't say that any of the first responders didn't fire the gun; right?

A Sure. I can't say that.

MS. WINTERS: Objection to form.

BY MR. ALTMAN:

Q Page 20.

A Okay.

Q Did the recovered bullet inflict the decedent's head injuries -- hypothesis, the recovered bullet inflicted the head injuries, the recovered bullet did not inflect the head injuries; correct?

A Yes.

Q You would agree that from a DNA perspective, you cannot say that this was the bullet that struck Gugsa Dabela; right?
A That's true.
Q Talking about defects or any of that kind of stuff, that's certainly not your area?
A That's true.
MR. ALTMAN: Let's go off the record.
(Break in the deposition taken at 10:32 a.m.)
0o0
(The deposition resumed at 10:40 a.m.)
0o0
BY MR. ALTMAN:
Q I just want to understand a little bit when you were talking about the mixtures on the trigger and you said something about there were two signals consistent with Gugsa.
I wasn't quite sure that I understood exactly what you were talking about.
A So you're referring to my report?
Q In your report, yeah?
A All right. So overall, I say that the profile is inconclusive and should not be interpreted. However, what I was trying to point out was, I find it -- another reason why I am surprised that he is -- has been

100 percent excluded, according to the laboratory, because at all loci tested, except for two, his DNA types consistent with him are present.
So that's what the two loci -- there were two loci where -- or two DNA types that he is known to have that are not present in the mixture.
Now, I would say that's not really the way we interpret mixtures. I'm not saying that he should be definitely included. I'm saying the results are inconclusive, but pointing out that he's already been excluded by the lab and yet nearly all of his DNA types are present in that mixture.
Q Now, what does inconclusive mean? Let me ask it in this context. If it was 80 percent likely that his DNA is there, is that still inconclusive because there's 20 percent probability it's not?
A That's not the way we would do it. In the forensic testing world, inconclusive means I cannot make a comparison. I can neither include nor exclude because the data is not necessarily reliable, maybe it's too low level, there's too many contributors. I cannot make a conclusion.
Q So do you think it would be fair to say that if this happened to be a crime, and let's say this gun was used to shoot somebody and Gugsa was being tried for the

case, it would be unreasonable to -- this was the only evidence was this DNA evidence -- that would be inadequate to convict? I mean a jury could do what they want.
MS. WINTERS: Objection to form.
BY MR. ALTMAN:
Q Do you understand from a scientific perspective, it would be inadequate scientifically to convict?
MS. WINTERS: Object to the form.
THE WITNESS: Yes, because the results are inconclusive in my opinion.
BY MR. ALTMAN:
Q Now, if it were 90 percent likely that it was him, that's not an inclusive result?
A That's not how we do testing.
Q I understand --
A I can't -- I understand what you're trying to ask me. We can't express in that way. The way that we give weight to our conclusion, if they had made an inclusion, then you would do a statistical calculation that would inform the person of, okay, how likely is it that I could find another person that would also be included in this mixture.
But I don't think that that's necessarily the

right way either, because we know there's dropout. There's DNA present that is so low level that we're not seeing everything; right? That's why the lab was asked to do STRmix, the probabilistic genotyping and they couldn't do it because they said there's actually probably five people in this mixture.
BY MR. ALTMAN:
Q By the way, we talked about that Kale study. But do you know of any study that talks about secondary transfer of more than one person?
A Yes. So typically, when you have secondary transfer, you're not necessarily just seeing one person and they do talk about -- even in that study, they talk about the transfer of foreign DNA type.
So they have the two people involved in the study. They knew their DNA profiles. Then on some -- even in that study, on some of the samples, they were seeing unknown -- you know, DNA types from other people that were not involved in the study.
So that would be a transfer of someone else's DNA as well.
Q But you don't know if that was transferred via contact or if it was contamination; do you?
MS. WINTERS: Objection to form.
THE WITNESS: I mean, I guess that would be

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true in any case. You can't -- you couldn't be 100 percent certain. I mean -- labs do sometimes have contamination issues. I couldn't say for certain.

BY MR. ALTMAN:

Q I mean, you don't know of a study that did like the Kale study that had somebody shake hands with more than one person to see if they could pick up more than one person's DNA and transfer it? You don't know of any study that --

A Yeah, there is one. Let me try to remember the author, because that's exactly what they did. They had, like, five different contacts to see how far does this DNA transfer. Does it transfer to multiple individuals?

