

FBT-CR20-0336785-T : SUPERIOR COURT
STATE OF CONNECTICUT : JUDICIAL DISTRICT OF BRIDGEPORT
v. : AT BRIDGEPORT, CONNECTICUT
NICHOLAS HALL : FEBRUARY 14, 2025

TRANSCRIPT OF PROCEEDINGS

BEFORE THE HONORABLE PETER MCSHANE, JUDGE
AND JURY

A P P E A R A N C E S :

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1 THE COURT: Good morning, everyone. Please be
2 seated. We're here back on the record on State of
3 Connecticut v. Nicholas Hall. I ask that the parties
4 please identify themselves.

5 ATTY. DAVIS: Kelly Davis for the State.

6 ATTY. PALERMO: Elena Palermo for the State.

7 ATTY. BERKE: Good morning, Your Honor, Robert
8 Berke for Nicholas Hall.

9 THE DEFENDANT: Good morning, Your Honor.

10 THE COURT: And Mr. Hall, good morning. I see
11 he's present. I don't have the jury down yet. I
12 just wanted to go over a few things. The first is
13 what are we going to tell the jury? What I was going
14 to say -- and I typed it up and gave it to counsel --
15 was that a medical emergency prevented us from going
16 forward yesterday. I'm just going to leave it at
17 that. I don't want to go into detail, and I think
18 that suffices. Our new expected court date to
19 conclude evidence will be on Tuesday and they should
20 be able to get it on Monday. I will then have them
21 leave the room --

22 ATTY. DAVIS: Wednesday.

23 THE COURT: Wednesday. Sorry. I will remind
24 them that Monday is a holiday. I was then going to
25 have them leave the room and take a poll to see who's
26 there and who's not. I will tell you this, that
27 Madam Clerk called yesterday each of the jurors to

1 cancel them. One of them, though, expressed concern,
2 I think is the best way to put it, about -- that he
3 is a teacher. As you folks remember, we have two
4 teachers, actually, that we've selected for jury
5 duty. One of them indicated concern. So I'm going
6 to have them go back and decide. And if the teacher
7 decides he just can't do it, then he'll be excused
8 and we'll pick from random.

9 I will also explain to the jury that we will be
10 taking witnesses out of order. I will explain that
11 this is normal in trials, that the defense will
12 present evidence before the State actually rests,
13 owing to our schedule and the snow day. I also will
14 explain to the jury that we have agreed upon a court
15 exhibit that is a transcript of the defendant's
16 interview with the Trumbull police. I will indicate
17 that it's a court exhibit and I'll read the
18 instruction that I've provided to counsel. And then,
19 Attorney Berke, you wanted to preserve your right --
20 I don't know when you want to do it, if you want to
21 do it now or later.

22 ATTY. BERKE: I can do it now.

23 THE COURT: Sure.

24 ATTY. BERKE: Obviously, it's my intention to
25 make an oral motion for motion of judgment of
26 acquittal after the State's case. As everyone's
27 aware, by putting on evidence, that waives that

1 right. The timing's a little bit awkward, but I
2 preserve that right to make the MJOA after the State
3 rests and then again after my case.

4 THE COURT: Right, and I thank counsel for
5 taking witnesses out of order, and I do not see that
6 as a waiver of the motion for judgment of acquittal
7 at the end of the State's cases. Really, what you're
8 doing for is for convenience of the Court and
9 judicial economy, and thank you. So it is not a
10 waiver. You could certainly bring that up, and I'll
11 take it. And what I'm going to have to do -- and
12 judges do it all the time -- is parse out the
13 evidence that came in your case-in-chief and just
14 disregard that in ruling on the motion. Anything
15 further before we bring the jury panel down?

16 ATTY. DAVIS: No, Your Honor.

17 THE COURT: I was up there at 9:15. There was
18 already three, maybe four jurors there. They should
19 all be here by now. So we'll just take a brief
20 recess, gather your stuff together, and we'll bring
21 the jury down. Thank you.

22 (A recess was taken; court resumes)

23 THE COURT: We're back on the record on State of
24 Connecticut v. Nicholas Hall. Our jurors are here,
25 and I plan to proceed pursuant to the agenda that's
26 typed. So if we could bring in the jury, please?

27 (The jury enters the courtroom)

1 THE COURT: Counsel stipulate to the presence of
2 jurors and alternates?

3 ATTY. DAVIS: State stipulates.

4 ATTY. BERKE: Defense stipulates.

5 THE COURT: Okay, thank you. Please be seated,
6 everyone. Good morning, ladies and gentlemen. It's
7 good to be back home. I'm back in my old court. The
8 good news is we have heat. The bad news is, as the
9 judges on this floor tell me, it'll be 112 degrees by
10 about 2:00 this afternoon, so we have to dress in
11 layers. I apologize for yesterday. A medical
12 emergency prevented us from going forward, which
13 pushed back our date of conclusion.

14 And this is what I'm going to do -- and I've
15 talked to the parties and we're all in agreement with
16 it. I'm going to send you back into the jury
17 deliberation room right now and have you discuss it,
18 and then write me a note. If any of you cannot
19 proceed, we get it. We get it. I told you it would
20 wrap up today. I told you to block out this week,
21 and I'm wrong. A snow day, a medical emergency, and
22 my estimate was not correct.

23 Look, this is -- for these purposes, anyway -- a
24 no judgment zone, I'll say, like the commercials for
25 Planet Fitness. So if you can't, we get it. We have
26 alternates. We can move on. I'd be sorry to see any
27 of you go. You kind of feel like family at this

1 point, and I say that in a nice way, even if you met
2 my family. But I do want you to know that we're
3 serious. I don't want to keep anyone here against
4 their will. Look, you all have demonstrated an
5 incredible amount of patience and careful
6 consideration throughout this trial. Everyone agrees
7 to that. We all stipulate to that. But we also
8 understand that you have schedules and lives outside
9 of this.

10 So what I'm going to do is ask you to go in
11 there, talk amongst yourselves. You have a pad of
12 paper. Just write down -- and I'm not asking you to
13 pick a foreman, because that'll come at a later time,
14 but just have somebody write down one note saying all
15 in or if one or two of you are out.

16 UNIDENTIFIED JUROR: Your Honor, before we do
17 that, do you have a new projection?

18 THE COURT: Yes. Thank you. I typed up an
19 agenda, and I'm not very good at sticking to the
20 script, so thank you. And here is the projection: we
21 will go today until the end of the day. We are going
22 to even take witnesses out of order to ensure that we
23 get everyone in today that we need to. And then
24 Tuesday -- because Monday is a holiday, Tuesday we
25 begin again, and that'll conclude the case. However,
26 we have to have a charging conference, and then on
27 Wednesday morning at 9:30, the lawyers will give

1 their closing arguments, and right after that, I will
2 give you the charge to the jury. The charge to the
3 jury is long. I've done my best to trim it up, but
4 it's still long. You will have the case before lunch
5 on Wednesday.

6 Now, look, if you say, "Boy, I've got something
7 on Thursday that I have to go to," maybe it's best
8 you not be around. We don't want you to rush a
9 verdict just to rush a verdict. We need six. We
10 have two alternates. We lost one right from the
11 start. But we need six. So our completion date will
12 be Tuesday, but the jury will get the case on
13 Wednesday. So with that, any other questions? And
14 that was a great question.

15 UNIDENTIFIED JUROR: So we'd be here Thursday?

16 THE COURT: What's that?

17 UNIDENTIFIED JUROR: So we would be here
18 Thursday?

19 THE COURT: I don't think you'll be -- well, I
20 shouldn't say that. You could deliberate and come
21 back with a verdict on Wednesday. And look, the
22 likelihood of that? Because this case has been
23 spread out, you could ask for a playback, and that
24 may take a while. You know, jurors deliberate for as
25 long as jurors deliberate. I may have said this in
26 the introduction. We don't give -- you know, we
27 don't have a marshal sitting outside with a

1 stopwatch. You take your time. And look, I'm
2 telling you folks that you would do it anyway based
3 on what I know of all of you.

4 So yeah, it may be Thursday, but you're going to
5 get the case before lunch on Wednesday, and then once
6 the jurors get the case, they set the schedule. They
7 say, "Hey, McShane, we want to be in at 9 tomorrow."
8 You can't come in earlier than that. "We want to
9 stay until 5." You can't stay later than that.
10 "We'll eat our lunch in there." Whatever you want,
11 we'll work around your schedules, okay? So if you
12 could go in the back, please, and just knock when you
13 have a note, and the marshal will take the note.

14 (The jury exits the courtroom)

15 THE COURT: We can go off the record for a
16 minute.

17 (Whereupon a pause was taken)

18 THE COURT: How does deliberation work for
19 alternates? I'll explain that to them. But we'll
20 have that marked as Court Exhibit 14.

21 THE CLERK: 12.

22 THE COURT: 12. Bring the jury in. And is the
23 State ready to call their first witness?

24 ATTY. DAVIS: It's the defense.

25 THE COURT: Is the defense ready?

26 (The jury enters the courtroom)

27 THE COURT: Thank you. The judges in this

1 building take bets on how many we would lose. I have
2 won the bet, so thank you. I really -- I am over the
3 top excited that you all agreed to stay. And again,
4 you asked some very poignant questions. I mean, yes,
5 your schedule, you tell me. You're the boss. When
6 you get that case at 11:30/12:00 on Wednesday, you
7 are the bosses. You will tell me what to do. You
8 will tell us what to do. Lunch -- when you say you
9 request lunch, I'm not buying lunch. It's not in the
10 budget. But you can certainly have it here.

11 And then how does deliberation work for
12 alternates? It doesn't. We have a newer system.
13 You know, in the old days, we used to say to jurors
14 when the jurors got the case, we'd say to the
15 alternates, "Thanks. Adios. You're done. Your jury
16 service is done." Now we say, "You're excused, but
17 you're not dismissed." Just in case something
18 happens, they'd be called back.

19 My mom was an alternate in a trial. She
20 absolutely loved it, and it was the worst part of it.
21 Like, she called me that night and said, "I've got to
22 talk to you about the case." And I said, "Mom, I
23 don't want to," and she said, "No, we're dismissed."
24 We don't do that anymore. We actually have jurors on
25 standby, and then they get a call from me. Either
26 the call is, "Come in. You have to deliberate and
27 the jury has to start anew," or, "There's a verdict

1 and here's what the verdict was." So that's the way
2 it works. I hope that answers all your questions.

3 I do want to explain a couple of other things to
4 you. One is the parties have agreed to a transcript
5 of -- you know, I wrote out this whole thing and I
6 left it in my chambers -- a transcript of the
7 interview. Look, we did everything we could to
8 enhance it, and I know, Mr. Long (phonetic), you've
9 had some suggestions. If they work in there,
10 fantastic, good for you. You could stand by and be a
11 consultant in this courtroom afterwards. But we did
12 everything we could to do it.

13 But I want you to know this: the parties have
14 agreed to this. It's not an exhibit. It's a court
15 exhibit. But you'll get to have it with you. It's
16 your recollection and it's -- the tape itself, that's
17 what's evidence. This is going to be an aid. Think
18 of it sort of like subtitles. Mrs. McShane likes
19 that show Derry Girls, and it was, you know, about a
20 bunch of girls from Derry, Ireland during the
21 Troubles, and I couldn't understand a word they were
22 saying and they were speaking English. I had to use
23 the subtitles. So think of this as the subtitles,
24 and once you get going, you'll be able to do it. But
25 that's not evidence. It'll be the actual tape
26 itself.

27 I told you we're also taking witnesses out of

1 order. Typically, what happens is the State presents
2 its case and then the State rests. That doesn't mean
3 they go in the back and they take a nap. That means
4 the defense could put on a case if it so chooses.
5 The State's witnesses aren't ready yet. The defense
6 has agreed -- and I thanked them, you know, earlier
7 and I'll thank them again -- to take witnesses out of
8 order, so they're going to be calling.

9 So it's a little bit unusual, but it's not
10 unheard of. It's done a lot, and we're it in this
11 case for judicial economy to help us get to our
12 target dates. So what'll happen is the defense will
13 call a few witnesses and then the State will come
14 back and call its witnesses, and it'll be, you know,
15 your job to just sort of separate that. I'm
16 confident you can do that. Okay, with that, Attorney
17 Berke, if you could?

18 ATTY. BERKE: Thank you, sir. Good morning.

19 THE COURT: Good morning.

20 ATTY. BERKE: If I could retrieve Scott Murray?

21 THE COURT: Yes, please. Will the parties
22 stipulate to the presence of the jurors and
23 alternates?

24 ATTY. DAVIS: State stipulates.

25 ATTY. BERKE: Defense stipulates.

26 THE COURT: Thanks, everyone. Mr. Murray, if
27 you could, please. Is it Detective Murray?

1 Detective Murray, if you could step up, please, watch
2 your step, remain standing, and raise your right
3 hand. You're going to be put under oath.

1 S C O T T M U R R A Y ,

2 Being first duly sworn, was examined and testified under
3 oath as follows:

4 DIRECT EXAMINATION BY ATTY. BERKE:

5 Q Good morning, sir. Can you describe where you're
6 employed now?

7 A I'm employed with the Trumbull Police Department in
8 Trumbull, Connecticut.

9 Q And what is your position?

10 A I'm a detective.

11 Q How long have you been a detective for the Trumbull
12 Police Department?

13 A I've been at the Department 29 years and I'm a
14 detective approximately 18.

15 Q Has this been your only position in law enforcement?

16 A No. I was a patrol officer and then I've been a task
17 force officer and other assignments.

18 Q Always in Trumbull Police Department?

19 A I was assigned to the state police for statewide
20 narcotics and I was assigned to the FBI for Safe Streets
21 Task Force.

22 Q And during those two assignments, you were a Trumbull
23 police officer assigned --

24 A Still a Trumbull police officer.

25 Q Did you have any other law enforcement employment
26 aside from employment with the Trumbull Police Department.

27 A No.

1 Q And can you describe your training and experience as a
2 detective?

3 A As a detective, I have, you know, 18 years of
4 experience ranging from narcotics investigations to
5 burglaries to financial crimes, some fire investigations.
6 Pretty much, we have a general detective bureau. We do
7 general investigations.

8 Q Are you familiar with this case, State v. Nicholas
9 Hall?

10 A I actually am not.

11 Q Do you recall any of your duties in regards to this
12 case?

13 A I transported and submitted evidence to the state lab.

14 Q And does that require you to complete any paperwork,
15 either Trumbull Police Department paperwork or paperwork
16 that's provided to you by the state lab?

17 A Yes, it does.

18 Q And can you describe that paperwork, sir?

19 A Initially, there was a -- for the State, a formal
20 request for analysis of evidence at the lab.

21 Q And did you complete a request for analysis form in
22 this case?

23 A I did.

24 Q Prior to testifying, how did you prepare for your
25 testimony? Who did you speak to and what documents did you
26 review?

27 A I got copies of the -- I was requested the request for

1 analysis form and then a copy of the CT-100 form.

2 Q And did you have a chance to review both of those
3 documents?

4 A Briefly.

5 Q Was there any limitation on your ability to review the
6 documents timewise?

7 A No.

8 Q Well, you mentioned you reviewed it briefly.

9 A Just time. I receive that this morning prior to
10 coming to testify.

11 Q The CT-100 form, is that a form that you had
12 completed?

13 A Excuse me?

14 Q Did you complete the CT-100 form?

15 A I may have. I do not recall.

16 Q You don't recall completing the form?

17 A I do not recall.

18 Q You had a chance to look at the CT-100 form in this
19 case?

20 A Yes, I did.

21 Q And do you recall whether you transmitted that form to
22 the state lab?

23 A I don't recall transmitting that to the state lab.

24 Q Would there be any document that would allow you to
25 determine whether you completed the CT-100 form or sent that
26 form to the lab?

27 A No. I don't have any copies of that or any way to

1 show that.

2 Q Is there any document within your department that
3 would identify who sent the CT-100 form to the state lab?

4 A As to who sent it?

5 Q Yes.

6 A It would say on the form who completed it.

7 Q Would that be the person that sent it?

8 A That, I don't know.

9 Q Do you recall ever utilizing another officer's email
10 to send a document?

11 A No.

12 Q And you didn't do that in this case?

13 A No.

14 Q In regards to requests for analysis, do you recall
15 that form?

16 A I do recall it.

17 Q And do you recall completing that form?

18 A Yes.

19 Q And do you recall transmitting that form to the state
20 lab?

21 A Yes.

22 Q So I'm showing you what's marked Defendant's Exhibit C
23 for ID only at this time. Do you recognize this document?

24 A Yes.

25 Q Is that document the form that you had completed?

26 A Yes.

27 Q And is that the document -- is that a copy of the

1 document that you transmitted to the state lab in this case?

2 A Yes.

3 Q And you had a chance to look at a copy of that
4 document within your files at the Trumbull Police
5 Department?

6 A Yes.

7 Q Is that identical?

8 A Yes.

9 ATTY. BERKE: I'd offer it as a full exhibit,
10 Your Honor.

11 ATTY. PALERMO: No objection.

12 THE COURT: That is a full exhibit. That would
13 be Defense C. Remember I told you -- I don't know --
14 but it's always the State gets numbers and the
15 defense gets letters. There's no reason. Okay,
16 we're just going to have to --

17 ATTY. BERKE: I'm not going to publish it. I
18 just --

19 THE COURT: Yeah, but it's going to be a court
20 -- I mean, it's a public exhibit.

21 ATTY. BERKE: I'm going to redact it.

22 THE COURT: It'll be redacted. We're going to
23 have to -- there are -- full names are in there, as
24 you might imagine, so we have to take that out.

25 ATTY. BERKE: If the full name is in there, you
26 may not identify the document. That's why.

27 THE COURT: Yep.

1 Q The information contained within that document, you
2 said that was completed by you?

3 A Yes.

4 Q There were no other officers that completed that
5 document?

6 A No.

7 Q How did you transmit that document to the state lab?

8 A It would have been driven and taken in person to the
9 state lab.

10 Q And that's something you had done?

11 A Yes.

12 Q And did you also transmit other materials to the lab?

13 A Yes.

14 Q Different items that were seized from the house? Did
15 you know where they were seized from?

16 A I don't know if they would have been seized from the
17 house.

18 Q You were told to bring evidence to the state lab?

19 A Correct.

20 Q Now, in addition to that form, the request for
21 analysis form, did you complete any police reports in
22 regards to this case?

23 A I would have done a submission of evidence form, which
24 is a template.

25 Q And do you recall completing any other police reports?

26 A If I was -- I would have done an evidence return
27 supplement template if I had retrieved the evidence from the

1 lab. I don't know.

2 Q So when you drop off evidence, do you draft a report
3 saying the date and time you dropped it off?

4 A Correct.

5 Q And do you also -- when you receive materials from the
6 lab, whatever that may be, do you document that time and
7 date as well?

8 A Correct.

9 Q Why is it significant to put a date and time on a
10 police report?

11 A Just for accuracy.

12 Q And to accurately document the time that a particular
13 event occurred?

14 A Correct.

15 ATTY. PALERMO: Objection, Your Honor, leading.

16 ATTY. BERKE: Your Honor, I don't have to lead.
17 He's an adverse party.

18 ATTY. DAVIS: No.

19 ATTY. PALERMO: I would --

20 THE COURT: It hasn't been -- I haven't ruled
21 him adverse. Can you rephrase the question, please?

22 ATTY. BERKE: Sure.

23 THE COURT: Thank you. So the question is
24 withdrawn.

25 Q What's the significance of placing a date and time on
26 a police report?

27 A For accuracy.

1 Q Are there any other reasons aside from accuracy?

2 A In regards to evidence for chain of custody and things
3 of that issue.

4 Q Is there some assistance -- when you're asked to
5 testify at some point in the future, you actually can rely
6 upon a document to refresh your memory?