I'm trying to remember the author. Verdon maybe, V-E-R-D-O-N. I could try to look and see if I have -- I know I don't have that with me, no.

Q Is it on your list?

A No, it's not. I could -- I could look that up and provide that for you.

Q I would appreciate that if you could send that to Krista or Tom and ask them to forward it to me, I would appreciate that.

A Sure, absolutely.

Q In your day-to-day work, do you deal with p-values and statistical -- I'm not asking whether you

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know how to calculate a p-value and stuff like that, but do you routinely interpret results, statistical results and p-values and compensatables in papers in which you review?

A So, I mean that's not something in my day-to-day work. If that is in published results, that's something I'm going to look at and review, but that's certainly not my expertise. I know statistics as far as it applies to DNA testing, but I've had a statistics class.

Q I don't mean that, but like in the Kale paper -- there were some statistical results that were mentioned in the Kale paper. I'm not asking if you know how to calculate the results or whether they calculated the results right or used the right methods, but do you understand enough about statistics to interpret the results you're being presented with in a paper such as the Kale study?

A I would say in some instances, yes, and in other instances, no, it's over my head.

Q So what do you do when you see a statistical result in a paper you're reviewing?

A I mean, it's going to vary upon what the paper is or what is the statistical result is. I mean, mostly what I'm looking for is just kind of -- I look -- I tend

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to look more at the raw data itself or how many of each individual test subject showed, whatever the experiment is set up to look for.

Also looking for, is it statistically significant.

Q So you understand statistical significance?

A Somewhat; yes.

Q So you don't have to -- is there any quantitative -- qualitative difference between one out of ten and ten out of a hundred?

A You know, I mean, I don't know how to answer that necessarily. I'm not a statistician.

Q Well --

A It's the same proportion.

Q Right.

A I'm not sure exactly what you're asking.

Q Do you have a thought as to which one would likely be more statistically significant, one out of ten versus ten out of a hundred?

A I'm not prepared to answer that.

Q Do you know what a point estimate is?

A No.

Q Do you know when a confidence interval is?

A I do know what a confidence interval is.

Q What's your understanding of a confidence

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interval?

A So that's going to be -- a confidence interval -- so typically, when we deal with it with DNA, we're talking about YSTR testing and we apply 95 percent confidence interval because the database -- this uses a population database. It's specific -- you're looking at the number of individuals, so it's a way to provide confidence for sampling errors or any other issues with a database so that you have a higher confidence in your results because it's looking specifically at the number of people that have this particular profile.

It's just a -- in the YSTR database, so instead of just presenting the raw data of, okay, we saw this profile once in X number of individuals, you apply the confidence interval to help account for sampling error.

Q We deal with -- we dealt in sampling error or stochastic error. It's kind of the same thing; correct?

A Sure, yeah.

Q I mean, it's random error; right?

A It's a random, yeah, in the amplification reaction; yes.

Q And precision of the measurement. Same thing when we were talking about the measurement on the bullet, the true result could be zero and that's just nothing more than random, random error; correct?

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A Right, the quantitation system is an estimate, so that could be -- it could be less than that. It could be zero. It could be more than that. It's an estimation of the DNA.
Q That's probably not 750; right?
A Probably not, no.
Q So what you do you think?
A It would be -- yeah, so it's an estimation. We're trying to get as accurate and as close to the true value as possible, but we know that -- it's a different set of primers than what's used for the next step, amplification step.
So sometimes you can get a result in the quantitation stage and not get results when you amplify. Sometimes you get nothing in quantitation and get a result.
So if there was a variation, we're saying, I think, 72 and a half picograms, I would not expect there to be ten times more in actuality. It could be a little bit more than that, a little bit less than that.
Q Well, it could be zero?
A Yes.
Q So you think 72.5, plus or minus 72.5, is reasonable?
A It's reasonable. I don't have a -- you know,

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there's variation. When you have a low amount, you don't know if you've put the true amount. You're taking two microliters of that sample and putting it into the quantitation reaction. So if you have a low amount in the sample to begin with -- that's where those stochastic effects come into play. You might not get the true representation of what's in the sample. You might get more, you might get less. So it is an estimation.
Q I understand that, but since you've agreed that even though 72.5 could be really zero.
A Sure.
Q Then at least at 72.5 --
A Sure.
Q -- plus whatever or at least minus 72.5; right?
A I think that's fair; yes.
Q You consider yourself to be a scientist; correct?
A Forensic scientist; yes. I'm a scientist.
Q A scientist. You use the scientific method, though it's still an inherent part of what you do every day; right?
A Yes.
Q You deal with hypotheses, you deal with testing or evaluation of a hypothesis, you come up with a