7 A Yes.

8 Q Do you recall when you transmitted these documents to
9 the lab?

10 A Do I recall when?

11 Q Yes.

12 A I believe the one that -- the report you had shown me,
13 that was June 5th of 2020.

14 Q Several years ago?

15 A Yes.

16 Q Do you recall where you received the information that
17 you placed in that report? You said this wasn't your case.
18 You were just working for -- transmitting documents to the
19 lab and materials. Who'd you receive the information from?

20 A What do you mean by information?

21 Q Well, there's some information contained within that
22 request for analysis form, information about this case. Who
23 would you have received that information --

24 A That would have come from either a case report or the
25 evidence labels themselves.

26 ATTY. BERKE: Thank you.

27 ATTY. DAVIS: Are you done?

1 ATTY. BERKE: Yes, I have no questions.

2 THE COURT: Okay, thank you. Any cross-
3 examination?

4 ATTY. PALERMO: Yes, Your Honor.

5 CROSS-EXAMINATION BY ATT. PALERMO:

6 Q Good morning, Detective.

7 A Good morning.

8 Q Were you at all involved in the investigation in this
9 case?

10 A No.

11 Q Did you have any information about the allegations in
12 this case?

13 A No.

14 Q Did you know who the child was in this case?

15 A No.

16 Q Did you know when the incidents were alleged to have
17 occurred?

18 A No.

19 Q Do you recall -- so what was your role in terms of
20 this case then?

21 A It was to submit the --

22 Q Pardon me?

23 A Sorry?

24 Q What was your role in this case?

25 A It was to submit the evidence to the state laboratory.

26 Q So would it be fair to say you were the evidence
27 officer?

1 A Yes.

2 Q And did you bring up evidence in just this case or
3 were you an evidence officer at the time of when you brought
4 the items up?

5 A Basically, I was an evidence officer at the time.

6 Q So you brought up tons of evidence to the state lab?

7 A Yes, numerous items.

8 Q Pardon me?

9 A Numerous items on numerous occasions.

10 Q So would it be fair to say you knew nothing about this
11 case?

12 A Correct.

13 Q Do you have any idea whether or not you filled out
14 this form, State's Exhibit B?

15 ATTY. DAVIS: Defense.

16 THE COURT: Defense B.

17 ATTY. PALERMO: I'm sorry.

18 THE COURT: That's all right.

19 Q Defense B, which is the non-CT-100 form.

20 A I don't recall filling that form out.

21 Q But you could have?

22 A But I could have.

23 Q Do you have any idea where you -- do you know where
24 the information came from on this form? Do you know
25 personally where the information came?

26 A The information that's --

27 Q Contained in this form.

1 A That would come from the case reports or the case
2 officer.

3 Q Do you have personal knowledge of that? I'm asking
4 you what you personally know regarding this form.

5 A I do not.

6 Q Do you know anything about this form?

7 A I do not.

8 Q Do you know where the information that's on this form
9 came from?

10 A It would have come from case reports.

11 Q Do you personally know where this came from?

12 A I do not.

13 Q Okay. I don't want you to assume, okay? I want to
14 know, do you know where this information came from? Do you?

15 A I do not.

16 Q So you don't even remember if you put this in?

17 A Correct.

18 Q This is called a non-CT-100 form, correct?

19 A Yes.

20 Q Is this a form that is a Trumbull Police Department
21 form?

22 A No, it is not.

23 Q Where does it come from?

24 A It's a state laboratory form.

25 Q And how many times have you seen a form like this?

26 A Once or twice.

27 Q In your lifetime?

1 A Yes, while I've been at the Trumbull Police
2 Department.

3 Q Once or twice, and that includes looking at this one?

4 A Correct.

5 Q So would it be fair to say this is a very uncommon
6 form for the Trumbull Police Department to fill out?

7 A Yes.

8 Q And do you know where this form came from?

9 A I do not.

10 Q Did it come from the state police lab?

11 A It most likely came --

12 ATTY. BERKE: Objection, Your Honor. That's
13 asked and answered. He's said he doesn't know where
14 it's from.

15 THE COURT: I'll allow it. It's cross-exam.

16 Q Do you know where this form came from?

17 A It would originate from the lab or it may be on a lab
18 website maybe.

19 Q You have no recollection?

20 A I do not.

21 Q Do you have any recollection of receiving this form
22 from the lab?

23 A I do not.

24 Q When you went to the lab to bring up the evidence in
25 this case, what do you recall bringing up? Do you remember?

26 A Do I remember --

27 Q What evidence you brought up to the lab.

1 A There were a total of three items. I believe they
2 were bedding items.

3 Q I'm showing you Defendant's C again. Did you complete
4 this form?

5 A Yes.

6 Q And you filled this out yourself?

7 A Yes.

8 Q Okay, and did you have any personal information
9 regarding the date of the incident in this case?

10 A It would have been --

11 Q Do you recall having any personal information about
12 the date of the incident?

13 A No.

14 Q Well, you put a date of incident of May 8, 2020. As
15 you sit here today, do you have any idea why you put that
16 date here?

17 A I do not.

18 Q Do you even know if that's an accurate date?

19 A I do not.

20 Q Do you know if there was more than one incident
21 alleged in this case?

22 A I do not.

23 Q But this is your report?

24 A Yes, it is.

25 Q You said you brought something else to the lab,
26 correct?

27 A Yes, I believe there was another item or another round

1 of submission for that case.

2 Q Do you recall what you brought to the lab?

3 A I believe they were buccal swabs.

4 Q Was it one swab or more than one swab?

5 A Excuse me?

6 Q Do you recall if you brought up one swab or more than
7 one swab as you sit here today?

8 A I'm trying to remember. Off the top of my head, I
9 don't know if there was one swab or two swabs. It would
10 have been one item.

11 ATTY. PALERMO: Your Honor, may I approach to
12 have this document marked for ID?

13 THE COURT: Sure.

14 Q Would it help refresh your recollection if you saw a
15 request for analysis form?

16 A It would.

17 Q I'm showing you what's been marked for identification
18 purposes only State's Exhibit 27. Do you recognize that
19 form?

20 A Yes.

21 Q What do you recognize it as?

22 A The request for analysis form to be submitted to the
23 state lab.

24 Q Did you -- was that a form you submitted to the state
25 lab?

26 A It is.

27 Q Do you recall what you were submitting that day to the

1 state lab?

2 A Listed as buccal sample and two FDA cards/Nicholas
3 Hall.

4 Q So was that the buccal swab from Nicholas Hall?

5 A Yes.

6 ATTY. PALERMO: I'm going to ask that it be
7 admitted as a full exhibit.

8 THE COURT: Any objection?

9 ATTY. BERKE: As long as we can deal with the
10 redactions, no.

11 THE COURT: Okay. We will deal with the
12 redactions, yes.

13 ATTY. PALERMO: Madam Clerk, do you want them
14 now?

15 THE COURT: Yes, please. What number do you
16 have?

17 ATTY. DAVIS: 27.

18 ATTY. PALERMO: This is 27.

19 THE COURT: So 27's going to be a full. What we
20 have to do is just redact the names. So actually,
21 what we do is sort of, like -- we make a 27A and then
22 we make 27. You get 27, which is the redacted
23 version. And the reason I say that is you could go
24 into any courtroom in any court in Connecticut and
25 say, "I want to see the evidence in the Smith case,"
26 and it's available. So all the evidence in all cases
27 are available and open to the public, so if it has a

1 name on it that we've been redacting throughout, we
2 have to do it. But here, the lawyers show it to the
3 witnesses without the redaction because it's easier
4 to recognize because they don't do the redacting,
5 naturally, because they don't have to worry about a
6 public forum like this. Thank you.

7 Q And showing you on State's Exhibit 27, did you fill
8 out the information on this?

9 A Yes.

10 Q And does that document have the same case number as
11 the document that you submitted for the mattress -- the
12 bedding, which is Defense Exhibit C?

13 A It does.

14 Q And on State's Exhibit 27, you put the incident date,
15 correct?

16 A Yes.

17 Q What incident date did you put on that document?

18 A It's listed as 5/22/2020.

19 Q And what date did you put on the other document?

20 A May 8, 2020.

21 Q And do did you know the dates of incident when you
22 brought those items to the lab personally?

23 A I did not.

24 Q Do you have any idea where you got those dates from?
25 As you sit here today, do you know why you put those dates
26 there? It's a yes or no answer.

27 A I do not.

1 Q But you were just the evidence officer, right?

2 A Correct.

3 Q You were just asked to bring these items up to the
4 state?

5 A Correct.

6 Q You had no knowledge of any of the details regarding
7 this case?

8 A I do not.

9 Q Did you review the forensic interview of the child in
10 this case, L.T.?

11 A I did not.

12 Q Did you talk to the mother in this case, G.T.?

13 A I did not.

14 Q Did you review any audio or video clips regarding
15 L.T.?

16 A I did not.

17 ATTY. PALERMO: One moment, Your Honor.

18 THE COURT: Take your time, please.

19 ATTY. PALERMO: No other questions, Your Honor.

20 THE COURT: Okay. Any redirect?

21 ATTY. BERKE: Yes.

22 REDIRECT EXAMINATION BY ATTY. BERKE:

23 Q So just to be clear, when you describe yourself as an
24 evidence officer, your job was limited with the evidence in
25 transporting it from the Trumbull Police Department to the
26 state lab?

27 A Correct.

1 Q It was -- you had no responsibilities on a scene to
2 collect evidence?

3 A Correct.

4 Q And the CT-100 form as well as the request for
5 analysis forms -- so that's Defendant's Exhibit B, State's
6 Exhibit 27, and Defendant's C. So we're talking about the
7 request for analysis, CT-100 forms, and other requests for
8 analysis. Those documents were in the Trumbull Police
9 Department file?

10 ATTY. PALERMO: Objection, leading, Your Honor.

11 THE COURT: I'm going to allow it.

12 Q Those three forms were in the Trumbull Police
13 Department file?

14 A Like, the case folder?

15 Q Whatever you call it.

16 A I assume they were.

17 Q I thought you said you retrieved them from your case
18 folder.

19 A The copies that I was asked on my subpoena to bring, I
20 got copies from the records division this morning.

21 Q So they were held by the Trumbull Police Department?

22 A Yes.

23 Q So the form may be a state lab form, but these
24 documents were within the Trumbull Police Department case
25 folder at the records department, correct?

26 A Correct.

27 Q And they were completed by -- at least the request for

1 analysis was completed by you for the bedding material?

2 A Yes.

3 Q And transmitted by you, even though it's not a
4 Trumbull Police Department form?

5 A Yes.

6 Q And the CT-100 form is not a Trumbull Police
7 Department form, but it was -- do you know if -- it was
8 within the file folder of this case from the Trumbull Police
9 Department, correct?

10 A Yes, a copy was in the file.

11 Q Now, there was a question regarding date of the
12 incident, and this may seem obvious, but can you describe
13 the definition of incident?

14 A Date of occurrence as it's reported to the police
15 department.

16 Q Of an event that occurred?

17 A Correct.

18 ATTY. BERKE: I have nothing else, sir.

19 THE COURT: Any recross?

20 RECROSS-EXAMINATION BY ATTY. PALERMO:

21 Q And do you have any personal knowledge that the dates
22 you put on those two forms, the CT-100 and the request for
23 analysis regarding the buccal swabs, were the date of
24 incident or some other date?

25 A I do not.

26 Q You don't know if those are correct. Is that
27 accurate?

1 A Correct.

2 ATTY. DAVIS: Thank you.

3 THE COURT: Any redirect?

4 REDIRECT EXAMINATION BY ATTYY. BERKE:

5 Q Is there any reason why you would submit a form with
6 an incorrect date?

7 A No.

8 ATTY. PALERMO: I'm going to follow up with a
9 question.

10 REXCROSS-EXAMINATION BY ATTYY. PALERMO:

11 Q Did you read the police reports before you filled out
12 those forms?

13 A No.

14 Q So you have no -- would it make sense to read the
15 police reports, if you're writing, for accuracy?

16 A No.

17 Q No? It wouldn't be a good idea to look at the police
18 report to make sure that the date of incident is what you're
19 saying it was?

20 A I would take that off of what our computer system says
21 for the date of incident.

22 Q But you don't know if you did that in this case?

23 A Correct.

24 ATTY. PALERMO: Thank you.

25 ATTY. BERKE: I don't have any further
26 questions.

27 THE COURT: Okay. Thank you, Detective. Have a

1 good day. Do you have any evidence up there.

2 THE WITNESS: I do not.

3 THE COURT: Okay, good. I've just got to make
4 sure.

5 ATTY. BERKE: If I could share my next witness?

6 THE COURT: Yeah, sure, please. Detective
7 Wheeler's being called -- recalled, this time as a
8 witness for the defense, and I'm going to put him
9 under oath again just because it's been a week. If
10 you could raise your right hand, please, Detective?

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1 D A N W H E E L E R ,

2 Being first duly sworn, was examined and testified under
3 oath as follows:

4 THE COURT: Thank you, Detective. You can have
5 a seat, please. You may proceed, Attorney Berke.

6 ATTY. BERKE: Thank you.

7 DIRECT EXAMINATION BY ATTY. BERKE:

8 Q Detective, was it brought to your attention that there
9 were incidents alleged to have occurred of a sexual nature
10 in multiple locations within the house of 96 Lake Avenue?

11 A Yes.

12 Q And those areas you had testified to earlier, just for
13 the purpose of this line of questioning, it was the bedroom
14 that was shared by S.T. and L.T., correct?

15 A Yes.

16 Q The bedroom of W.T.H.?

17 A Yes.

18 Q A bedroom of G.T.?

19 A Yes.

20 Q The laundry room?

21 A The laundry room, yes.

22 Q And the living room?

23 A Yes.

24 Q Specifically the couch?

25 A The couch.

26 Q Now, you had testified that you had expected Nick
27 Hall's DNA to be in a variety of place within the house?

1 A Yes.

2 Q Because he previously lived there?

3 A Yes.

4 Q Did you contemplate searching those areas for not just
5 DNA, but for other biological material?

6 A Yes.

7 Q Did you contemplate searching for fecal matter in
8 those other areas that were not identified with the
9 alternative light source?

10 A No.

11 Q Did you contemplate searching for seminal fluid?

12 A Yes.

13 Q Did you contemplate searching for semen in those other
14 areas?

15 A Yes.

16 Q But you chose not to do that?

17 A Yes. We didn't have a reason to believe that we
18 needed to examine those areas further.

19 Q So it's true that you can't physically see with your
20 naked eye those type of materials? With perhaps the
21 exception of fecal matter, you may not be able to see them.
22 As you testified, you need to use an alternative light
23 source.

24 A Most likely.

25 Q So without even attempting to look, the chances are
26 you wouldn't know?

27 A Well, we didn't need to know. We assumed there would

1 be stuff in all those areas.

2 Q You assumed that there would be seminal fluid?

3 A Possibly, yes.

4 Q Without testing?

5 A That's correct.

6 Q I mean, you were provided information by whichever
7 person provides that information. As a detective, would it
8 be your obligation to follow up and determine the
9 truthfulness of that information?

10 A I don't know if I can agree to that.

11 Q Okay. Well, describe that.

12 A Well, as I just said, we had reason to believe that
13 his DNA would be in all of those several spots that you just
14 listed.

15 Q Well, I wasn't just referring to DNA. I was referring
16 to seminal fluid or semen.

17 A We would have reason to believe that all that could
18 possibly be in all those areas, so we focused on the child
19 bedroom.

20 Q No, I understand that. You testified that you did
21 test the child's bedroom, but I'm talking about the other
22 areas, your decision to not test those because there was an
23 assumption made that you assumes that they would -- those
24 materials would be on those areas.

25 A Yes.

26 Q And without any scientific testing?

27 A That's correct, because we assumed that they would be

1 there.

2 Q Now, you had a couple of conversations with G.T., and
3 if my memory is correct, there were some phone calls that
4 were initiated by you and others that were by her subsequent
5 to the initial complaint to Officer Fortunato, correct?

6 A After the initial report?

7 Q Yes.

8 A Yes. There was phone calls possibly both ways.

9 Q And she had provided information that was relevant to
10 this investigation?

11 A Yes.

12 Q Of varying types. It wasn't all the same information.
13 It was different types of information, is that fair to say?

14 A Yes.

15 Q But it was information that was relevant to your
16 investigation?

17 A Yes, it was.

18 Q And there came a point in time that you realized that
19 Jayda Garrell and Jennifer Foster, her mother, also had
20 relevant information pursuant to this investigation?

21 ATTY. PALERMO: Your Honor, I'm going to object
22 just on the basis of he's just leading the witness.
23 This is his witness. He's now leading him. I don't
24 know if the Court's just going to allow --

25 THE COURT: I'm going to allow it.

26 ATTY. PALERMO: Okay.

27 THE COURT: I'm going to allow leading

1 questions.

2 ATTY. PALERMO: So I will not keep objecting,
3 Your Honor.

4 THE COURT: Thank you. Do you know the
5 question?

6 THE WITNESS: If you could repeat it, that would
7 be --

8 ATTY. BERKE: Certainly.

9 Q There came a point in time during your investigation
10 that you realized that Jayda Garrell and Jennifer Foster,
11 her mother, had relevant information or potential relevant
12 information to your investigation?

13 A Yes.

14 Q And do you recall where they were residing at the time
15 that you met with them?

16 A New York.

17 Q Do you know how far away they were residing from
18 Trumbull?

19 A I mean, I could take a guess, but I don't know exactly
20 how far their commute was. I believe it was Poughkeepsie.

21 Q I can't answer the question.

22 A I don't know exactly how far their house was from
23 Trumbull.

24 Q Somewhere in New York. It was a distance which you
25 don't know. Is that fair to say?

26 A Yes.

27 Q You asked them to come down and provide an interview?

1 A Yes.

2 Q And after they provided that interview, which was
3 videotaped, you asked them to sign a document saying that
4 the information they provided to you was truthful, correct?

5 A Yes.

6 Q And that statement saying that their statement was
7 truthful is under oath?

8 A Yes.

9 Q And what's the purpose of providing an oath?

10 A For them to swear to it.

11 Q Swear to the truthfulness of the information that they
12 provided to a police officer, correct?

13 A Yes.

14 Q And that information provided is under the penalty of
15 perjury?

16 A I don't think we use the term perjury in the police
17 department, more like a false statement is what we would
18 say.

19 Q A false statement's a crime, correct?

20 A Yes.

21 Q So when you were asked questions about why G.T. was
22 not interviewed by video, I think your response was because
23 of COVID, that you only had essential people coming to the
24 department.

25 A I think my response was that a lot of times she didn't
26 come in, yes, because of COVID. That's correct

27 Q What was your reasoning for not providing the same

1 process, having your interviewed, videoed, and then sign a
2 form under oath that the information was subject to a false
3 statement penalty?