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conclusion; correct?
A Yes.
Q Your conclusions have some degree of error or you're concerned about what's the possible error in your conclusion; correct?
A (No audible response.)
Q Or range of possibilities.
We talked about this before. No measure, nothing is 100 percent precise. There's always a range of possibility.
A Sure.
Q That's where we talked about confidence intervals; right?
A Right. Well, that was -- that was in regards to the YSTR database. There's -- I'll just let you ask the question. I'm not sure where you're going with that.
Q But in any result, any conclusion, there is still a question -- the precision of that conclusion is still of paramount importance when evaluating the weight of the conclusion; correct?
A Sure, yes.
Q That's always true; right?
A Yes.
Q That's not limited to forensic science. That's

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the scientific method; right?
A Yes, right.
Q While your expertise is not general criminology, but all of criminology effectively operates under the same premises; right?
A I don't -- I don't know. All of criminology. I don't think they all do the scientific -- they're not in a laboratory.
Q Not necessarily a laboratory, but it's still the scientific method. You have a hypothesis, you test the hypothesis, you come up with a conclusion. It doesn't matter --
A I don't know. I'm not a criminologist. I don't know how they do their work.
Q So you don't coordinate your interpretations with other individuals, other experts in other areas in trying to help reach an overall conclusion; is that correct?
A Not typically, no.
Q You say not typically. Does it ever happen?
A Not -- I mean, I reach my conclusions and then I might have discussions with an investigator or a defense attorney or something like that. But the conclusion is reached prior to that.
Q I get that.

A Okay.
Q But then, are you involved in discussions of your overall conclusion in the context of other evidence in a particular case?
A I can't say never. But that's not really typical, no.
Q You said you hadn't looked at anything other than the DNA in this case; right?
A I don't know. I mean, I looked at the report, the reconstruction report.
Q I know you literally looked at it, but in terms of focusing on it --
A Oh.
Q -- interpreting it, you didn't pay really any attention to the other aspects of this; correct?
A No, because that's not --
MS. WINTERS: Objection to form.
THE WITNESS: Yeah, that would be correct. I was focused specifically on the DNA testing.
BY MR. ALTMAN:
Q So you're not going to give any opinions in this case other than concerning DNA; correct?
A That's correct.
Q And the interpretation of the DNA results; correct?

A Correct.
Q If somebody were to stand up and say, based upon the DNA, Gugsa handled the trigger the night of his death, that would be an unreasonable conclusion based on your interpretation of the DNA; right?
A That's -- yes.
Q If somebody were to stand up and say, this is -- based on the DNA, this is the bullet that struck and killed Gugsa that night, that would also be an unreasonable interpretation of the data; correct?
A That's correct.
MS. WINTERS: Objection to form.
THE WITNESS: Because there is no -- there was no DNA result, so I wouldn't be able to say anything about the bullet.
BY MR. ALTMAN:
Q Well, I'm not asking what you would say. I know what you would say. If somebody else were to say --
A I apologize.
Q Just to be clear, if somebody else were to say, based upon the DNA evidence, this is the bullet that struck and killed Gugsa Dabela that night, that would be an unreasonable conclusion; right?
A Yes. In my opinion; yes.

MR. ALTMAN: I think that's all I have. Krista, are you going to ask anything?
MS. WINTERS: Yeah. I've got maybe two or three questions. Just give me a minute to collect my thoughts.
MR. ALTMAN: Take your time.

EXAMINATION

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BY MS. WINTERS:
Q Dr. Ryan, earlier you were talking about some older studies where approximately 25 percent of the people tested did not leave detectable DNA.
When you say older, how much older are we talking?
MR. ALTMAN: Objection to form.
THE WITNESS: So those were some of the first studies. So probably 2002 through 2007 would be some of the initial studies on trace and transfer DNA. The very first one was in 1997. Then it started kind of building up on that additional studies.
And so the techniques that were used then are not -- were not as sensitive as today. So that's going to have an impact on the amount of DNA that can be detected.
///

BY MS. WINTERS:
Q I'll leave it at that. You don't have a thought as to any more recent studies following I think you said 2007 that would give an estimate about what percentage of the population does or does not leave a detectable DNA trace; correct?
A Well, I mean, that's something that could be researched and data compiled from a number of different studies. But you know, I had mentioned briefly the one study that I brought with me, the Poetsch, P-O-E-T-S-C-H, and they're talking about handprints and different age groups of individuals.
In that study, they were finding that for some reason, little kids under four years old, left the most DNA behind, which actually does surprise me. Having children, they touch everywhere and probably pick up DNA.
Whereas the teenaged group up to about 15, they had almost 40 percent of the people leaving a handprint, they were getting either no results or very low results from that handprint.
So that's just one study. If you wanted an actually percentage, it would require looking kind of through all the studies and determining how many of the individuals that were tested, they were not getting DNA

from.

Q Thank you. You also testified regarding the ultimate conclusion about whether or not somebody could say Mr. Dabela fired the gun that evening and whether or not the bullet that was recovered was the bullet that killed Mr. Dabela.

I just want to talk about that. You don't have any interpretation of any non-DNA evidence; correct?

A (No audible response.)

Q You would not say it's unreasonable if someone else testified that Mr. Dabela had fired the gun based on some non-DNA evidence that that person was interpreting?

A Right.

Q Is that correct?

A That is correct. I would limit my opinion to just based upon the DNA evidence.

Q The same would apply with regard to the bullet that was recovered and whether or not that was the bullet that killed Mr. Dabela?

You wouldn't have any opinion if somebody said, based on other non-DNA evidence, that that was the bullet that killed Mr. Dabela; correct?

A Correct, other than -- yes, other than the fact that bullets that go through people's bodies tend to

collect their DNA. So that kind of does relate to my opinion on that where we have a DNA -- a bullet that went through the body and while there's a low amount of DNA, we don't know whose DNA that is necessarily.

Sorry, I feel like I've answered that in a confusing manner.

Q I might have asked it in a confusing manner, so that's okay.

A Do you want me to -- do you want to re-ask that question or have me clarify in any way?

MR. ALTMAN: She's out of questions.

MS. WINTERS: I think you answered it for me. Thank you.

Keith, do you have any more?

MR. ALTMAN: I do.

FURTHER EXAMINATION

-o0o-

BY MR. ALTMAN:

Q On the bullet, there was some number of male DNA measured?

A Correct.

Q We agreed that there might actually not be any DNA on that bullet; right?

A It's possible.

Q There also was no total DNA found on the

bullet; right?

A Right; right. It was the male specific that showed a measurable level.

Q But it doesn't make sense that there would be male DNA and not total, overall DNA?

A Well, when you have low amounts of DNA like that, that is a possibility.

Q I understand it's a possibility. Let me put it to you this way: Can you say that it is more likely than not that the bullet had DNA on it?

A I think that there's a pretty good possibility. 72 and a half picograms, while low level, is still a measurable amount of DNA that we can get a profile from or a partial from. So I think that there's at least a slight likelihood that there's actually DNA on that bullet.

Q A slight likelihood?

A More likely than not is what I'm trying to say.

Q Despite the fact that there's zero total DNA on the bullet?

A Zero total and 72 and a half picograms male.

Q You think that means it is more likely than not there is DNA on the bullet?

A There's no way to say for sure without doing amplification. But I think that there could very well

be DNA. The only way to know is to move forward with the amplification.

Q So as what you know right now, can you say that it is more likely than not that there's DNA on the bullet?

A Yes. I think that there is; yes.

MS. WINTERS: Objection.

BY MR. ALTMAN:

Q So you think that there is?

A That's as specific as I can get without doing the amplification. As I've said, it's just an estimation. There could be no DNA.

Q I understand that --

A I can't give you any more specific than that other than that, in my opinion, the cases that I have done and worked on, I think that there's a pretty good chance that there's DNA on there that could at least yield a partial profile.

Q How many times have you come across a situation where the total DNA was zero and there was an measure, a low lower measure of male DNA that turned out to actually have DNA?

A With the Quantifiler kit or Quantifiler Duo kit I've used in this case, it was pretty common. There were numerous cases that I can think of that came up

with zero DNA, and it's been reported in the literature as well, that's a common thing to have occurred.

Q Does it happen more than 50 percent of the time?