4 A You're asking why didn't I get a statement and do a
5 video with [G.]?

6 Q Yeah, the same process that you did with --

7 ATTY. PALERMO: I'm going to ask that her name
8 be stricken.

9 THE COURT: Name be stricken, please.

10 THE WITNESS: My apologies.

11 THE COURT: That's all right.

12 Q With G.T., the same procedure. Why didn't you follow
13 the same procedure?

14 A Because a statement wasn't -- a video wasn't necessary
15 from G.T.

16 Q That's why you didn't follow the same procedure?

17 A Yes.

18 Q The information from Jayda Garrell and Jen Foster was
19 important towards your investigation, correct?

20 A Of course.

21 Q And the information that G.T. provided was also
22 important towards your investigation?

23 A Yes, it was.

24 Q But you chose to treat it differently in the manner in
25 which you conducted that information gathering?

26 A Yes.

27 Q Was that decision based at all upon the fact that a

1 relative is a police commissioner in Trumbull?

2 A No.

3 Q Was it brought to your attention that the last
4 incident occurred April 29th of 2020?

5 A Yes, it was.

6 Q And as a detective who has significant experience
7 dealing with these type of claims, sexual assault in nature,
8 what is the significance of being able to evaluate the
9 presence of any signs of sexual abuse upon the complaint, a
10 physical exam. Is there a significance in the timing of
11 that from the date of the incident?

12 ATTY. PALERMO: I'm going to object. I don't
13 think he's qualified to make a medical determination,
14 Your Honor.

15 ATTY. BERKE: Your Honor, he has testified
16 regarding delayed disclosure. He's testified that he
17 has a lot of experience in this field investigating
18 sexual assault cases. This is not necessarily a
19 medical question, a specific medical question. This
20 is a general question regarding the timing of an
21 evaluation, period.

22 THE COURT: I think it needs to be rephrased.
23 And if it's for him, you know, in his experience,
24 what significance, if any, a medical exam is, that's
25 one thing. But in general terms, no. So the
26 objection is sustained in part. Perhaps you could
27 rephrase it.

1 ATTY. BERKE: Certainly.

2 Q Based on your training and experience in
3 investigating these type of cases, is there a significance
4 in the timing of the physical exam being in close proximity
5 to the incident?

6 ATTY. PALERMO: Objection. I think it's the
7 same question.

8 ATTY. BERKE: If he has any experience.

9 THE COURT: I think that's admissible, so I will
10 overrule the objection. Based on your training and
11 based on your experience, can you answer that
12 question?

13 THE WITNESS: Can you just repeat it for me one
14 more time so I can answer that clearly for you?

15 ATTY. BERKE: Probably not in the same manner,
16 but I will try.

17 Q Based on your training and experience investigating
18 these type of cases, is there a significance in obtaining a
19 physical exam close in time to the date of the incident?

20 A Well, I can't really speak on the medical results
21 portion. I can just tell you that my recommendation is
22 always to get medical treatment, and that's why I asked her
23 to get it if she felt she needed to. I can't differentiate
24 if it's -- like, if evidence is better, you know, at week
25 two versus week four. That, I'm not sure of.

26 Q So you would be able to testify that it's important to
27 do it in a timely manner?

1 A Well, it would depend on -- I think that's more of a
2 medical question. I think when incidents happen
3 immediately, that's when you would have your best chance of
4 obtaining some kind of evidence. In a delayed reporting,
5 then obviously your chances would decline.

6 Q So the longer period of time between the incident and
7 the exam, in your experience, would make it harder to obtain
8 evidence?

9 ATTY. PALERMO: Objection. I don't think he
10 said that.

11 ATTY. BERKE: I think that that's exactly what
12 he said.

13 THE COURT: Well, he's being asked a question.
14 So is it a yes or a no?

15 THE WITNESS: Yeah, I don't think that's what
16 I'm saying. I think if there's an active incident
17 and treatment is -- and you seek treatment
18 immediately, that's your best chance to get the
19 results. If you're asking me if you wait two weeks
20 versus four weeks, I can't really answer on that.

21 Q You didn't set up the medical exam. I believe you
22 said that that was referred to the Center for Family
23 Justice.

24 A Yes.

25 Q Did you have an opportunity to listen to the interview
26 of Nicholas Hall that was conducted by you and Detective
27 Lavin?

1 A Yes, I did. I listened to it with some earmuffs on
2 and was able to hear it much better.

3 Q And there was a question I'd asked you that was hard
4 for you to answer last time because of the quality of the
5 audio. During the context of that -- by the way, let me
6 take a step back. How long was that interview?

7 A It was about two hours.

8 Q And during that two hour interview, were there
9 occasions where you lied to Mr. Hall?

10 A I believe we spoke about it. I don't want to use the
11 word lie. Maybe deception would be a better word.

12 Q Well, you provided information that was not true.

13 A Yes.

14 Q And you say that's not a lie?

15 A I guess it depends on how you look at it.

16 Q Do you recall what you lied to him about?

17 THE COURT: If I could have just a moment? One
18 of the jurors has made a signal that they would like
19 a quick break at this time. Actually, you know, it's
20 probably a good time. We'll take a fifteen-minute
21 break. Okay, thank you.

22 (The jury exits the courtroom)

23 THE COURT: I just want to thank the marshal.
24 The marshal picked up on a signal from one of the
25 jurors. So we'll take a fifteen-minute recess at
26 this time. Thank you.

27 (A recess was taken; court resumes)

1 THE COURT: Thank you, Detective. You're still
2 under oath. If we could bring in the jury, please?
3 Thanks.

4 (The jury enters the courtroom)

5 THE COURT: All right, will counsel stipulate to
6 the presence of the jury and alternates?

7 ATTY. PALERMO: Yes, Your Honor.

8 ATTY. BERKE: Defense stipulates.

9 THE COURT: Okay. Two things I just want to --
10 please be seated, Detective. I'm sorry. Everybody
11 could be seated. Two things I want to say. If I
12 gave you the impression this morning that the State
13 was not prepared to go forward, I'm sorry. I didn't
14 mean to do that. The State was prepared to go
15 forward. We're taking witnesses out of order just
16 because of the timing and when the witnesses were
17 told to be here. So please do not think -- and if I
18 gave that impression, I'm sorry.

19 The other thing is the parties have agreed to
20 meet on Monday via Teams, so that will step up our
21 process. So we're hoping that there's a chance you
22 may get it Tuesday afternoon, but plan on Wednesday.
23 Even though -- I told you the charge, the instruction
24 that I give you at the end, although it's ultimately
25 my decision, it's kind of a product of all of us.

26 I gave it to them a couple of days ago. They
27 look at it. They submit what they think should be

1 changed. I tell you, my typing stinks, so I get
2 typos corrected. And then they submit requests to
3 charge, things they want added in. So although it's
4 a product of everyone, it's still me, the ultimate
5 decider of who has to figure out what I say to you
6 and what I don't say to you. So that we're going to
7 do remotely on Monday, and then instead of having a
8 hearing on the record about it, we could actually
9 just say that we met on Teams and we were able to
10 work things out and you'll have the final product.
11 So it helps save time. All right, if we could please
12 proceed.

13 ATTY. BERKE: Certainly.

14 DIRECT EXAMINATION BY ATT. BERKE CONTINUED:

15 Q If we could pick up where we left off, we were talking
16 about the interview that you and Detective Lavin had with
17 Mr. Hall at the Trumbull Police Department, and I asked you
18 if you recalled statements that you or Detective Lavin made
19 to him that were incorrect, whether a lie or a deception,
20 however you want to phrase it. Do you recall those
21 statements?

22 A Yes.

23 Q And the purpose of lying to him about facts was to get
24 him to tell the truth and provide truthful responses?

25 A Basically to get more information.

26 Q Did you just testify before this jury that the purpose
27 of that process is to get a truthful response?

1 A I think that's a true statement. Also, you have to
2 get a truthful response to get more information, however you
3 want to look at it.

4 Q And the interview, you said, was about two hours?

5 A Yes.

6 Q And do you recall any of the lies or deceptive facts
7 that you provided to Mr. Hall?

8 A Yes.

9 Q What were those?

10 A You want me to list all of them that I can remember?

11 Q Well, if you can list some that you remember, yes.

12 A I remember some of the deception used was we have a
13 lot of things from the house, not just sheets. I remember
14 some of the deception used was articles of clothing that we
15 could possibly have. I remember that we said that we might
16 have more DNA type of items, and I also believe -- I just
17 want to make sure I phrase it correctly -- that we may have
18 things that show if something's happened to a child; that's
19 the nicest way to put it.

20 Q And I think I know where you're going with this. If
21 I'm incorrect, please correct me, and I certainly apologize
22 for the crudeness of it, but it is within the video the
23 jurors are going to hear. Was there a statement that you
24 made that we have identified that there was cum in the
25 complainant?

26 A We did say things along those lines, yes.

27 Q And that was not true?

1 A I guess that depends on how you look at it because
2 from the facts that I was given, I believed that was true.

3 Q You were talking -- in the context of that discussion,
4 you were talking about DNA and you were talking about
5 forensics?

6 A If you're specifically saying DNA, then yes, that
7 would have not been true at that moment.

8 Q So you did not have an expert who had analyzed
9 biologic material that was seminal fluid in L.T.?

10 A That's correct.

11 Q So all statements of that nature were not correct
12 statements?

13 A That's true.

14 Q And you said that to invoke a response?

15 A Yes, to obtain information.

16 Q During the course of your investigation, was it made
17 aware to you that G.T. and Nicholas Hall, at the time the
18 complaint was made, were in the middle of divorce
19 proceedings?

20 A Yes.

21 Q And did you review any documents that were filed
22 pursuant to that divorce proceeding?

23 A No.

24 Q Did you speak to any of the folks that were part of
25 that divorce process?

26 A No.

27 Q Are you aware whether a guardian ad litem was

1 appointed in that case?

2 ATTY. PALERMO: Objection, Your Honor,
3 relevance.

4 ATTY. BERKE: If he's aware.

5 ATTY. PALERMO: Still an objection on relevancy.

6 ATTY. BERKE: It's part of his investigation.

7 THE COURT: I'll allow it, but that'll be it.

8 Are you aware?

9 THE WITNESS: I'm not aware.

10 Q There were statements made that these incidents of
11 sexual assault were alleged to have occurred when G.T. was
12 working. Are you aware of that?

13 A I can't specifically say working. Not home I could
14 agree to.

15 Q But you're unaware that a statement was made that she
16 was working during some of the incidents?

17 A Correct.

18 Q That you're aware of?

19 A Correct.

20 Q Did you verify the employment as collateral
21 information as part of your investigation?

22 A Like I just said, I wasn't aware that she was at work.

23 Q Oh, I thought you said you were. I'm sorry.

24 A No. I'm sorry.

25 Q It was brought to your attention that the bedding had
26 not been washed since a date prior to April 29th of 2020.
27 Was that brought to your attention?

1 A Yes.

2 Q And was it also brought to your attention that in the
3 past, instead of washing the bedding, new bed sets were just
4 purchased? Had you ever heard that as part of your
5 investigation?

6 A I can't remember that part, no.

7 ATTY. BERKE: If I could approach the clerk,
8 Your Honor?

9 THE COURT: Yeah, sure.

10 Q I'm showing you a document which is Defendant's
11 Exhibit C. Do you recognize that document as being part of
12 the Trumbull file folder in this case?

13 A Yes. I'm not familiar with it, but upon looking at it
14 really quick, it would be part of the case.

15 Q And that's a request for analysis?

16 A Yes.

17 Q And to your knowledge, was that completed by Detective
18 Murray?

19 A Yes, it says so.

20 Q Did you provide information about this case to
21 Detective Murray?

22 A At the time, it's quite possible.

23 Q Was he part of the field investigation in this case,
24 if you're aware?

25 A No.

26 Q And did he interview any witnesses?

27 A No.

1 Q So is it fair to say the information he obtained would
2 either be by from another officer or from the case file?

3 ATTY. PALERMO: I'm going to object.

4 THE COURT: It calls speculation.

5 ATTY. PALERMO: Thank you, Your Honor.

6 THE COURT: It's sustained.

7 Q Did you provide him copies of any police reports in
8 this case? Detective Murray I'm referring to.

9 A I wouldn't have provided him copies of it. I would
10 imagine he would just have access to them.

11 Q When someone accesses a report, are you able to see
12 the date and time that someone accesses that report?

13 A I wouldn't know that.

14 Q That's not part of your file system?

15 A No.

16 ATTY. BERKE: I have nothing else.

17 THE COURT: Okay. Cross-examination?

18 ATTY. PALERMO: Your Honor, since this is cross-
19 examination, I'm just going to ask the Court's
20 permission to lead, if that's appropriate.

21 THE COURT: Go right ahead.

22 ATTY. PALERMO: Thank you, Your Honor.

23 THE COURT: Do you have an exhibit still?

24 THE WITNESS: No, Your Honor.

25 CROSS-EXAMINATION BY ATTY. PALERMO:

26 Q Good afternoon.

27 A Hello.

1 Q Detective, you were the lead detective on this case,
2 correct?

3 A Yes.

4 Q How many police reports did you yourself write?

5 A I wrote six reports, I believe.

6 Q And isn't it true that in the file there are a total
7 of 17 reports just on this case, correct?

8 A Yes.

9 Q Other officers wrote reports also, correct?

10 A Yes.

11 Q And your first report, it was 11 pages long, wasn't
12 it?

13 A Yes, it was.

14 Q And in that report, would it be fair to say that you
15 documented with detail what you did on each of the dates in
16 that report?

17 A Yes.

18 Q You first contacted G.T. on 5/27/2020?

19 A Yes.

20 Q You documented the date on that?

21 A Yes, I did.

22 Q And this is from your first report dated 5/27/2020?

23 A Yes.

24 Q And in that report, did you document what your
25 conversation contained or included when you spoke to G.T.?

26 A Yes.

27 Q Did you include what she told you regarding the

1 background information of the family?

2 A Yes.

3 Q Did you advise her about that there would be an
4 upcoming forensic interview?

5 A Yes.

6 Q Did you advise her that the Center for Family Justice
7 would be contacting her?

8 A Yes.

9 Q Did you advise her that she could go to the hospital
10 if it was an immediate need or her doctor for L.T. or she
11 could wait to have services set up through the Center for
12 Family Justice?

13 A Yes, I did.

14 Q After your conversation with G.T., did you also
15 document that you spoke to the Center for Family Justice?

16 A Yes.

17 Q And did you do that to try to set up an interview to
18 try to get the ball rolling on a forensic interview?

19 A Yes.

20 Q On June 1, 2020, did the Trumbull Police Department
21 receive the audio file from G.T.?

22 A Yes, we did.

23 Q And was that recording saved?

24 A Yes, it was.

25 Q Was that a recording between G.T. and L.T.?

26 A Yes.

27 Q And did you review that audio recording?

1 A Yes, I did.

2 Q And did you document what was included in that audio
3 recording in your first police report?

4 A Yes, I did.

5 Q And on the same date of June 1, 2020, did you make
6 contact with G.T. again by phone?

7 A Yes.

8 Q And did she provide you with further information?

9 A Yes, she did.

10 Q And did she tell you -- did she provide you with
11 information regarding what L.T. had told her as to when the
12 assaults began, when they started occurring?

13 A Yes.

14 Q Did you document that in your report?

15 A Yes, I did.

16 Q Okay, and that wasn't May 8, 2020, was it?

17 A No.

18 Q And it wasn't May 22, 2020 either, was it?

19 A No.

20 Q It actually began earlier towards the end of 2018,
21 wasn't it?

22 A Yes.

23 Q And did you document that?

24 A Yes, I did.

25 Q Did you also document what G.T. told you about her
26 relationship with the defendant, how it progressed from when
27 first met to once they got married?

1 A Yes.

2 Q And that was all in your report?

3 A Yes, it was.

4 Q Did you also document your conversation with G.T.
5 about her going to Poughkeepsie to drop off the children at
6 Jen Foster's house?

7 A Yes, I did.

8 Q Did you document how G.T. became aware of what [L.]
9 had told Jayda?

10 ATTY. DAVIS: Strike --

11 ATTY. PALERMO: Oh, excuse me. Strike that,
12 Your Honor.

13 THE COURT: Stricken.

14 Q Did you also document how G.T. became aware of what
15 L.T. told Jayda?

16 A Yes.

17 Q Did you document that in your report?

18 A Yes, I did.

19 Q And you contacted Jennifer Foster, correct?

20 A Yes.

21 Q And that was on June 1st?

22 A Yes.

23 Q After you talked to G.T.?

24 A Yes.

25 Q And did you document the fact that you had contacted
26 Jennifer Foster?

27 A Yes, I did.

1 Q And did you document some information regarding that
2 conversation?

3 A Yes.

4 Q Did you document the fact that L.T. had a forensic
5 interview on June 3, 2020?

6 A Yes.

7 Q Did you document that you listened to -- you observed
8 that interview?

9 A Yes.

10 Q Did you document details about that interview in your
11 report?

12 A Yes.

13 Q Did you document meeting with Jayda and her mother on
14 June 3rd?

15 A Yes, I did.

16 Q And did you document that the interviews were recorded
17 then?

18 A Yes.

19 Q And that they provided a sworn statement attesting to
20 their video interview?

21 A Yes.

22 Q Did you document the substance of their interviews in
23 your report?

24 A Yes.

25 Q Did you document on June 3, 2020 having another
26 conversation with -- did you document on June 3, 2020 at
27 4:30 p.m. going to the 96 Lake Avenue House?

1 THE COURT: If we could meet at sidebar? Could
2 we go off the record for a second, please?

3 (Sidebar)

4 Q Do you recall going to the Lake Avenue house on June
5 3rd?

6 A Yes, I do.

7 Q Why did you go there?

8 A On June 3rd, we went there to speak with G.T. further.
9 We went there to take photographs of the house and obtain
10 information.

11 Q Did you go there to seize any evidence if there was
12 any?

13 A Yes. When we spoke to G.T., we tried to get a gauge
14 if there was any evidence that we could seize, so yes.

15 Q Did you seize any evidence at that time such as
16 clothing or items like that?

17 A No.

18 Q Why not?

19 A I remember at one point there was a pile of laundry on
20 the floor and even asking about that. She was under the
21 impression that everything would have been washed.

22 Q Did she tell you those clothes were washed, G.T.?

23 A Yes.

24 Q Did she tell you that L.T.'s clothing was washed in
25 terms of pajamas, clothing, and sheets?

26 A Yes, she did.

27 Q Is that why you didn't seize anything that day?

1 A That's correct.

2 Q The next day, though, did you have another
3 conversation with G.T.?

4 A Yes.

5 Q And as a result of that conversation, what did you do?

6 A Detailed investigators back to the house.

7 Q Why?

8 A To try to locate evidence in the bedroom.

9 Q What evidence?

10 A Bedding. I sent them to examine bedding.

11 Q Why did you send them to examine bedding when you were
12 there the day before?

13 A Because that day G.T., I made contact with her, she
14 advised that her child was coming to her often with new
15 information, and she provided new information that led us to
16 detail investigators to the scene.

17 Q To the bedroom in particular?

18 A To the bedroom, yes.

19 Q Did you document that?

20 A Yes, I did.

21 Q And did you go with the detectives that went there to
22 seize the bedding?

23 A No.

24 Q And do you recall who went there?

25 A Yes. That was, I believe Detective Lavin, Detective
26 Sergeant Pires, and Detective Edwards.

27 Q Do you know if, like, an alternate light source was

1 used at that time?

2 A Yes.

3 Q And that was on the 4th of June?

4 A Yes.

5 Q Did you hold on to the evidence that was seized? In
6 other words, did you keep it in Trumbull Police Department
7 for a long time?