A I can tell you that when we used this kit in the laboratory at FDLE, Florida Department of Law Enforcement, we wanted to stop testing when the quantitation kit said zero, but we found that we could not do that because we got so many samples where we actually had a typable profile if we moved forward.

So it's a common occurrence in those kits.

Q Does it happen more than 50 percent of the time?

A I don't have a specific number to give you.

Q Do you know of any paper this discusses how common it is to -- let me finish asking.

A Yes.

Q How common it is to get results just like we have here and still have there be actual DNA on the item?

A Not that specific. There are papers that talk about the quantitation kit and that it is known that you can have a zero quantitation result and still get partial results up to a full profile.

Q I understand. But you'd agree, there would be

a difference if that happens one out of a hundred times versus, you know, 50 out of a hundred times.

A Right. And I cannot give you a specific number. I know that it occurred enough that we could no longer stop testing when the results showed zero quantity. That meant that it was a pretty high proportion of samples where the quantitation said zero and we were able to get a profile, especially with Quantifiler kit, Quantifiler Duo kit.

Q This is in a criminal context; right?

A Yes.

Q Criminal context, you need a much higher level of confidence than you would in a civil context; correct?

A I don't know. I treat all -- I don't -- this case was tested in a criminal laboratory, in a forensic -- you know, criminal forensic laboratory using the same methodology as any other criminal case, so there wouldn't be any difference...

Q How do you know that it was done with the same exact methodology?

A Because I looked at all the protocols.

Q They didn't test for latent prints, like you said; right?

A Not that I'm aware of; right. I could not find

that.

Q Do you know what confirmation bias is?

A Yes.

Q Were you aware before any DNA testing was done, this was already concluded to be a suicide? Were you aware of that?

A I don't believe so.

MS. WINTERS: Objection to form.

THE WITNESS: I don't believe I was aware of that.

BY MR. ALTMAN:

Q Did you know that within six hours of the incident, before an autopsy had been performed, before the bullet had been found, before any ballistics had been done, before any witnesses had been interviewed, that the police concluded -- without a witness, that the police had concluded that this was a suicide?

Were you aware of that?

A I wasn't --

MS. WINTERS: Objection to form.

THE WITNESS: -- wasn't aware of any specific time frames.

BY MR. ALTMAN:

Q Would it surprise you that such a determination was made in that context?

MS. WINTERS: Objection to form.

THE WITNESS: I -- I -- I don't -- I don't know because I don't do investigations.

BY MR. ALTMAN:

Q I understand, but you're still involved in investigations generally. Would it surprise you that that conclusion was reached before -- strike that.

Do you think it would be reasonable to conclude that somebody had fired a gun before you did any DNA or fingerprint testing of it?

MS. WINTERS: Objection to form.

THE WITNESS: It would depend upon the circumstances of the particular crime and what you as an investigator show up and observe.

BY MR. ALTMAN:

Q If there was no witness, you've come across a person who is shot dead in the head in a car without a witness, would it be reasonable to conclude that person fired a gun before you checked fingerprints or DNA?

A I am not a criminal investigator.

MS. WINTERS: Objection to form.

BY MR. ALTMAN:

Q So you have no opinion based on your criminal experience.

A No. I've never been trained as an

investigator, how to do reconstruction, how to process a scene -- you know, I'm not -- I'm not a...

Q Why bother doing DNA, then, if it doesn't matter if you have the DNA to reach conclusions? Why should you do DNA testing?

A Some samples are not necessarily useful, even if you get a DNA profile from them. Other samples can be. So guns are notoriously common to get unusable mixtures of DNA.

Q That's not what my question was.

A Okay.

Q Is it reasonable to reach conclusions over if somebody handled this gun before you tested the DNA or before you tested fingerprints?

MS. WINTERS: Objection to form.

THE WITNESS: I am not a criminal investigator. I just -- I don't know. I don't know.

BY MR. ALTMAN:

Q So then do you have any idea why people do DNA testing?

A To see whose DNA might be present on an item of evidence.

Q Why do you do that?

A Well, if you're talking about a rape case, to determine who might have raped the person. If you're

talking -- you know, I mean what --

Q Let's talk about a gun. Why would you ever test a gun?

A So if you have an individual who has claimed to never have had contact with that gun, never know anyone else who may have contacted the person and then the gun and you get the person's DNA profile on the gun, that can be a link to that person.