8 A Once it gets seized, it would be secured as evidence
9 and eventually sent to the state lab.

10 Q And do you recall when that was sent to the state lab?

11 A It wasn't too long after that that it was sent. I
12 don't know the exact date.

13 Q Would it help refresh your recollection if I showed
14 you Defense Exhibit C as to when it was sent up to the lab?

15 A Yes. The next day, June 5th.

16 Q And who took that up to the lab?

17 A Detective Murray.

18 Q Was he the evidence officer?

19 A Yes.

20 Q Your conversations with G.T. you said that -- you
21 indicated she provided an audiotape of a conversation she
22 had with L.T., right?

23 A Yes.

24 Q Did she also tell you about a video that she did with
25 L.T.?

26 A Yes.

27 Q Did you review that video?

1 A Yes.

2 Q Did you document that you reviewed it?

3 A Yes, I did.

4 Q In one of your reports?

5 A Yes.

6 Q Based on all the information you had gathered through
7 your investigation, did L.T. say that the sexual assault
8 occurred on one day or -- strike that. I'm going to
9 withdraw that question. Based on your investigation, was it
10 your understanding that there was only one incident or
11 multiple incidents of sexual assault?

12 A Multiple.

13 Q Now, counsel asked you regarding why you didn't do any
14 -- take any evidence or look in the other rooms beside the
15 bedroom regarding Seminal fluid and semen. Could you
16 explain why you did not do that?

17 A We expected his DNA to be in those rooms.

18 Q Based on what?

19 A Based on the fact that he lived there and that he was
20 married to G.T

21 Q And did you take into consideration his interview
22 also?

23 A I'm not sure what you mean.

24 Q You interviewed the defendant also, right?

25 A Yes.

26 Q After his interview, did you go back and try to look
27 for seminal fluid?

1 A No.

2 Q Why not?

3 A Because he said that he had sexual with her all over
4 the house.

5 Q Sex with whom?

6 A With G.T.

7 Q And the fact that he had lived there and had taken
8 care of the children, did that factor into you not checking
9 for his DNA on the couch or in the laundry room or in his
10 own -- in the bedroom he shared with G.T.?

11 A That's correct.

12 Q Because why?

13 A Because he lived there.

14 Q Was your understanding that these incidents of sexual
15 abuse occurred not just when G.T. was working, but other
16 times as well?

17 A Yes.

18 Q And what other times?

19 A Just when she wasn't home.

20 Q And was there any indication that they also occurred
21 when G.T. was sleeping?

22 A Yes.

23 Q So you had several conversations with G.T., you
24 testified, right?

25 A Yes.

26 Q But you didn't ask her to come in for an interview
27 every time you had a conversation, correct?

1 A No, that's correct.

2 Q Would it be fair to say that you documented every
3 conversation you had with her?

4 A Yes.

5 Q So that one time that you asked G.T. to come in, when
6 was that? Do you recall when that was, after which
7 conversation you had with G.T.?

8 A Yes, that was on 6/10 I had her come in.

9 Q And why did you ask her to come in?

10 A Because on 6/4, she provided that further information.

11 Q Regarding what?

12 A Regarding new information that L.T. has been giving
13 her.

14 Q And is that when you went and had officers seize the
15 bedding?

16 A Yes.

17 Q Is it or was it, let me ask, the procedure at the
18 Trumbull Police Department to interview every person you
19 have a conversation with?

20 A No.

21 Q Did you feel that you had enough information when you
22 spoke to G.T. over the phone regarding what she was telling
23 you?

24 A Yes.

25 Q Counsel asked you something about a relative of the
26 family being a police commissioner in Trumbull, right? Do
27 you know who the police commissioner is? Have you ever met

1 this police commissioner?

2 A He could be in this room and I wouldn't know who he
3 is.

4 Q Did you ever have a conversation with anybody
5 regarding the police commissioner?

6 A No.

7 Q Now, counsel asked you did you have a chance to, after
8 we broke last week, listen to the interview of the
9 defendant.

10 A Yes.

11 Q And you said -- was it easier to hear the interview
12 when you listened to it outside of the courtroom?

13 A Yes.

14 Q And were you using anything to help kind of clarify or
15 amplify or help the sound in any --

16 A I had headphones on. It helped a lot.

17 THE COURT: I think earlier you said earmuffs.
18 You meant headphones?

19 THE WITNESS: I might have said earmuffs on
20 accident. Headphones.

21 Q Did you have earmuffs on? No earmuffs, right?

22 A Similar, yeah.

23 Q And did you hear the interview better?

24 A Much better.

25 Q Now, part of interviewing technique, is that to kind
26 of mislead a suspect or a defendant about what evidence you
27 have in a case?

1 A Yes.

2 Q Is that a standard interviewing technique in these
3 kind of situations?

4 A Yes, it is.

5 Q Is it acceptable practice among police?

6 A Yes.

7 Q It's allowed, in other words?

8 A Yes.

9 Q Is it standard procedure to start looking into
10 people's divorce proceedings?

11 A Not unless I felt there was a reason I needed to get
12 more information.

13 Q Was there any reason that you had gathered during your
14 investigation to think that what happened in the divorce
15 proceeding was necessary to know for your investigation
16 here?

17 A No.

18 ATTY. PALERMO: One moment, Your Honor.

19 THE COURT: Take your time.

20 Q Counsel asked you a question about learning about the
21 last incident occurring on April 29, 2020. Do you remember
22 that question?

23 A Yes.

24 Q Did the fact that that incident -- did the fact that
25 -- what you learned regarding April 29, 2020, was that part
26 of the conversation you had with G.T. before?

27 A Yes, it was.

1 Q And is that why you went and had officers seize the
2 bedding?

3 A Yes.

4 ATTY. PALERMO: Thank you. I have no other
5 questions, Your Honor.

6 THE COURT: Any redirect?

7 REDIRECT EXAMINATION BY ATTY. BERKE:

8 Q The oral statements made by G.T. to you by phone on
9 May 27, 2020 and June 1, 2020 were not subject to a false
10 statement. They were not under oath, correct?

11 A No.

12 Q And did you expect to find fecal matter on the couch
13 in the living room?

14 A Did I expect to?

15 Q You said you expected to find DNA in a variety of
16 different places -- the laundry rooms and other areas -- and
17 that's why you didn't conduct -- have detectives conduct a
18 search with an alternative light source. Did you expect to
19 find fecal matter on the couch in the living room?

20 A We would have expected to find other things, but
21 probably not fecal matter.

22 Q So that would be inconsistent with what was told to
23 you about the incidents that were complained to the Trumbull
24 Police Department?

25 A I'm not sure what you mean.

26 Q You wouldn't expect to find fecal matter because
27 that's not part of the complaint that was made.

1 A Well, it depends on how you look at it. I don't want
2 to say too much in front of the jury. I don't want to say
3 the wrong thing. The complaint -- I guess fecal matter
4 could be shown, but it wouldn't be -- I don't think it'd be
5 extremely visible.

6 Q And that's why you'd need an alternative light source,
7 correct?

8 A I don't believe that would work on fecal matter.

9 Q Are you saying that as a question or are you saying
10 that definitely, that based on your experience, fecal matter
11 would not be present utilizing an alternative light source?

12 A I think we discussed it earlier. Certain stains show,
13 right, with a light source, and certain things don't. Off
14 the top of my head, if fecal matter shows, I'm not sure on
15 that.

16 Q How long have you been processing crime scenes or
17 being responsible for officers that process crime scenes?

18 A About ten years.

19 Q You had testified on questions that were asked by the
20 state's attorney that the allegations were alleged to have
21 occurred when G.T. was at work and wasn't at work but away
22 from the home.

23 A Yes.

24 Q And maybe I misunderstood your answer before. Did you
25 ever follow up and identify dates that G.T. was working?

26 A It happened over a long period of time, so the last
27 incident was when we knew that he was alone with the

1 children. I didn't have any other follow up to do because I
2 didn't have any other certain dates.

3 THE COURT: The question was did you ever follow
4 up to see if G.T.'s work records indicate she was at
5 work during these alleged times.

6 THE WITNESS: No.

7 Q And that spans from any period of time? You didn't
8 identify her work history during that period?

9 A No, I didn't. I didn't think it was necessary.

10 ATTY. BERKE: I have nothing else.

11 ATTY. PALERMO: Just a couple of follow ups,
12 Your Honor.

13 THE COURT: Sure. Take your time.

14 RECROSS-EXAMINATION BY ATTY. PALERMO:

15 Q Did G.T. ever indicate that she saw fecal matter on
16 the couch or anywhere else?

17 A No.

18 Q If she had, would that have changed what you did?

19 A Of course.

20 Q Counsel said -- asked you questions about the
21 allegations having occurred -- allegedly occurred while G.T.
22 was at work away from the home, correct? Also, you
23 testified earlier that the allegations were that these
24 incidents of sexual abuse happened while G.T. was also
25 sleeping in the house, correct?

26 A Yes.

27 Q And did you have specific dates regarding when these

1 incidents specifically occurred in this long time period
2 from late December to April 2020?

3 A The only specific date was the 4/29 date.

4 ATTY. PALERMO: No other questions, Your Honor.

5 THE COURT: Any --

6 ATTY. BERKE: Certainly.

7 REDIRECT EXAMINATION BY ATTY. BERKE:

8 Q Would it be significant to your investigation if you
9 were able to conclude that G.T. did not work during the
10 significant timeframe of this allegation?

11 ATTY. PALERMO: Objection, Your Honor. I think
12 he's asking for something that didn't happen and he's
13 kind of projecting out what might have happened.

14 THE COURT: Right. I'm going to allow it.
15 Would it be significant to your investigation, I
16 think the question was phrased.

17 ATTY. BERKE: Yes.

18 A Just repeat it for me one more time so I can
19 understand it clearly.

20 Q Certainly. Would it be significant to your
21 investigation if you were able to identify that G.T. was not
22 working during significant portions of this claimed sexual
23 assault period?

24 A If I was aware, then I guess it would be worth
25 knowing, yes.

26 Q But if you don't investigate it, you wouldn't know.

27 A I guess it depends on the incidents. If I know

1 there's an incident, I could compare facts to her. I could
2 say, "On this date and this date, were you doing this?" I
3 didn't have dates to compare it to. I only had 4/29 as my
4 last date, so I can't really answer that.

5 Q So maybe I can ask it in a clearer method. If you
6 found out that someone hadn't worked in 2020, would that be
7 significant, if G.T. hadn't worked in 2020 from January 1st
8 until April 29th?

9 A Yes.

10 Q What about a period from July 19th until December of
11 2019?

12 A Yes.

13 ATTY. BERKE: Thank you.

14 THE COURT: Any follow up? Take your time. I'm
15 sorry.

16 RE-CROSS-EXAMINATION BY ATTY. PALERMO:

17 Q Was it your -- Detective, was it your understanding
18 that the abuse only occurred when G.T. was at work?

19 A No.

20 Q What was your understanding?

21 A My understanding was that it happened when she was
22 either asleep or not at the house.

23 Q Okay, and did it matter to you what she was doing
24 outside the house? G.T., I mean.

25 A It didn't specifically matter to me, but as I
26 mentioned, I only had the one day and I knew she was at -- I
27 knew I only had the 29th as a date to compare facts to.

1 Q I understand, but my question is is there any
2 significance whether G.T. was working, visiting her friend,
3 going to a movie, going to her father's in terms of the fact
4 that she was out of the house?

5 A No, I just knew that she was either sleeping or not at
6 the house.

7 ATTY. PALERMO: Thank you.

8 ATTY. BERKE: I have no other questions.

9 THE COURT: Thank you, Detective.

10 THE WITNESS: Thank you, Your Honor.

11 ATTY. PALERMO: Your Honor, the next witness is
12 the State's witness.

13 THE COURT: Yes. So like I said, ladies and
14 gentlemen, because of our scheduling concerns, we've
15 sort of mixed it up, and now it's the State's turn.
16 So you see, when it's the State's witness, the State
17 asks direct examination. When it's the defense, the
18 defense asks direct. So go right ahead, please.

19 ATTY. PALERMO: Thank you, Your Honor. State
20 calls Michael Morganti. May I talk to the clerk a
21 moment?

22 THE COURT: Yeah, take your time. If you could,
23 please, Mr. Morganti, remain standing, raise your
24 right hand, and face Madam Clerk. You're going to be
25 put under oath.

26

27

1 M I C H A E L M O R G A N T I ,

2 Being first duly sworn, was examined and testified under
3 oath as follows:

4 DIRECT EXAMINATION BY ATTY. PALERMO:

5 Q Good afternoon.

6 A Good afternoon.

7 Q Are you presently employed?

8 A I am.

9 Q Who do you work for?

10 A I work for the Department of Emergency Services and
11 Public Protection under the Division of Scientific Services
12 at the state forensic laboratory.

13 Q What is your present position there?

14 A I am a forensic science examiner 2 in the DNA section.

15 Q How long have you worked for the Division of
16 Scientific Services?

17 A April will be 15 years.

18 Q And how long have you been a forensic science examiner
19 2?

20 A Roughly about, I'd say, seven or eight years.

21 Q And you said you were working in the DNA section?

22 A That is correct, my entire time employed at the
23 forensic lab.

24 Q What are your duties and responsibilities as a
25 forensic science examiner 2 in the DNA section?

26 A I extract DNA from physical evidence that may contain
27 biological stains or material. I perform analysis -- data

1 analysis on my samples to develop a DNA profile if possible.
2 I'll write reports with my results and conclusions. I will
3 also testify in court, and as a forensic science level 2, I
4 also oversee the known or reference section of the DNA
5 section as well as I do all of the ordering for our section.

6 Q Have you previously testified in court as a forensic
7 science examiner 2 in DNA?

8 A I have testified before, yes.

9 Q Do you know how many times?

10 A This is my 39th.

11 Q What's your educational background?

12 A I have my bachelors of science in biochemistry from
13 Boston College and I have my master's of science in forensic
14 science from the University of New Haven.

15 Q Could you tell the jury how do items get to DNA in the
16 lab.

17 A So agencies -- we serve all of the police agencies as
18 well as the Connecticut State Police in the State of
19 Connecticut. Agencies will drop evidence off for their
20 cases in our evidence receiving section. Each case would
21 get a unique case number for the lab. So the police agency
22 number would then have a corresponding laboratory case
23 number, and any evidence that is brought in under that
24 police agency's number will go under that lab number. Each
25 item is given its own unique barcode, and once the evidence
26 receiving officer takes in the evidence, it's put into a
27 secure location until the evidence is ready to be tested.

1 Then whichever examiner is testing that evidence, they will
2 go to the secure location.

3 And everything is tracked on -- it's called LIMS. It's
4 our computer operating system that basically tracks all of
5 our cases. In order to get a piece of evidence into your
6 possession, you would have to enter your unique PIN number,
7 and the entire time it remains in your custody, it's under
8 your name, and then when you transfer it when you're done
9 with it into a secure location or if you return it, you will
10 then transfer out of your custody. And all of that chain is
11 tracked in this LIMS management system.

12 Q So the forensic lab, what does that consist of just so
13 that the jurors kind of get a sense of this. Is it just a
14 DNA lab? What does the lab -- what kind of evidence or what
15 kind of items get sent to the lab, and are there different
16 units in the lab that test for various things?

17 A Yes. We have various units. I'm part of the umbrella
18 of forensic biology and DNA. We also have the umbrella of
19 identification unit and things like firearms testing,
20 fingerprints that falls under there, as well as we have
21 chemistry, which is kind of arson cases. We also have our
22 toxicology and controlled substance unit as well as our
23 computer crimes unit.

24 Q Now, you talked about how agencies bring items in for
25 testing, right, and who are the agencies generally?

26 A Generally, they are the police agencies, the towns,
27 the cities and, like, any of the troops that fall under the

1 Connecticut State Police.

2 Q So if evidence is submitted to the lab by an agency, I
3 think you indicated that the lab creates, like, a lab number
4 for the items.

5 A Correct.

6 Q Is this lab number the same as the state agency or
7 police case number?

8 A No. Those would be different.

9 Q Why not? They're two different numbers. There's a
10 police case agency number and a lab number.

11 A Correct. I mean, for simple terms, basically if the
12 police agency number is 123 and the lab assigns that first
13 piece of evidence that comes in to, say, Case A, anything
14 that that police agency submits further under their case 123
15 would go under our lab A, in simpler terms.

16 Q So say items of evidence get submitted by a police
17 department, the agency, like, at different times. Do those
18 items still have the same lab case number?

19 A They do.

20 Q And say you have items 1, 2, 3 come in on one date and
21 then you have item 4 come in on another date. How do you
22 keep track of these items that are being submitted?

23 A So once the item is submitted, we would place -- I
24 would say the evidence receiving officer would place a
25 barcode on that item of evidence. So if items 1,2,3 came in
26 last month under Case X, the barcode would have Case X plus
27 the agency number with that item. Then when, say, item four

1 came in the following month, another barcode would be
2 printed with our lab Case X, item number 4.

3 Q So it's sequential?

4 A Correct.

5 Q So you work in the DNA section.

6 A I do.

7 Q What is DNA?

8 A So DNA stands for deoxyribonucleic acid. It's the
9 hereditary material that's found in all of our cells, which
10 determines what we are as organisms as well as individuals.
11 We receive our DNA from our parents, where we get half of
12 our DNA from our mothers and the other half from our
13 fathers. With the exception of identical twins, our DNA
14 profiles are unique.

15 Q And what is the purpose of DNA testing? Why do people
16 bring these items to the lab for DNA testing?

17 A DNA testing, at my job, it's a forensic tool of
18 comparison. So we'll develop profiles from pieces of
19 evidence, then we'll develop profiles from known or
20 reference samples in the case, and then we'd compare the
21 two, in essence, to see if they match.

22 Q So let's kind of go back. You compare items of
23 evidence and also items of knowns, you said?

24 A Yes.

25 Q Explain what you mean by that.

26 A So a known sample or a reference sample will come
27 directly from the person and it's used as their profile. We

1 know the source. So in most cases, an individual would be
2 -- we'd either get a blood sample or less invasive would be
3 a buccal swab. Buccal swabs are cheek cells. So you can
4 think of a swab. It gets -- the inside of your cheek is
5 swabbed, and then the profile that is developed from that is
6 going to be a known reference profile to be used to compare
7 to any evidence in the case because we know it came from
8 you.

9 Q And what is -- are there things called evidentiary
10 samples?

11 A Yes.

12 Q Explain what that would be.

13 A So evidentiary samples would be coming from crime
14 scenes or items where we do not know what the result is.

15 Q So for example, if it's a burglary case and someone
16 seized an item of clothing and they sent it to DNA, would
17 that be an evidentiary sample?

18 A Correct. So the clothing would be the evidentiary
19 sample, and then if it was a residential burglary, we would
20 want the owners of the home -- we would want their known
21 samples to eliminate them from the evidence samples. So
22 their known samples would be known, and we'd compare that to
23 the sweatshirt or the clothing which is the evidence.

24 Q And the purpose of this is to do what?

25 A To see if the two match or we can eliminate.

26 Q So do you make comparisons?

27 A We do, yes.

1 Q So are you saying that you can get -- you would tend
2 to get a DNA profile from an evidentiary sample and you'd
3 attempt to get a DNA profile from a known sample?

4 A Correct.

5 Q And could you just walk us through the process of how
6 you might do that?

7 A So we could break it down to four main steps of DNA
8 processing. The first step is extraction. During DNA
9 extraction, what we're doing is we are separating the DNA
10 from the rest of the cellular material because we want to be
11 left with the purified product. So we basically separate
12 the DNA from the evidentiary sample, whether -- typically,
13 it's a swab. But once we have a purified DNA product, we
14 can then estimate the amount of DNA that we have in our
15 sample.

16 From that estimation, we will perform what's called an
17 amplification reaction, and what you can think of it as, if
18 you're familiar with a Xerox machine, you can think of the
19 amplification reaction as a molecular xeroxing process.
20 We're looking at specific areas on the DNA chromosome and
21 we're making many, many, many copies of those areas.

22 More than 99% of our DNA is the same. It's why, you
23 know, we have two eyes, two arms, a digestive system. What
24 we're looking at, the copies that we're making are specific
25 areas that have been deemed to be variable amongst
26 individuals because we want that variability so that we can
27 detect differences. Once those areas are amplified or many,

1 many copies, we then attempt to detect a DNA profile, which
2 is represented by a series of peaks and numbers.

3 Q And is this done with evidentiary samples as well as
4 known examples?

5 A Yes, this is done with both.

6 Q And what is a single source profile? What does that
7 mean?

8 A So a single source profile, basically it's a DNA
9 result. It's coming from one person. The known sample that
10 I talked about, or reference samples, those are single
11 source samples. It's coming from one person. Like I said
12 earlier, we receive half of our DNA from our mothers and
13 half from our fathers. So for every single area that we
14 look at, we expect for a single source to see one or two
15 results.

16 If your mother and father gave you different types, you
17 would have two peaks there with their respective numbers.
18 If your mother and father gave you the same type, you would
19 only see one peak at that location. You can kind of think
20 of it as stacking on top of each other because it's the same
21 type. So for a single source profile, when we look at all
22 of the areas that we look at, we expect one or two types as
23 a result. When you get into a mixture where we're starting
24 to see three or more types at those areas that we are
25 looking at, which indicate that we have more than one
26 individual in the sample.

27 Q That's called a mixture?

1 A That is called a mixture.

2 Q So a single source profile, that would be a known,
3 correct?

4 A It could be --

5 Q Or it could be a known or it couldn't? Could it be
6 something else?

7 A Yeah, we could get a single source profile result from
8 an evidentiary profile as well or a sample.

9 Q Okay, and when you are looking -- say you're testing
10 -- say you're examining knowns. And in terms of this case,
11 what was your involvement? Were you involved in evidentiary
12 samples or known samples or both? Could you explain what
13 your involvement was regarding evidence in this case?

14 A So with regards to this case, I looked at only the
15 known samples that were submitted for this case.

16 Q And how many known samples did you look at?

17 A Five.

18 ATTY. PALERMO: Your Honor, if I may --

19 THE COURT: Go right ahead, please.

20 Q I'm showing you State's Exhibit 19. Do you recognize
21 this?

22 A Yes.

23 Q And what do you recognize it as?

24 A So this was a known sample that was submitted to the
25 laboratory for the case that we are discussing.

26 Q And I do not want you to say if there's any names on
27 that. Do you know who the known sample was from? Are there

1 initials?

2 A Yes.

3 Q And could you tell the jury the initials of the known
4 sample?

5 A G.T.

6 Q I'm now showing you State's Exhibit 20, and I'll ask
7 you if you recognize this.

8 A Yes, I do.

9 Q And what do you recognize it as?

10 A This was a known sample submitted from L.T.

11 Q I'm showing you State's Exhibit 21. Can you tell me
12 if you recognize this?

13 A Yes, I do.

14 Q What do you recognize it as?

15 A This is a known sample that was submitted from S.T.

16 Q And I'm showing you State's 22. Do you recognize this
17 exhibit?

18 A Yes, I do.

19 Q What do you recognize it as?

20 A This was a known sample that was submitted from W.T.H.

21 Q I'm finally showing you State's 23. You can say this
22 name out loud. Do you recognize that sample -- that
23 exhibit?

24 A Yes, I do.

25 Q What do you recognize it as?

26 A This was a sample that was collected from Nicholas
27 Hall.

1 Q And are -- these samples that you just looked at and
2 testified to, are these the items -- the known samples that
3 you did examination and an analysis on?

4 A Yes, those were the five knowns in this case that I
5 did the analysis for.

6 Q You know, we use different words sometimes. Lay
7 people use -- may not use the word known. Are those buccal
8 swabs?

9 A Yes, the inner cheek was swabbed of the individuals.
10 It was then placed on what's called an FTA card. What that
11 is is it's a piece of paper that has proprietary chemicals
12 on it. When the swab is pressed against the material, the
13 DNA will adhere to the paper. We then can actually sample
14 from that collection paper and store it at room temperature
15 and go back to it for further testing if we need it in the
16 future. So it helps for long-term storage as well as for
17 ease of sampling.

18 Q So could you tell us the ladies and gentlemen of the
19 jury what you did in terms of your involvement in testing
20 the known samples? And before you do that, did you have any
21 involvement with any evidentiary samples?

22 A I did not.

23 Q So take the ladies and gentlemen through what you did
24 when you first got these known samples?

25 A Okay. So Nicholas Hall's known came in first around
26 July of 2020. The sample was examined. As I said earlier,
27 that card was removed to be used for actual DNA testing.

1 The rest of the buccal collection items such as the swabs
2 were repackaged and returned to the police agency. From
3 that FTA part or that collection paper, a small little
4 circular punch was taken of where his sample was located.
5 Those four steps of DNA were performed on his sample. I
6 then extracted the data from our instrument and I imported
7 into our analysis software and I analyzed his sample to make
8 sure that a full DNA profile was obtained, meaning that
9 there was a result at all of those locations that we look
10 at. It was a single source profile. There was no
11 contamination. And once that was obtained, that was my part
12 in regards to his sample.

13 At a later time, the other four came in from G.T., L.T.,
14 S.T., and W.T.H. I believe that was around October. The
15 same things were done. The steps of DNA processing were
16 performed. I then again pulled the data from our instrument
17 and looked at it in our analysis software to make sure that
18 a single source profile was obtained for all of those
19 samples as well.

20 Q And was a single source profile obtained from all of
21 those files?

22 A They were.

23 Q So are there any procedures in place like controls to
24 make sure your examination is accurate, it's not
25 contaminated, that, you know, there's not someone else's DNA
26 mixed in with these known samples? How do you prevent that
27 kind of thing?

1 A So there's quite a few preventative measures. First,
2 we want to protect ourselves from the sample. So while
3 processing, analysts will wear what we call personal
4 protective equipment or PPE. We're garbed in lab coats,
5 face masks, gloves, sometimes hair nets while we're doing
6 our DNA testing, and that prevents us from contaminating the
7 evidence with ourselves.

8 Every time we run samples, we also run a set of controls,
9 both positive and negative controls. Negative controls
10 contain all of the chemicals that are used in the DNA
11 process without any DNA. We expect those negative controls
12 to produce no result. We should not have any DNA detected
13 in those negative controls. It tells us that the chemicals
14 we used are clean, that our instruments are clean.

15 And the positive controls that we run with our samples,
16 we know what that profile is. They're single source samples
17 where we know the result. We need to obtain that result in
18 our testing to show that the process was followed correctly,
19 the instruments were working as is because we were able to
20 obtain those results for the positive controls.

21 Q So, you know, just for clarification, you put in a
22 sample where you know who the known is, correct, and the
23 result should indicate what -- say, hypothetically, Sam
24 Smith's DNA, a known sample from Sam Smith, and that sample
25 is used to kind of make sure that the testing is working
26 properly. Is that what you're saying?

27 A Correct. So say, in your example, if Sam Smith was

1 the positive control, if we obtain a profile from him, we
2 would stop our process and look more into maybe it's an
3 indication that something went wrong with the instrument or
4 something -- you know, retesting might have to be done or
5 something like that. So the positive controls are
6 safeguards to show that everything is working as it should.

7 Q And did you apply these procedures, these controls in
8 the testing of these five known samples?

9 A Yes.

10 Q And were there any problems?

11 A There was not.

12 Q What does -- in terms of the five samples, the five
13 knowns that you had, did you receive a single source profile
14 on each one?

15 A Yes, I did.

16 Q Were there any problems with that?

17 A There was not.

18 Q Is there something called a mixture?

19 A There is.

20 Q What is a mixture?

21 A That is when we have a sample that is coming --
22 originating from more than one individual.

23 Q And if you have a mixture, can you determine just by
24 -- how do you determine who that mixture includes? What
25 would you do -- is there testing to separate the DNA from
26 the mixture? What would you do?

27 A In terms of if an evidence sample became --

1 Q Well, this would be in an evidence sample, right?

2 A Yes.

3 Q Okay, and you did not work on that. But just in
4 general, if you have a mixture, there could be two or more
5 people in that mixture?

6 A Correct.

7 Q And does the fact that there may be a mixture, does
8 that mean that the DNA was placed in that mixture at the
9 exact same time or could it be on various occasions? Can
10 you tell at all?

11 A Our DNA testing can't tell the time or manner that the
12 DNA was deposited.

13 Q So in terms of the known samples, are you looking for
14 specific locations? You said -- I think you said earlier
15 that most of us have -- you know, we're all human. Most of
16 us have similar DNA, right? But to make us unique, there is
17 something different about each of us except identical twins,
18 correct?

19 A Correct.

20 Q And you were talking about peaks. Could you kind of
21 explain that a little bit and what you mean?

22 A Yes. So our standard testing kit that we use that we
23 test on all evidence and knowns has 24 locations. They are
24 21 STR locations, which are called short tandem repeats.
25 There are specific locations on various chromosomes, and
26 there is also 2 Y locations, which is only found in males,
27 as well as a sex determining chromosome. So therefore, if

1 it was a female, we would only see an X result. If it was
2 male DNA in the sample, we would see XY.

3 So at these locations that we're looking at, as I said
4 earlier, every single individual gets a type from their
5 mother and a type from their father. So if you're dealing
6 with a single source sample, you're going to see one or two
7 peaks at these locations I just talked about. If you see --
8 if it's a single source sample and there's one peak, it's
9 telling us that your mother and father gave you the same
10 type. If you're seeing two peaks, it's saying that your
11 mother and father gave you a different type.

12 Q What if there's three peaks in the sample?

13 A If there's three peaks, that would be an indication
14 that we're dealing with more than one person in the sample.

15 Q And in terms of the knowns that you did analysis on,
16 all of those knowns, did the analysis indicate that there
17 was an indication at each peak that you look for in terms of
18 DNA?

19 A Yes. The Nicholas Hall sample was a single source
20 male sample and the other four were single source female
21 samples.

22 Q And in order to -- the testing you do on these knowns,
23 is there a name for that type of testing?

24 A So the standard kit that we use is called GlobalFiler.
25 It's a vendor-supplied kit that has those variable locations
26 that we look at, and that kit was used to test all five of
27 these samples.

1 Q Did you use any other kit on the known samples?

2 A An additional kit was used specifically on Nicholas
3 Hall's sample.

4 Q And could you explain that?

5 A So we also, in addition to our GlobalFiler standard
6 kit, used what's called a Yfiler Plus amplification kit. So
7 the Yfiler Plus amplification kit specifically -- I should
8 -- let me go back. Our standard kit will amplify all the
9 DNA present in the sample. Whether it's male, whether it's
10 female, everything will have those copies made.

11 The Yfiler Plus amplification kit specifically targets
12 the Y chromosome. Females do not possess the Y chromosome,
13 therefore that kit will only make copies of the Y
14 chromosome, meaning only the male DNA in that sample will be
15 amplified. If it is done in an evidentiary sample, then we
16 need to do that to any male known in the case so that we can
17 have a direct comparison.

18 We can't compare a GlobalFiler result to a Yfiler result.
19 We need them to match. So therefore, evidence was amplified
20 in this case with the Yfiler kit, so the analyst, Dr. Angela
21 Przech, who owns this case, requested that Nicholas Hall was
22 the one male in the sample -- I mean, in this case so that
23 his Y should also be amplified.

24 Q Was his Y also amplified?

25 A It was.

26 Q And the results were -- explain what the results are.

27 A So you receive your Y chromosome -- it's passed

1 paternally. It is not as discriminating as our standard kit
2 because everyone in your paternal line will have that same
3 exact Y profile. So my father, my grandfather, my father's
4 side, my brother, we all have the same exact Y profile.
5 There are 25 locations that our kit looks at, and for
6 Nicholas Hall's known, all results were obtained at all of
7 those locations.

8 Q And the purpose of each of these known samples, these
9 submissions, what was the purpose?

10 A To basically compare to any DNA results that were
11 obtained in the evidence samples to see if any of those
12 knowns could be included or excluded from those evidentiary
13 samples.

14 Q So in order to do that, you need a DNA profile,
15 correct?

16 A Correct.

17 Q And is that what resulted after your testing and
18 analysis?

19 A For all five knowns, yes.

20 THE COURT: You said -- I'm sorry -- for all
21 five knowns?

22 THE WITNESS: Yes.

23 THE COURT: Okay, thank you.

24 ATTY. PALERMO: One moment, Your Honor.

25 THE COURT: Take your time.

26 Q I'm going to give these back to you just because I
27 know you indicated that the police have their own number for

1 the case and the lab has its own number for the case, right?
2 So could you -- and I will give you it one at a time. Does
3 the lab give submission numbers to each of the knowns?

4 A Yes.

5 Q Did they do that in this case?

6 A They did.

7 Q Okay. I'm just going to ask you if you can look at
8 these submissions, State's Exhibit 19, and indicate whether
9 there is a barcode on that.

10 A So this barcode after the DSS -- DSS stands for
11 Division of Scientific Services. So DSS-20-002258 -- so for
12 shorthand, 20-2258 -- that was the lab-assigned case number
13 that was given to Trumbull Police Department agency number
14 200008424. So any evidence that Trumbull will ever give to
15 the lab that will fall under their 200008424 case will get
16 under our lab case 20-002258. This particular one was item
17 number -- submission number 5 when it was given. So this
18 was the fifth item submitted by Trumbull under this local
19 Trumbull number.

20 Q And I'm sorry I didn't ask you these questions
21 earlier, but in State's Exhibit 20, can you tell the jury
22 what submission number that is?

23 A This is submission number 6.

24 Q And for State's Exhibit 21, what is the lab submission
25 number for that?

26 A Submission number 7.

27 Q And for State's Exhibit 22, what was the submission

1 for that?

2 A Submission number 8.

3 Q And finally, for State's Exhibit 23, what was the
4 submission number for that?

5 A Submission number 4.

6 ATTY. PALERMO: If I may have a moment, Your
7 Honor?

8 THE COURT: Take your time.

9 Q Can DNA degrade under certain circumstances?

10 A Yes.

11 Q Could you explain what kind of circumstances you would
12 see a degradation in DNA?

13 A Factors such as heat, humidity, if the sample is
14 present where it's very warm, very humid, that can start to
15 degrade the DNA. DNA can also degrade just over time, you
16 know, depending on how long the sample has been sitting
17 there. So yes, environmental factors are a big part of the
18 DNA degradation process.

19 Q Can DNA degrade, say, on clothing if it were washed?

20 A Yes, or it could even just be removed from the whole
21 washing cycle.

22 Q How about -- DNA, could it degrade if clothing is put
23 in a dryer?

24 A Yes, with the extreme heat, that could definitely
25 affect the DNA.

26 Q So not just environmental factors, but also factors
27 such as washing, drying?

1 A Correct, yes.

2 Q Did you yourself write a report in this case?

3 A I did not.

4 Q Did anyone review your work?

5 A Yes. So once I perform my analysis on the known
6 samples all of my paperwork as well as my analysis was
7 independently reviewed by a second qualified examiner, and
8 they had to agree with my analysis and interpretation. Once
9 that was done, my part would be over. I would then see that
10 all of these five knowns for our case 20-2258 -- the owner
11 of the case was Dr. Angela Przech, so I would give her all
12 of my paperwork because she would be the analyst that would
13 then be looking at the profiles developed from the evidence
14 and making the comparisons and writing her report.

15 THE COURT: I'm sorry, did you say the owner of
16 the report?

17 THE WITNESS: The owner of the case, we call it.

18 THE COURT: What is the owner?

19 THE WITNESS: The owner of the case would be the
20 individual that is writing the report, making the
21 comparisons, any statistics, things like that.

22 THE COURT: Okay, thank you.

23 Q So you submitted your analysis to Angela Przech?

24 A Correct.

25 Q You yourself, did you do any comparisons yourself?

26 A I did not.

27 Q And you said earlier, I think, you didn't have any

1 involvement in the evidentiary samples?

2 A I did not.

3 ATTY. PALERMO: Thank you. I have no further
4 questions.

5 THE COURT: Cross-examination?

6 ATTY. BERKE: Yes.

7 CROSS-EXAMINATION BY ATTY. BERKE:

8 Q Are you able to identify the longest period of time
9 within which you can extract a DNA sample?

10 A I'm sorry?

11 Q Are you aware of the longest period of time within
12 which a DNA sample can be extracted from a piece of
13 evidence?

14 A I don't have an exact number, no.

15 Q Are you aware of any studies that have discussed the
16 timeframe that's possible to extract DNA?

17 A I am not aware of a study that gives a definitive
18 number. You know, depending on all the factors, there are a
19 lot of factors that come into play. I mean, from my
20 personal experience, I'm currently working on a case from
21 1987 where I obtained DNA profiles from old evidence. I
22 mean, I could speak to that, but I can't give a number
23 saying 200 years or anything like that.

24 Q So it's fair to say it could be a significantly long
25 period of time?

26 A Yes.

27 Q Now, you talked about the significant steps that your

1 lab takes to secure that the samples are not contaminated.

2 A Correct.

3 Q And that's done through a variety of different
4 controls, personal equipment that's worn to protect the
5 transfer of the examiner's DNA from the sample?

6 A Correct.

7 Q The limitation with that is you can't control what
8 happened before the item --

9 A We cannot, no.

10 Q -- came to your lab.

11 A That is correct.

12 Q So whether it's contaminated before it gets to you,
13 you're only limited to once it arrives at your lab that it's
14 hopefully free of contamination from that point on?

15 A Yes. So our DNA testing, we can pretty much detect
16 what was on that sample from when it got into the lab. We
17 don't know what happened prior to it coming into the lab.

18 Q So there are limitations to what DNA can tell you.
19 One limitation is, as I think you started talking about, you
20 can't how a particular source of DNA ended up on an item.

21 A That's correct.

22 Q The manner in which it ended up on an item.

23 A That is also correct.

24 Q And what I mean by that is you can't determine whether
25 it is direct or transfer DNA.

26 A Yes, I can tell if it's direct transfer or secondary
27 transfer; that's what you might be talking about.

1 Q Can you describe those three different types of ways
2 DNA can end up on an item?

3 A So direct transfer or primary transfer: for example, I
4 touched the table, my DNA gets onto the table. You swab the
5 table and detect my DNA there. Another thing is say I
6 touched the -- I shake your hand. I then touch -- our DNA
7 transferred, yours onto my hand, mine onto your hand. I
8 then grab the bottle and transfer your DNA onto the bottle.
9 Your DNA has now got onto that bottle without you actually
10 touching it. That's what we call secondary transfer. And
11 then you could have tertiary and whatever would be the
12 fourth level -- I'm not sure of the term -- but those
13 transfer events can occur.