But yeah, firearms are not the best item of evidence to test because typically we get mixtures that aren't useful.

Q I hear you. But aren't you supposed to wait for the results of the DNA test before you reach conclusions?

A Whose view --

MS. WINTERS: Objection to form.

THE WITNESS: Whose --

BY MR. ALTMAN:

Q Shouldn't an investigator wait for the results of the DNA testing before reaching conclusions?

A I don't know.

MS. WINTERS: Objection to form.

THE WITNESS: I don't have an opinion on that.

BY MR. ALTMAN:

Q So you have no idea how your work fits into the

overall investigatory scheme?

A I think in certain cases, absolutely, you would want to see what the DNA results are. I don't know, I don't investigate crimes.

Q I understand that.

A I think it would be -- I would tell you, as a DNA analyst, I would think or like that the investigator would take a look at those results and take those into -- as part of his conclusions on the case. Absolutely.

But I don't investigate cases.

Q I hear you. If you're sitting with a scale, one hand you have that's the bullet that struck Gugsa, and on this hand, you have that's not the bullet that struck Gugsa.

Where would you place the interpretation that it does not appear to be Gugsa's DNA on the bullet?

A Well; okay. I understand your question. I'm going to answer that, but there are no DNA results from the bullet, so I can't talk about his DNA specifically on the bullet.

I can say, perforating bullets, we typically see the person's DNA on those -- on that bullet. So in that regard, one might expect to find his DNA had it gone through his brain; right? The only issue I have

with that or the only caveat is that it was not collected right away and I don't know what those environmental conditions were prior to its collection.

Q But as you sit here right now, you have no evidence that Gugsa's DNA is on that bullet; correct?

A That's correct.

Q You have no evidence -- strike that.

MR. ALTMAN: Nothing further. Got anything else?

MS. WINTERS: I think I'm done, Keith. Thank you, Dr. Ryan.

(Discussion off the record.)

THE REPORTER: Ms. Winters, would you like a copy?

MS. WINTERS: Yes, please. Thank you.

THE REPORTER: Would you like the witness to read and sign.

MS. WINTERS: Do you want to read and sign?

THE WITNESS: Sure.

THE REPORTER: Thank you.

(The deposition was concluded at 11:21 a.m.)

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I, SUZANNA RYAN, MS, D-ABC, do hereby declare under penalty of perjury that I have read the foregoing transcript; that I have made any corrections as noted in ink, initialed by me; that my testimony as contained herein, as corrected, is true and correct.

EXECUTED this _____ day of _____,

20____, at _____, _____.

(City) (State)

_____

SUZANNA RYAN, MS, D-ABC

REPORTER'S CERTIFICATE

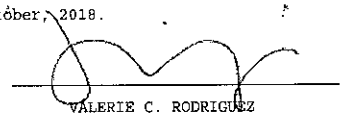
I, Valerie C. Rodriguez, a Certified Shorthand Reporter for the State of California, do hereby certify:

That the foregoing proceedings were taken before me at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were placed under oath; that a verbatim record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; further, that the foregoing is a true record of the testimony given; that the dismantling, unsealing, or unbinding of the original transcript will render the reporter's certificate null and void.

Before completion of the deposition, review of the transcript was requested. If requested, any changes made by the deponent (and provided to the reporter) during the period allowed are appended hereto.

I further certify that I am neither counsel for, nor related to any party to said action, nor in any way interested in the outcome thereof.

IN WITNESS WHEREOF, I have subscribed my name this 16th day of October, 2018.



VALERIE C. RODRIGUEZ

CSR No. 12871

DEPOSITION ERRATA SHEET

Case Name: DABELA vs. TOWN OF REDDING

Name of Witness: SUZANNA RYAN, MS, D-ABC

Date of Deposition: OCTOBER 11, 2018

Job No.: 217197

Reason Codes: 1. To clarify the record.
2. To conform to the facts.
3. To correct transcription errors.

Page ____ Line _____ Reason _____

From _____ to _____

Page ____ Line _____ Reason _____

From _____ to _____

Page ____ Line _____ Reason _____

From _____ to _____

Page ____ Line _____ Reason _____

From _____ to _____

Page ____ Line _____ Reason _____

_____ Subject to the above changes, I certify that the transcript is true and correct.

_____ No changes have been made. I certify that the transcript is true and correct.

_____

SUZANNA RYAN, MS, D-ABC