14 Q You had testified that you found Nicholas Hall's DNA
15 on his known in 25 locations.

16 A For the Y kit, yes.

17 Q And you're referring to not a piece of evidence. That
18 was just from the known buccal swab that he provided.

19 A Correct, that was from the swab taken from his mouth.

20 Q And those 25 locations, there's a scientific word for
21 that?

22 A We call them locus, or loci for the plural.

23 Q And what's the significance of finding them in 25
24 locations as far as the reliability of that information?

25 A Well, for a single -- for a known sample, I would
26 expect to find a result at all of those locations based on
27 the sample itself. It's a high yield, robust sample. It's

1 coming directly from the person. It shouldn't be degraded.
2 There should be no issue with us obtaining a result at all.

3 Q Now, you stated that that Y Plus Filer identification
4 could account for that individual or members of their
5 paternal side.

6 A Correct.

7 Q So are you able to differentiate in that Yfiler sample
8 whether it's Nicholas Hall or Nicholas Hall's brother?

9 A In this scenario, I can only go by what the police
10 agency wrote on their envelope. So for lab purposes, that
11 would be Nicholas Hall's sample based on the packaging of
12 the evidence.

13 Q Maybe that was a poor question. In regards to a
14 sample that's presented to you that's evidence, are you able
15 to distinguish between Nicholas Hall and Nicholas Hall's
16 brother based on Yfiler?

17 A No.

18 Q And likewise, you couldn't distinguish between
19 Nicholas Hall and Nicholas Hall's father based on Yfiler?

20 A That's correct.

21 Q How far down the line does it go in that paternal
22 lineage that makes it impossible for you to differentiate?

23 A Well, like I said, the Y chromosome is passed down as
24 an entire chromosome. You could have mutation events
25 between generations. However, in general, you would expect
26 to back a paternal lineage all the way up with that same
27 Yfiler Plus profile.

1 Q So looking at a mixture, you can't determine who that
2 is? In that paternal lineage, you can't identify which
3 person that is?

4 A Correct.

5 ATTY. BERKE: I have nothing else. Thank you.

6 ATTY. PALERMO: Just one question.

7 THE COURT: Take your time.

8 ATTY. PALERMO: Thanks, Your Honor.

9 REDIRECT EXAMINATION BY ATTY. PALERMO:

10 Q When items get submitted by the police, the agency,
11 such as the known samples and you saw them there, do they
12 come in sealed or unsealed?

13 A They need to come in sealed.

14 Q If they are not sealed, will the lab even accept them?

15 A No.

16 Q And based on -- you know, here I go showing you these
17 again.

18 THE COURT: This is why lawyers never say just
19 one question.

20 Q So I'm showing you -- and I'm just going to go with
21 State's Exhibits 19, 20, 21, 22, 23. I see evidence tape on
22 there, correct?

23 A Correct.

24 Q Okay. Does the lab put the evidence tape on there?

25 A So for this particular item, this red evidence tape on
26 top was done by the PD. So the evidence, when they
27 submitted it, had this seal on it. When it was opened to

1 get the contents, we will never break a seal because we want
2 to maintain the integrity of the evidence, so we will open
3 it in a new location; that would be here at the bottom. It
4 was then -- after the sample was taken out and set aside for
5 processing, it was resealed with the initials and date from
6 the lab personnel and then returned to evidence receiving.

7 Q Thank you. So nothing comes in unsealed from an
8 agency, correct?

9 A No. It would be stopped. The evidence receiving
10 officer would stop it at that point.

11 Q And that's to prevent contamination?

12 A Correct.

13 ATTY. PALERMO: No other questions. Thank you.

14 RECROSS-EXAMINATION BY ATTY. BERKE:

15 Q I'm holding State's Exhibit 23. If the evidence is
16 contaminated before it's placed in this sealed bag, does
17 sealing it have any effect on the contamination?

18 A You mean, like, before, like, when it was -- before it
19 was collected, like when it was put in?

20 Q Correct.

21 A Before it came to the lab, no, it wouldn't matter.

22 Q So the fact that you receive it sealed has no
23 implication on whether it's contaminated or not?

24 A It just prevents further -- any further contamination
25 on our end.

26 ATTY. BERKE: Thank you. I have no more
27 questions.

1 ATTY. PALERMO: No other questions, Your Honor.

2 THE COURT: Thank you so much. Have a good day.

3 THE WITNESS: Thank you, you too.

4 THE COURT: You don't have any exhibits up
5 there, do you?

6 THE WITNESS: I don't.

7 ATTY. PALERMO: Your Honor, may we approach
8 briefly?

9 THE COURT: Yeah, sure. Off the record, please.
10 (Sidebar)

11 THE COURT: Ladies and gentlemen, we may have
12 our next witness ready as scheduled, but sometimes
13 the witnesses didn't get a memo that we're on the
14 fifth floor instead of the third floor. So I'm just
15 going to -- you know, it's a good time to take a ten
16 minute recess, stretch your legs, use the facilities.
17 Ten minutes. Thanks.

18 (The jury exits the courtroom)

19 (A recess was taken; court resumes)

20 THE COURT: We're on the record. If we could
21 please -- court is opened up. We have our next
22 witness available, and who is it?

23 ATTY. PALERMO: It is Jennifer Green.

24 THE COURT: DNA?

25 ATTY. PALERMO: Biology.

26 THE COURT: Biology? Okay. Can we have the
27 jury come out, please?

1 (The jury enters the courtroom)

2 THE COURT: Counsel stipulate to the presence of
3 jurors and alternates?

4 ATTY. DAVIS: Yes, Your Honor.

5 ATTY. BERKE: Defense stipulates, sir.

6 THE COURT: Very good. Call your next witness,
7 please.

8 ATTY. PALERMO: State calls Jennifer Green.

9 THE COURT: Ms. Green, come up, please. If you
10 could just remain standing, face the clerk, and raise
11 your right hand. You're going to be put under oath.

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1 J E N N I F E R G R E E N ,

2 Being first duly sworn, was examined and testified under
3 oath as follows:

4 THE COURT: You may proceed.

5 ATTY. PALERMO: Thank you, Your Honor.

6 DIRECT EXAMINATION BY ATTY. PALERMO:

7 Q Good afternoon.

8 A Good afternoon.

9 Q Ms. Green, are you presently employed?

10 A I am.

11 Q Who do you work for?

12 A I work for Yale University.

13 Q How long have you worked for Yale University?

14 A Approximately a year and a half.

15 Q What do you do there?

16 A I'm actually a lab manager for a research department.

17 Q Prior to working for Yale University, where were you
18 working?

19 A I worked for the Division of Scientific Services
20 Forensic Science Laboratory.

21 Q Is that the state lab?

22 A Yes.

23 Q How long did you work there?

24 A Approximately 13 years total for the State of
25 Connecticut.

26 Q What was your position there?

27 A A forensic science examiner 1 in the forensic biology

1 unit.

2 Q And prior to working for the lab, where'd you work?

3 A I worked for the Department of Public Health for the
4 State of Connecticut as well.

5 Q Could you tell the jurors what your educational
6 background is?

7 A I have a bachelor's of science degree in forensic
8 science from the University of New Haven and I have a master
9 of science degree in biology from Southern Connecticut State
10 University.

11 Q So when you were working at the lab, the state lab --
12 we're calling it the state lab --

13 A Yes.

14 Q -- which unit were you in?

15 A Forensic biology.

16 Q The entire time?

17 A I started in case management when I initially started
18 working at the state lab.

19 Q And what is forensic biology? What does that unit do?

20 A We examine evidence for the presence of bodily fluids,
21 including semen, blood, saliva, for example. We also
22 collect touch and wear DNA off the evidence as well as trace
23 materials and other items of that matter.

24 Q So just briefly explain, how do you get evidence
25 submitted to the biology unit? How does it come in?

26 A Sure. It's submitted through our evidence receiving
27 unit by the submitting agency. They will complete a request

1 for analysis form, which will have pertinent information,
2 including their case number, the date of incident, the type
3 of testing that they are requesting. That evidence
4 receiving unit utilizes a computer information management
5 system that will dispense an official DSS label and barcode,
6 which would then be applied to each submission that is put
7 in under that particular case. So the DSS is given a
8 specific case number, and then each item can then be tracked
9 through that laboratory information management system.

10 Q And if there's multiple submissions, are they
11 sequential?

12 A Typically, yes.

13 Q And does evidence sometimes come in not all at the
14 same time?

15 A Yes, correct.

16 Q But that evidence would all have the same DSS number?

17 A Yes, it would.

18 Q And is this DSS number the same as the agency number?

19 A No, it is not.

20 Q So once evidence is submitted -- well, let me
21 backtrack. Does evidence, when it's being submitted, have
22 to come in a certain form? In other words, are there
23 protocols for making sure there's no contamination?

24 A Yes, of course. It definitely has to be sealed,
25 typically initialed by the person who would have sealed that
26 package. That inspection is done by that evidence receiving
27 unit upon receipt of that submission of evidence to ensure

1 that it's properly sealed initially.

2 Q In terms of the submissions that get to biology, which
3 was where you were, how did they get to you?

4 A We would typically retrieve them from the evidence
5 receiving unit once we were assigned the case to work on.

6 Q Did you do any -- did you have any involvement in this
7 case that we're here for in court today?

8 A Yes, I did.

9 Q And what was your involvement?

10 A I examined submission numbers 001, 002, and 003.

11 Q So three submissions?

12 A Correct.

13 Q Do you know what those submission -- what was 001?

14 A A mattress cover.

15 Q 002?

16 A Is a comforter.

17 Q And 003?

18 A Is a flat bedsheet.

19 Q As part of your duties as a forensic examiner, do you
20 document your work?

21 A Yes. Everything that we would handle as well as
22 review is documented on a worksheet.

23 Q And do you ever prepare reports of your work

24 A Yes. Based on the testing that was performed, a
25 report would be written.

26 A Did you write a report in regards to this case?

27 A I did, yes.

1 ATTY. PALERMO: Your Honor, we have an agreement
2 that this item can come in as a full State's exhibit.

3 ATTY. BERKE: For the record, that's correct.

4 THE COURT: For the record, 28 is a full
5 exhibit. It's a five-page report, with Guy Vallaro,
6 PhD, director on the lefthand side. It's a State of
7 Connecticut Department of Emergency Services and
8 Protection Division of Scientific Services report,
9 five pages in length.

10 Q Ms. Green, I'm showing you State's Exhibit 28. Do you
11 recognize this?

12 A Yes, I do.

13 Q What do you recognize it as?

14 A This is my forensic biology report that I wrote on the
15 examination of submissions 1, 2, and 3 associated with this
16 case.

17 Q Did you write that report at the end of your analysis
18 and examination?

19 A Correct, yes.

20 Q Before we get into what your examination included, is
21 there a way to -- is there some type of controls in place to
22 make sure, one, that the submissions aren't getting
23 contaminated, two, that the submissions weren't contaminated
24 when they came in, at least as far as you can tell, and a
25 review of your work?

26 A Sure. So typically, before we begin our processing on
27 the examination bench in the laboratory area, we would don

1 personal protective equipment, which would include a face
2 mask, a hair net, a laboratory coat, sleeves, and gloves.
3 So that's protecting ourselves from contaminating the
4 evidence and the evidence contaminating us. Then we would
5 proceed with cleaning the area that we were going to conduct
6 our work on with the appropriate cleaning solutions.

7 And then prior to examining an item of evidence, we would
8 actually put down what's called bench paper to then put the
9 item of evidence on top of that bench paper. That is
10 changed every single piece of evidence. We follow standard
11 operating procedures in order to examine evidence so that
12 it's conducted in the same process. And then typically
13 before we use a reagent for a specific test, we would
14 conduct quality control testing. So depending on what it
15 is, a positive and a negative control would be tested to
16 determine and confirm that yes, that test is working
17 correctly or that reagent is working correctly.

18 Q And if it's not, would you be able to --

19 A We would then have to follow steps according to the
20 standard operating procedure and report probably to my
21 supervisor and let them know the case of what's happening.

22 Q Did you take the precautions you just testified to
23 prior to examining the submissions in this case?

24 A Yes, I did for each one.

25 Q Any problems with the quality controls?

26 A None at all.

27 Q And after you do your examination and write a report,

1 is there anyone that reviews your work prior to, like, a
2 final submission of a report?

3 A Absolutely. We have what's called a technical
4 reviewer who reviews our report and who signs off on the
5 actual report. We also have an additional reviewer called
6 an administrative reviewer.

7 Q And they did that in this case?

8 A Yes.

9 Q Were there any problems?

10 A No.

11 Q And you said you document your work. Prior to coming
12 here, did you, you know, look at your documentation?

13 A Yes, I did.

14 Q Who was the submitting agency in this case for the
15 items that you examined?

16 A It was Trumbull Police Department.

17 Q Do you recall when Trumbull Police Department
18 submitted evidence that you examined in this case?

19 A It was on 6/5 of 2020.

20 Q Did it go through evidence receiving?

21 A It did, yes.

22 Q Was a lab identification number basically given to the
23 evidence?

24 A Yes, it was.

25 Q Do you know what that lab identification number was?

26 A Sure it's DSS-20-002258.

27 Q And that is not the same as a police or agency number?

1 A No, it is different.

2 Q So you said you examined three pieces of evidence?

3 A Yes, correct.

4 Q When did you get the evidence? When did you start --
5 when did you receive the evidence?

6 A I retrieved the evidence on 6/10 of 2020, all three
7 items.

8 THE COURT: I'm sorry, that's when you received
9 it as opposed to when the lab received?

10 THE WITNESS: Correct.

11 THE COURT: Was it the same day?

12 THE WITNESS: It is not the same day.

13 THE COURT: Okay, so that's when you received
14 it?

15 THE WITNESS: That's when I went and picked it
16 up.

17 THE COURT: And that would be June 10, 2020?

18 THE WITNESS: Correct.

19 THE COURT: Okay, thank you.

20 Q So where did you pick up the evidence from?

21 A From the evidence receiving unit.

22 Q Could you describe whether that is some type of
23 secured area?

24 A It is a secured location, yes.

25 ATTY. PALERMO: May I approach, Your Honor?

26 THE COURT: Yes. Do whatever you want.

27 ATTY. PALERMO: Thank you. I know.

1 Q I'm showing you what's previously been marked as
2 State's Exhibit 18. Do you recognize this?

3 A Yes, I do. This would be submission number 1, which
4 contains the mattress cover that I examined.

5 Q The mattress cover?

6 A Correct.

7 Q And how do you know that's the mattress cover that you
8 examined?

9 A On the front here is the DSS barcode that I was
10 mentioning as well as my initials on that label, as well as
11 the evidence receiving or evidence tape at the bottom here
12 that I used to seal the package when I was finished with my
13 exam, with my initials on it.

14 Q With your what?

15 A Initials.

16 Q When you got that evidence out of receiving, what kind
17 of condition was it in?

18 A It was in a similar condition except for the opening
19 at the bottom. This was not opened at the time I opened the
20 bottom of this package. This piece may or may not have been
21 on there at the time. I'm not sure how to tell that per se.
22 But the opening across the bottom would not have been opened
23 at all.

24 Q Was it sealed?

25 A It was sealed, and you can see the seal up here at the
26 top of the package.

27 Q Is the agency or Trumbull Police Department number

1 there?

2 A It is, yes.

3 ATTY. PALERMO: So at this time, Your Honor, I'm
4 going to ask Ms. Green to just cut open the exhibit,
5 the bag, but not take it out. In case the jurors
6 want to see it, I don't want them to have to touch it
7 and cut it.

8 THE COURT: Okay, so you're opening the seal.

9 THE WITNESS: So I'm going to cut away from my
10 initial seal on this package. We would like to keep
11 that seal intact. Also away from the seal that was
12 placed on by the submitting agency.

13 Q If a submitting agency brings an item in for
14 examination, if it is not sealed, will the lab accept it?

15 A No, we would not. They would be told at that time
16 that they needed to provide additional seals and to initial
17 it then and there as well.

18 Q And I don't want you to take it out, but can you tell
19 what that is?

20 A Yes. This would be the mattress cover.

21 Q So why don't you take us kind of from the beginning
22 regarding -- this was submission -- what submission number?

23 A Number 1.

24 Q Number 1, 001. Take us through what you did regarding
25 submission 001.

26 A Sure. So initially, I would have reviewed all the
27 provided case work or case documentation, which would

1 include the request for analysis form, any police reports,
2 any additional paperwork in that respect to determine what
3 it is that I am examining the item for. In this case, it
4 was an examination for the presence of semen as well as
5 saliva. Prior to even opening that package, I would have
6 reviewed and documented how I received it, if you will, so
7 that it was sealed and that there was appropriate labels,
8 that the paperwork matches the item and the paperwork that
9 was provided. I would then clean my area, as I mentioned,
10 provide myself with my personal protective equipment, open
11 the item, and then I would put the item down on that bench
12 paper.

13 The beginning of an examination is typically done by
14 photo documentation, so I would have actually photo
15 documented that package prior to opening it. I then would
16 have photo documented the item out on my benchtop, decided
17 the orientation of the item, the top or the bottom, you
18 know, that nature. So after regular initial photo
19 documentation, I would also collect any trace material that
20 would be evident. I would then decide that I would need to
21 use what's called the alternate light source.

22 Q What is that?

23 A The alternate light source is a particular laboratory
24 piece of equipment that can help us to identify any bodily
25 fluids on an item, particularly on something of a large
26 magnitude, a mattress cover or comforter, for example.
27 While utilizing that alternate light source, I would

1 actually mark on the actual item, either by dots around a
2 stain or something that is fluorescing or I would circle
3 said stain that is fluorescing using that alternate light
4 source. After that step, I would take more photographs of
5 the item so that now the photos show what was fluorescing
6 under the alternate light source.

7 Q I'm going to stop you there.

8 A Sure.

9 Q We want to back up.

10 A Okay.

11 Q So you photograph the item before you take it out of
12 the bag and after?

13 A Correct.

14 Q And in this particular item on the mattress cover, you
15 used an alternate light source.

16 A Yes.

17 Q Why did you do that?

18 A Because the information provided in the case
19 information was that I was looking for bodily fluids, and
20 the bodily fluids with fluoresce under the alternate light
21 source to help us identify these bodily fluids.

22 Q Which bodily fluids were you looking for?

23 A I was looking particularly for seminal fluid as well
24 as and/or saliva.

25 Q And why was that?

26 A Because that was the information provided in the
27 paperwork of the contact from the suspect to the victim.

1 Q To the child?

2 A Child.

3 Q The alternate light source, could you see these --
4 were there stains that you observed with the light source?

5 A Yes, I identified stains with the alternate light
6 source.

7 Q Could you see those stains without the light source?

8 A No.

9 Q Okay. So that's why you used that?

10 A Yes.

11 Q So when you observed stains on the mattress cover,
12 what did you do when you observed that?

13 A I marked them with marker on the actual item.

14 Q And while you're in the process of your testing, do
15 you take photographs during the testing?

16 A Yes.

17 Q Did you take any photographs of your markings of what
18 you saw under the alternate light source?

19 A Yes, I did.

20 Q Now, this is a mattress cover, you said?

21 A Correct, submission 1.

22 ATTY. PALERMO: Your Honor, no objection from
23 counsel.

24 ATTY. BERKE: No objection, sir.

25 THE COURT: Okay, thank you. That would be 29,
26 30 -- 29.

27 THE CLERK: 29.

1 ATTY. PALERMO: 29 is a full exhibit?

2 THE COURT: May the record reflect the judge was
3 right, 29.

4 Q I just want to show you what's now marked State's 29.
5 Do you recognize that?

6 A Yes, I do.

7 Q What do you recognize it as?

8 A This would be submission number 1. It is side B of
9 the mattress cover after alternate light source
10 documentation.

11 Q Side B meaning?

12 A It was folded in half lengthwise, so one side is side
13 B and one side would be called side A.

14 ATTY. PALERMO: Your Honor, with permission --

15 THE COURT: Please.

16 ATTY. PALERMO: -- I'm going to put it up on the
17 ELMO.

18 THE COURT: Sure.

19 Q So I see in this exhibit some dotted circles. What is
20 that?

21 A That would be my documentation of the fluorescent
22 areas that I mentioned utilizing the alternate light source.

23 THE COURT: I'm just going to dim the light,
24 ladies and gentlemen. Sometimes that helps. Does it
25 help?

26 UNIDENTIFIED JUROR: No.

27 THE COURT: No? You could have said yes. It

1 hurt my feelings.

2 UNIDENTIFIED JUROR: It's fine. I can see it.

3 That was better. Thank you.

4 Q So that's what you -- those were stains you observed
5 with the alternate light source?

6 A Correct.

7 Q And you circled them?

8 A Correct.

9 Q Okay. And I'm not going to put up every photo, but
10 did you photograph the entire mattress cover in terms of
11 what you saw under the lights, the alternate light source?

12 A Correct. I did, yes.

13 Q So what do you do next?

14 A Next, I would test every single noted stain for the
15 presence of acid phosphatase.

16 Q What is acid phosphatase?

17 A Acid phosphatase, often called AP --

18 Q AP?

19 A Yes, for short.

20 Q Okay.

21 A It is a component of the seminal fluid that is
22 produced from the male reproductive system. Acid
23 phosphatase is one of the two main components. The other
24 component is composed primarily of the cellular material,
25 including what's called spermatozoa. So typically, we
26 discuss it as a cellular portion and a fluid portion. The
27 fluid portion of the seminal fluid helps to transport, if

1 you will, the spermatozoa.

2 Q So when you tested for acid phosphatase, what were
3 your results?

4 A I had nine stains that were positive for acid
5 phosphatase.

6 Q Now, is this acid phosphatase test, is this conclusive
7 for semen?

8 A It is not.

9 Q Why do we use this or why do you use this?

10 A It's used as a color screening test so that we can
11 help identify stains that would require further testing.

12 Q So as a result of the -- I'm going to call it AP. As
13 a result of the AP test, you found the result was nine
14 stains positive for AP?

15 A Correct.

16 Q Did you stop there?

17 A No.

18 Q What did you do next?

19 A The next step after finding these AP positive stains
20 would be to cut additional portions from each of those nine
21 stains. Each of those portions that was cut would then be
22 placed into a small eppendorf tube.

23 Q What is that?

24 A It's like a small plastic tube with a portion of each
25 of the stains in them. So I had nine tubes, right? So nine
26 stains, nine tubes. That portion that is then placed in
27 each of the tubes, we would add what's called a reagent, so

1 a solution that would help elute or help remove whatever
2 might be on that piece of material that's in there to come
3 off into the solution that's in that tube. So that process
4 would take place -- about two hours that would incubate.

5 The next step would be to what's called centrifuge those
6 tubes, which would be placed then into a mechanical
7 instrument that spins really, really fast, and what that
8 does is help separate the cellular material from the fluid
9 material. I would then be able to visually see what's
10 called a pellet on each side of those tubes, which would be
11 the cellular material. I would take a small portion of that
12 cellular material, place it on to a microscope slide, so a
13 small slide. Each of those slides would then be tested and
14 stained, if you will, with what's called Christmas tree
15 stain so that we can visualize any spermatozoa that might be
16 identified under the microscope.

17 Q I'm going to stop you for a minute.

18 A Sure.

19 Q So Christmas -- what did you call it?

20 A It's called a Christmas tree stain because it is a red
21 and green colored stain. So the red stain stains cellular
22 material and the green stain stains the tails on the
23 spermatozoa.

24 Q So -- okay. I'm sorry to interrupt you. Go ahead.

25 A That's okay. No worries. So after the microscopical
26 examination, if those are negative, meaning spermatozoa was
27 not identified, that fluid portion that's now in each of my

1 tubes would then be further tested for a component called
2 P30. P30 is also another cellular component found in
3 seminal fluid. The fluid from each of those tubes is added
4 to the bottom of a -- if you visualize a COVID test or a
5 pregnancy test, there's a small little well at the bottom.

6 We would add that solution to that part and then we would
7 observe that card for ten minutes, and if we saw two lines
8 form -- so similar to a pregnancy test or the COVID test,
9 you would see these bands form -- it would indicate it was
10 positive for the presence of P30. If only one line forms on
11 each of those cards, it indicates that the test ran properly
12 but that no P30 was identified or detected.

13 Q Okay, so we're going to back up. So you talked about
14 spermatozoa. So after you identified those stains, the AP
15 stains, right, then you started testing for spermatozoa --

16 A Correct.

17 Q And you explained that.

18 A Yes.

19 Q Explain what spermatozoa is.

20 A Spermatozoa is one of the cellular components that's
21 found in seminal fluid -- again, the reproductive fluid
22 that's produced from the male reproductive system. It is
23 what contains DNA. So typically, spermatozoa is the main
24 cellular component.

25 Q Of sperm?

26 A Of semen.

27 Q Semen, excuse me. So what were your results for the

1 spermatozoa test?

2 A They were negative for each of the nine stains that I
3 identified and tested.

4 Q And what does negative mean?

5 A Negative indicates that the biological component that
6 was tested is either not present or that it could be present
7 in a detectable threshold below that test. For this
8 particular microscopical examination on that portion that
9 was placed onto the slide, no spermatozoa were present.

10 Q Okay. When you say below -- so negative means it's
11 not there or it's below a detectability level?

12 A Correct.

13 Q Is there a definition in your report regarding what
14 negative means?

15 A Yes, there is on page 5.

16 Q Do you have the report in front of you?

17 A I do, yep.

18 Q Can you please read what that means?

19 THE COURT: For the record, she's reading from
20 State's Exhibit 29 -- 28.

21 A "Negative result: a negative result from a substance-
22 stained tested for the presence of a specific biological
23 component indicates that either the targeted biological
24 component is not present or is present in a quantity that is
25 below the test detectability threshold. Based on the
26 testing performed, it is not possible to distinguish between
27 these two alternatives.

1 Q So just so -- correct me if I'm wrong. Does that mean
2 that it was not there or it was below the detectability
3 level but you can't determine which?

4 A That's correct. I cannot determine which.

5 Q Based on test?

6 A Based on the test.

7 Q So you said you did the spermatozoa test and then you
8 did a P30, right?

9 A Correct.

10 Q A P30 protein test?

11 A Yes.

12 Q And that was testing for what component?

13 A P30, again, is a component found in semen.

14 Q And could you tell the jury what the result was there?

15 A Each of the nine stains that I identified and tested
16 were negative for P30.

17 Q And again, negative means what you just testified to,
18 right?

19 A Exactly.

20 Q Either not there or below the level?

21 A Detectability threshold, yes.

22 Q Are there any -- well, let me ask this: can semen
23 degrade based on certain conditions?

24 A Yes, it can.

25 Q Like what?

26 A It can degrade based on the temperature that it is
27 exposed to, either just in the air or just -- either if it's

1 in the air and it's warm, if you will, temperature-wise, it
2 can degrade from washing. So washing through a washing
3 machine, if you will, that will degrade it, and then put
4 into the dryer, that can degrade that bodily fluid. I think
5 that's about it that I can think of now.

6 Q So the washing and drying, is that a temperature
7 issue?

8 A Yes, that would be a temperature issue.

9 Q After you did the P30 protein test, what'd you do
10 next?

11 A After this, for submission number 1 I would have put
12 away my item of evidence, sealed the package and then
13 determined that I would have had to continue testing with
14 submission number 2.

15 Q Did you send anything to any other sections of the
16 forensic lab?

17 A Not for this submission. I had only collected the
18 trace material 1-1, and that was retained at the laboratory.

19 Q And when you say you retained trace material, what do
20 you mean?

21 A I mean that I collected hairlike fibers off of the
22 item. They were stored appropriately, and then it's just
23 kept at the laboratory. So it was not sent off to DNA for
24 DNA testing. It was just kept.

25 Q Hairlike fibers?

26 A Correct.

27 Q Could you determine if a trace material was hair?

1 A I could not, no.

2 Q Did you test that?

3 A No, that was not tested.

4 Q Why not?

5 A Typically, hairlike fibers are not tested if we are
6 able to locate, identify, confirm a bodily fluid. There is
7 more DNA present in a bodily fluid versus what might be
8 present in a hairlike fiber, and the hair-like fiber
9 analysis would also require microscopical exam, whereas the
10 other things that I've mentioned we're able to do
11 macroscopically. So with my eyes utilizing the alternate
12 light source, but not under a microscope in that intense of
13 an exam.

14 Q Is trace material typically tested?

15 A It is not usually tested.

16 Q So let's go on to the next submission that you tested.

17 A Sure.

18 Q What was that?

19 A That would be the comforter, submission number 2.

20 Q And do you call it 002?

21 A 002, yes.

22 THE COURT: Is this a good time to break for
23 lunch since we're on submission 002?

24 ATTY. PALERMO: Yes, Your Honor.

25 THE COURT: Okay. We're going to break now for
26 lunch, ladies and gentlemen. You know, I have to
27 give you that advisement that I always give you, so

1 I'm just going to give you shortened version. That
2 is, first, you're not to discuss the case. Please do
3 not make up your mind. Do not do any testing. And
4 just remember, ladies and gentlemen, anything outside
5 of this courtroom is not evidence. So we're going to
6 take the luncheon recess. If you could assemble on
7 the seventh floor at 2:00. If you could leave your
8 -- where do you want those notepads? We'll collect
9 the notepads. And then we'll get you right down here
10 at 2:00 or shortly thereafter, okay? Thanks.

11 (The jury exits the courtroom)

12 THE COURT: You're all set. You can step down.

13 THE WITNESS: All set? Thank you.

14 THE COURT: See you at 2. Lunch, ladies and
15 gentlemen. Thank you. We're going to start at 2:05.

16 (A recess was taken; court resumes)

17 THE COURT: Please be seated. Back on the
18 record on State of Connecticut v. Hall. Can you
19 bring your witness in, please?

20 ATTY. PALERMO: Yes, Your Honor.

21 THE COURT: Our jurors are all here. Thank you,
22 everyone. If we could bring the jury in? I'll note
23 the parties are present. Mr. Hall is here.

24 (The jury enters the courtroom)

25 THE COURT: Counsel stipulate to the presence of
26 jurors and alternates?

27 ATTY. DAVIS: Yes, Your Honor.

1 ATTY. BERKE: Defense stipulates.

2 THE COURT: All right. Ladies and gentlemen,
3 like I said, you've got to be careful what you wish
4 for. The heat works and it works pretty darn good.
5 The marshal was nice enough to secure a fan, so there
6 are people right now in Courtroom 5C that are
7 sweating. But you folks are -- you know, we're going
8 to try to keep it at a minimum. I realize how warm
9 it is because my office is on this side and I think
10 I've lost four pounds. So I just want to say we'll
11 minimize it as much as you can being in there.
12 Thank you. You may proceed. We left off -- you were
13 just starting on submission 2 to the lab.

14 ATTY. PALERMO: Thank you, Your Honor.

15 DIRECT EXAMINATION BY ATTY. PALERMO CONTINUED:

16 Q Ms. Green, what was the second item of evidence that
17 you looked at?

18 A It was a comforter.

19 Q And do you know the submission number?

20 A 002.

21 Q I'm showing you State's Exhibit 16. Do you recognize
22 that?

23 A Yes, I do.

24 Q What do you recognize it as?

25 A Submission number 2, the comforter that I examined for
26 this case. My initials are on the barcode again as well as
27 on the seal that I applied to the bottom of this package

1 when I was done with my exam.

2 Q When you received submission number 002, was it
3 sealed?

4 A It was sealed with just this at the top. This was not
5 here because I had not done my exam at the time.

6 Q Is the lab case -- what do you call -- barcode on
7 there?

8 A Yes, it is.

9 Q Okay. I'm going to ask you to just cut this
10 submission 002 in case the jury would like to look at it.
11 Is that the comforter?

12 A Yes, it is.

13 Q Okay. I'm going to take it away for a minute. And
14 what size comforter did you examine?

15 A I believe it's noted as full. I'm not positive off
16 the top of my head, but it was noted on there and I wrote
17 down on my worksheet whatever was provided on the item.

18 Q When you say it's noted down there, where do you mean?

19 A It's noted on the police information that's on the
20 actual packaging of the size.

21 Q Would it be helpful to look at it to refresh?

22 A Yeah, if you don't mind, that would be great. It is
23 noted a comforter from full-size bed.

24 Q Thank you. So take us through just briefly. Did you
25 follow pretty much the same procedure regarding submissions
26 002 and 001?

27 A Yes, I did, exactly the same.

1 Q Just, you know, a quick review?

2 A Sure. Reviewed the exterior of the packaging to
3 confirm the information matched and was correct with the
4 paperwork that was submitted. Confirmed it was sealed.
5 Took photo documentation of the packaging. Prepared myself
6 with personal protective equipment. Prepared my bench
7 workspace. Further conducted the exam, opening the package,
8 removing the item, putting it on the benchtop, determining
9 what testing I would have to do, which was similar to
10 submission number 1, looking for a body fluid of semen
11 and/or saliva.

12 Q I'm going to stop you there. So you said you took
13 photos of the comforter. Were those after you took the
14 comforter out of the packaging?

15 A Yes.

16 Q As well as before, right?

17 A Correct.

18 ATTY. BERKE: I have no objection.

19 THE COURT: Okay. That would be 30, 31, and 32.

20 Q So I'm going to show you first State's Exhibit 30, and
21 tell me what this is.

22 A Yes, I recognize this as submission 002, the gray
23 comforter. This is the side that has the gold star pattern,
24 and it is also marked with my ALS -- alternate light source
25 -- positive stains that I identified. Right on the item,
26 you can see the markings on the item.

27 Q So before I put that up for the jury, what was the

1 first test you did on this?

2 A After alternate light source was AP.

3 Q So let's start with the alternate light source.

4 A So the alternate light source was used after I would
5 have collected any trace material that I could visually see
6 on the item. I would have laid out that large item on the
7 benchtop determining, you know, top, middle, and bottom
8 basically folded in thirds so that it could fit in my space.
9 And then once that was done, I would have taken photographs
10 before utilizing the alternate light source and then
11 photographs afterwards.

12 Q So State's Exhibit 30 is after the light source?

13 A Correct.

14 Q And how did you indicate that you noticed there was
15 staining on this?

16 A The same was submission number 1, marking it right on
17 the item with marker. In this case, it's a solid line
18 around each of the ALS positive stains.

19 ATTY. PALERMO: I'm going to put this up on the
20 ELMO. And if the jury can't see it, I'll ask if I
21 could just pass it around, Your Honor, than rather
22 dimming the lights.

23 THE COURT: Sure.

24 Q So what are we seeing here?

25 A You're seeing the middle folded portion, as I noted on
26 that paper. And again, this is after alternate light
27 source, and then the black marker lining on the comforter is

1 the alternate light source positive stains that I
2 identified.

3 Q Did you put any writing on this photograph?

4 A Not on any of the markings there, no.

5 Q I'm pointing over to the righthand section here. Did
6 you write those words?

7 A Yes. That's written in there, yes.

8 Q And what is that for?

9 A Just to identify the orientation of the item and what
10 it is. So this would be the middle folded portion after
11 ALS, and what the circling means, it equals ALS positive.
12 And then I indicate to see additional photos for further
13 testing.

14 Q So you took other photos, correct?

15 A Yes, of course.

16 Q So after you identified stains from the alternate
17 light source, what did you do? What testing did you start
18 doing?

19 A I conducted AP testing. That's acid phosphatase
20 testing looking for a component found in semen. So each and
21 every single stain that was circled, as you saw in that one
22 photo, was tested for AP. So a cutting from each of those
23 stains was tested for the presence of AP.

24 Q And in that photo I just put up, that was just a
25 portion of the comforter? It was a big comforter, right?

26 A Exactly, just a portion.

27 Q And if we pulled out the comforter, could you see the

1 circles?

2 A Oh, absolutely.

3 Q So how did you test for AP?

4 A Similar to submission number 1, I cut a portion off of
5 each of the stains. I added a solution called acid
6 phosphatase and observed that for a color change, and if it
7 was positive, it would indicate or change to a dark color
8 purple, and if it was negative, there would be no color
9 change observed.

10 Q And what was the result of your testing for AP?

11 A I had found four positive AP stains, so I took six
12 cuttings because one or two of them were larger stains, so
13 two portions, if you will, from one stain was then further
14 tested.

15 Q So there were -- I just want to make sure I
16 understand. So there were four stains that tested positive
17 for AP, but some of those things were large?

18 A Yes.

19 Q And then you took two additional cuttings?

20 A Took two from the one stain.

21 Q And what do you do next?

22 A Next, I continued the testing for the identification
23 of spermatozoa as well as P30 testing. So each of those
24 portions that were cut were placed into the small tubes.
25 Liquid was added. It was incubated for a period of time.
26 Those tubes were then centrifuged again. I located the
27 pellet on each of those smaller tubes, removed some of that

1 pellet, placed that on the microscope slide, examined that
2 with the help of Christmas tree staining to identify any
3 spermatozoa, and then further tested it for P30, another
4 component found in semen. And then I further tested in this
5 submission for the presence of amylase which is a component
6 found in saliva.

7 Q So let's back up a little, okay? So what was the
8 result for the testing for spermatozoa?

9 A It was negative for each stain.

10 Q Negative for all six cuttings?

11 A For each stain, yep, for all the stains.

12 Q For each stain? Okay. And again, negative means?

13 A That it could be present in a detectable limit below
14 the threshold of the test or that it could not be present,
15 but I can't distinguish between the two.

16 Q And you said you tested for P30 protein, correct?

17 A Correct.

18 Q And what was the result of that?

19 A That was negative again for all of them.

20 Q And same standard, not detected, could be below --

21 A Correct, yes.

22 Q Okay. After you tested for P30 protein, what did you
23 do next? You said you did another test.

24 A Yes, correct.

25 Q What was that?

26 A I did an additional test trying to determine if
27 amylase was present in each of these stains.

1 Q So I'm going to stop you. What is amylase?

2 A Amylase is a component found in saliva. Because the
3 case information provided that oral contact was made, saliva
4 amylase is a test that we can conduct to determine if saliva
5 is present.

6 Q And how did you do that?

7 A A lovely color screening test. So the remaining
8 liquid in each of those tubes was then added to small glass
9 test tubes, and in the small glass test tubes is a blue -- a
10 nice dark blue powder. After a certain incubation period of
11 time, those glass test tubes are spun centrifuge similar to
12 the other tubes. However, if amylase is present, it would
13 actually break apart the dye particle from that powder at
14 the bottom of the tubes and release that color into the
15 liquid at the top portion in each of those tubes. So it's a
16 color screening test because we can actually see that visual
17 change there.

18 Q And you decided to do this test because why?

19 A Because of the information provided in the case report
20 case jacket.

21 Q What was the result?

22 A I had one stain of those four with the six cuttings.
23 I had one stain that tested amylase positive.

24 Q Before I go any further, I'd like to show you State's
25 Exhibit 31. Tell me if you can tell the jury what this is.

26 A Okay, so this would be additional photographs of that
27 middle panel area that was shown previously. It has on

1 these photos now my testing results for the AP testing, and
2 it's marked by a slash, which equals AP negative. It's
3 marked by a VW, which stands for very weak positive for AP.
4 So that is now visualized on these photographs of this panel
5 of the comforter.

6 Q Do you recall where the stain that tested positive for
7 amylase was located?

8 A Yes. It was in that middle portion closer to the end
9 of it, if you will. It's marked number 6 on those
10 photographs there because that would be the extract number
11 that I took.

12 Q So you said it was located where you indicated number
13 6?

14 A Correct.

15 Q And I'm pointing to on the left-hand side of this
16 exhibit, the side that only has one photograph. I'm
17 pointing to an area that looks like it says number 6.

18 A Correct. That would be it.

19 Q That's where what is?

20 A That is where the amylase positive sample was located.

21 Q And up on top, you wrote something up on top, right?
22 What'd you write? Can you read it?

23 A Where it says middle portion after ALS and then the
24 black circling equals ALS positive?

25 Q Yep.

26 A The dash or the hyphen line equals AP negative, and
27 then the VW positive equals AP very weak pos, and then in

1 red it shows, like, a little triangle equals portions
2 extracted.

3 Q Thank you. So the result was one stain tested
4 positive for amylase. What did that -- when you received
5 that result, when that result came out, what did that mean
6 to you? What did that indicate?

7 A That indicated that I was going to collect that stain
8 off the comforter. SO I would cut that entire portion that
9 was circled for that stain, and then I would prepare a
10 portion of that stain to send for DNA testing. So it was
11 collected as item 2-2 and the portion that was sent to DNA
12 was 2-2*.

13 Q Why did you cut that portion?

14 A Because it was the positive result for the amylase
15 body fluid.

16 Q And why did you send it to DNA?

17 A For DNA to continue their testing for DNA.

18 Q Is DNA found in saliva?

19 A Yes, it is.

20 Q In amylase?

21 A Yes.

22 Q I'm now showing you State's Exhibit 32. Could you
23 tell us what that is if you recognize it?

24 A Yes. So this would be that sample that I was
25 describing that I collected as item 2-2. There's three
26 photographs. One is of the stain not yet removed from the
27 comforter, another photograph is of the stain of 2-2 and the

1 entirety removed, and then the last photograph shows the
2 portion that I would have set to DNA as 2-2* and then the
3 remaining item of 2-2 left.

4 Q So let's start with -- I'm looking at the bottom
5 portion on the right-hand side. Do you see a star there?

6 A The gold star, yes.

7 Q The gold star. Can you explain what that photo
8 indicates?

9 A So that circle, the black circle, indicated it was ALS
10 positive. The VW plus sign equals AP very weak positive
11 result, and then that was the same stain that tested amylase
12 positive in my testing.

13 Q And is there a cutting -- does that particular photo
14 show a cutting?

15 A Yes.

16 Q And is that right below the star?

17 A Yes.

18 Q And the cutting is below the star?

19 A Yes.

20 Q And what is the picture above what we were just
21 talking about indicate?

22 A Sure. That picture shows the entirety of the stain of
23 2-2 as well as the portion that was sent to DNA as 2-2*.

24 Q And where is that located in that photo?

25 A Right next to the entire stain.

26 Q Is that a cut on the top portion?

27 A Yes.

1 Q And so it's called 2-2 plus?

2 A Asterisk, yes.

3 Q That's the portion that was sent to DNA?

4 A Correct.

5 Q And how about to the left of that if you're looking at
6 it?

7 A So that was just the entire stain when it was
8 initially cut from the actual comforter itself prior to my
9 cutting 2-2* from it.

10 Q So I just want to clarify. So after you did your
11 testing for amylase and one stain tested positive, you did
12 an additional cutting?

13 A I cut the entire stain out.

14 Q Okay, and then from that entire stain, you did what?

15 A An additional cutting to go to DNA as 2-2*.

16 Q Is that standard procedure?

17 A Yes, that is the standard procedure.

18 Q And why did you want it to go to DNA?

19 A Because DNA is the unit that would determine if there
20 is DNA present. I can only test for body fluids. In
21 locating a stain, they can do the further testing that would
22 be required.

23 Q So from that comforter, how many submissions went to
24 the DNA unit?

25 A Only one sample went to DNA.

26 Q And that was?

27 A 2-2*.

1 Q 2-2*? Okay. So what did you do after you prepared
2 the cutting to do to DNA? Did you do anything else with the
3 comforter?

4 A No, I would have just packaged it back into the
5 submission packaging and sealed it and stored it.

6 Q Did you do any other testing from that comforter?

7 A No.

8 Q Were there any hairlike fibers found on the comforter?

9 A Yes. They were collected as item 2-1 and again
10 retained at the laboratory and not sent for testing.

11 Q And again, why didn't you send those hairlike fibers
12 to be tested?

13 A Because I had identified a body fluid positive stain,
14 so the hairlike fibers would have required further
15 examination to identify them as hair. There's more DNA
16 found in a body fluid stain versus a possible hairlike
17 fiber.

18 Q So once you did the cutting -- additional cutting and
19 sent to DNA, you were done with that particular submission?

20 A Correct, yes.

21 Q And you packaged it and sealed it?

22 A Yes.

23 Q Did you do testing on a third item?

24 A I did, submission number 3.

25 Q And what was that?

26 A That was a flat bedsheet.

27 Q I'm showing you State's Exhibit 17. I'd ask you if

1 you recognize that.

2 A Yes, I do. I identify it as submission 003, which is
3 a large bag with sheet, and it's noted from the evidence
4 from the Trumbull Police Department that the sheet is from a
5 full-size bed.

6 Q Is the lab label on that?

7 A Yes, it is. It's right here.

8 Q The barcode, right?

9 A Yes, the barcode.

10 Q And when that came to you, what condition was it in in
11 the sense of was it opened closed?

12 A It was sealed here, as you can see with initials; and
13 again, the bottom was not yet opened by myself.

14 ATTY. PALERMO: I'm going to ask Ms. Green to
15 cut that open in case the jury would like to see it.

16 THE COURT: Sure.

17 Q So that us through what you did with submission 3,
18 003, the comforter [sic]. The same thing?

19 A Yes, exactly as submission number 1 and number 2.
20 Reviewed the paperwork. Prepared myself with PPE. Prepared
21 the benchtop. Overall photographs of the item. Conducted
22 an alternate light source examination. Marked directly on
23 the item, similar to what I did with submission number 1 and
24 submission number 2. This item was folded in thirds --
25 again, similar to the comforter -- so that it would fit at
26 my workspace. They're called upper, middle, and bottom.
27 And upon the ALS positive results, I then further tested for

1 AP, the presence of sperm, P30, and amylase.

2 Q So you use the alternate light source, correct?

3 A Correct.

4 Q And did you see staining from that?

5 A I did.

6 Q Did you circle that?

7 A Yes.

8 Q After you did that, what did you do?

9 A I had identified five stains that were AP positive
10 from this one item, so those five stains were then -- an
11 additional cutting taken so that I could continue the
12 testing for spermatozoa and P30 and amylase.

13 Q So five stains were positive?

14 A Yes, for AP.

15 Q For AP, acid phosphatase?

16 A Correct.

17 Q So once you identified five stains that tested
18 positive for acid phosphatase, you went on to the other two
19 tests?

20 A Correct, yes. Looking for spermatozoa, the
21 microscopical test that I explained before, utilizing the
22 staining so that I could visualize any spermatozoa under the
23 microscope, and then further tested for P30, another
24 component found in semen that I used the liquid portion in
25 each of those tubes for. The sperm was negative for each of
26 the stains that I further tested. The P30 was also negative
27 for each of those stains, so then I conducted the amylase

1 testing, as I mentioned, a component found in saliva as
2 well.

3 Q And what was the result of the amylase testing

4 A So for the amylase testing on this particular item, I
5 had found four positive amylase stains. So each of those
6 stains were similarly collected like submission number 2-2.
7 The entire stain was cut from the sheet, and then a smaller
8 portion was cut from that to send to DNA.

9 Q And again, why would you send those cuttings from the
10 sheet to DNA?

11 A Because they were positive for that body fluid that we
12 identified as amylase found in saliva.

13 ATTY. BERKE: I have no objection, Your Honor.

14 Q Ms. Green, can you see what I put up on the ELMO?

15 A I think so. We could try that.

16 THE COURT: Can you see it?

17 THE WITNESS: I can. I think we should just
18 focus on either the top one or the bottom one, though
19 maybe. That way the image is still big enough so
20 that we can clearly see it.

21 THE COURT: Okay. Now I'll ask the jury. Is
22 the jury okay with that?

23 UNIDENTIFIED JUROR: Yes.

24 THE COURT: Thank you. Exhibit 33, 34, 35, and
25 36, for the record, are now full exhibits, correct,
26 and there was no objection?

27 ATTY. BERKE: Yes. No objection. That's

1 correct.

2 THE COURT: Thank you.

3 Q So what are we looking at in the top portion of this
4 exhibit?

5 A So this would be what I determined to call the upper
6 portion of that flat bedsheet. You can see the markings on
7 that bed sheet. Again, circling equals ALS positive.

8 Q Alternate light source?

9 A Alternate light source positive. The hyphen equals,
10 you know, acid phosphatase negative. I apologize, I can't
11 read the other smaller parts there, but it identifies what I
12 had called the upper portion of that flat sheet.

13 Q And is the bottom portion of this exhibit also -- what
14 is that?

15 A That is also the upper portion. So a photograph was
16 taken standing above that item. One half of it, if you
17 will, would be the top photo and then standing above that
18 item would be the bottom photo that you're seeing there.

19 Q I'm showing you State's Exhibit 35. Do you recognize
20 the photographs in this exhibit?

21 A Yes. These would be the things that I had identified
22 and collected as 3-2 and 3-3 from that same flat bedsheet
23 that were positive for amylase.

24 Q So those were two of the areas, two of the stains?

25 A Two of the stains that were collected.

26 Q Do you recall where those stains were located in the
27 sheet?

1 A I believe all of the stains -- I could confirm with my
2 notes -- were all on the upper portion of the bed sheet.

3 Q And when you say upper, explain how you determine
4 upper.

5 A Sure. I identified it as upper, middle, and lower or
6 bottom based on where a tag was found on that actual
7 submission. So if the tag is at the bottom, the upper
8 portion would be that upper third examined at one time.

9 Q So is upper near the tag?

10 A No, it's opposite the tag.

11 Q Okay, and so that is -- those photographs indicate two
12 areas of cuttings of two of the stains?

13 A Correct.

14 Q And that cuttings -- how did you label them? I'm
15 sorry.

16 A They're labeled for the stain, which I identified as A
17 and B, if you will, and then I tested -- collected them,
18 identified them. 3-2 would be stain A and 3-3 would be
19 stain B.

20 Q I'm showing you State's Exhibit 36. Could you tell us
21 what that exhibit depicts?

22 A So similar to the previous photo array, it has four
23 photos on it. I've identified stains C and D on the photo,
24 and it depicts the cutting that I took. For sample C, it
25 was item 3-4 that I collected the entire stain, and then it
26 shows the smaller portion sent to DNA as 3-4*. And then the
27 other stain that I identified as a positive amylase result

1 was stain D on the item, and it depicts the same, the entire
2 stain on the item, and then how I removed the entire stain,
3 identifying that as 3-5 and then a smaller portion sent to
4 DNA as 3-5*.

5 Q How many stains or cuttings of the stains you saw went
6 to DNA?

7 A From this submission, four went.

8 Q Four went from the sheet?

9 A Correct.

10 Q And how were they labeled? Like, how did you identify
11 them as?

12 A 3-2*, 3-3*, 3-4*, and 3-5*.

13 Q And in your report, do you say asterisk? How do you
14 --

15 A In the report, it's noted as sample retained and a
16 portion to DNA. But in our laboratory information
17 management system, the chain of custody, we would use the
18 asterisk to signify that a portion of the entire stain was
19 sent but that there is still some stain remaining behind.

20 Q And in your report, how do you identify what was sent
21 to DNA just in terms of the numbers?

22 A Sure. It would say 003-002 stain and then it would
23 say retained and a portion to DNA, and it would say the same
24 for each of those stains.

25 Q And what were those numbers?

26 A 003-003, 003-004, and 003-005, all with the same
27 retained and a portion to DNA.

1 Q Did you test anything else from submission 003?

2 A Yes. There was one light brownish stain that I had
3 identified on the bottom portion of that sheet, and I had
4 tested that for the presence of blood. So I had used a
5 color screening test for the presence of blood and it was
6 negative. Blood was not detected.

7 Q And did you identify any other items off of that
8 sheet, like, any other -- collected any other items?

9 A Yes. Hairlike fibers were also collected from the
10 item, and those were done right at the very beginning of my
11 exam and collected as 3-1. Again, those were retained at
12 the laboratory and not tested.

13 Q And just showing you State's Exhibit 34, could you
14 just tell us what that is?

15 A So this would be a photograph of the bottom portion of
16 the sheet, and it shows some stains that are circled,
17 dotted; and again, that would signify that they are ALS
18 positive. And then I have one that's pointing out that
19 faint brownish stain, and it's noted as KM neg and AP neg.

20 Q So one of those shows the brownish stain that you --

21 A Correct.

22 Q Did you test any other items?

23 A No, I did not.

24 Q So from the three submissions -- 001, 002, 003, the
25 cuttings you made -- how many cuttings or stains total went
26 to DNA?

27 A Five stains went to DNA for testing.

1 Q And you indicated earlier that -- I think you did, but
2 let me ask this. Before you prepared your report, did
3 someone review your testing, your process, your results?

4 A Yes, the technical reviewer.

5 ATTY. PALERMO: One moment.

6 THE COURT: Take your time.

7 ATTY. PALERMO: I have no other questions.

8 Thank you, Your Honor.

9 THE COURT: Thank you. Attorney Berke?

10 ATTY. BERKE: Thank you.

11 CROSS-EXAMINATION BY ATTY. BERKE:

12 Q You indicated that it's protocol of your lab to reject
13 an item that is not sealed.

14 A We would not reject it. We would just simply ask that
15 submitting officer to seal the item right then and there
16 before we took it.

17 Q And what would be the purpose of sealing the item at
18 that stage?

19 A To prevent any contamination further that could have
20 happened.

21 Q Contamination that would have existed with an open
22 item being brought to your lab?

23 A That could have existed, yes.

24 Q So is it fair to say that your lab personnel have no
25 control over contamination that occurs prior to its receipt
26 in your lab?

27 A Correct.

1 Q Can you describe the methods within which biological
2 material can end up on an item?

3 A What types of biological material?

4 Q Well, for example, direct contact transfer.

5 A Sure. So DNA is more or less what you're talking
6 about versus a body fluid, so DNA can be transferred from a
7 simple brushing of a person's hand, forehead, any part of
8 their body. Your skin sloughs off and will remain and
9 transfer to something else. The quantity of the DNA that
10 might be transferred is independent per person. Some people
11 are what are called shedders, where they slough off more
12 skin cells, so more of their DNA may be left behind versus
13 others that don't shed so much.

14 Q Is it also possible for bodily fluids to be
15 transferred from one item to another?

16 A Yes, it could.

17 Q And there's no way of you identifying that in the
18 tests that you conduct?

19 A Whether or not that there was a transfer?

20 Q Correct.

21 A No.

22 Q So you don't know if that item -- that bodily fluid
23 ended up on that item that you're examining directly or by
24 transfer?

25 A Correct, I do not know.

26 Q You indicated that DNA or bodily fluid can degrade
27 over time based upon heat.

1 A Correct.

2 Q Are there parameters on what temperature that would
3 entail?

4 A I don't personally know what the temperature ranges
5 would be. The DNA expert may know a little bit more
6 information on that. I just know that temperature is
7 definitely a factor that could degrade a bodily fluid.

8 Q Are you aware if that's referred to extreme
9 temperature or you have no basis to respond?

10 A I think I'm not really sure if it's extreme or just
11 regular temperature.

12 Q So your report indicates hairlike fibers.

13 A Correct.

14 Q There's a reason you use that term hairlike fiber,
15 correct?

16 A Yes.

17 Q And that's because you see a particular substance that
18 looks like hair, but until it's analyzed, you can't
19 determine it's hair. Is that fair to say?

20 A That's correct.

21 Q And none of the hairlike fibers were analyzed in this
22 case?

23 A None of them, correct.

24 Q Do you conduct that type of examination or is that
25 someone else in your laboratory?

26 A Someone else in my unit would conduct that.

27 Q And there was no request to have that hairlike fiber

1 examined?

2 A Correct, no request.

3 Q Would that request come from the police department
4 that submitted the materials?

5 A It could, yes.

6 Q But you're unaware of any request that was made by
7 that --

8 A I'm unaware of that, right.

9 Q Now, you had testified regarding a comforter, a flat
10 bedsheet, and a mattress cover that you examined.

11 A Yes.

12 Q In regards to the mattress cover, you did not find
13 semen?

14 A I did not.

15 Q And you did not find seminal fluid?

16 A Correct.

17 Q And you didn't find blood?

18 A Correct.

19 Q And you didn't find fecal matter?

20 A I don't test for fecal matter, but I did not observe
21 anything that would resemble fecal matter.

22 Q Who tests for fecal matter in the lab?

23 A There's specific analysts that are trained -- again,
24 in my unit. I'm just not one of them.

25 Q And are you aware of whether the mattress cover was
26 examined or tested for fecal matter?

27 A I'm not aware of it, no.

1 Q Is it also true that you cannot identify who's
2 responsible for that amylase or saliva on any of these?

3 A Correct, I cannot determine that.

4 Q You can just identify that it is saliva?

5 A Yes.

6 Q In regards to the comforter, you didn't find seminal
7 fluid?

8 A Correct.

9 Q You didn't find semen?

10 A Correct.

11 Q Obviously, there was no sperm?

12 A Yep.

13 Q And there was no blood or fecal matter? You said you
14 didn't test for fecal matter.

15 A That I didn't identify, yes.

16 Q In regards to the flat bedsheet, you also did not find
17 semen?

18 A Correct.

19 Q You did not find seminal fluid?

20 A Correct.

21 Q And you're unaware of whether it was tested for fecal
22 matter?

23 A Correct.

24 Q Were there any other items that were submitted to you
25 for testing?

26 A Not to me, no.

27 Q Now, based on your testing, you're unable to determine

1 the method within which that bodily fluid or the saliva
2 ended up on these items, correct?

3 A Correct. I cannot determine.

4 Q You can't determine the method? You can't determine
5 the time?

6 A Correct.

7 Q You can't determine who it was?

8 A Correct.

9 Q In regards to those items that you tested, are you
10 aware of an alternative light source being able to identify
11 fecal matter?

12 A I am not aware no.

13 Q Now, even though you said that you did not find semen
14 or seminal fluid, there was initial presumptive testing.
15 The AP test is preliminary test.

16 A It's a screening test, yes.

17 Q Right, and that's just the first step. You have to do
18 the confirmatory test to determine whether that is, in fact,
19 seminal fluid or semen.

20 A Correct.

21 Q And that answer was no?

22 A Negative. Correct.

23 ATTY. BERKE: Thank you. I don't have any
24 further questions.

25 ATTY. PALERMO: Just one or two, Your Honor.

26 REDIRECT EXAMINATION BY ATTY. PALERMO:

27 Q Besides that stain you tested for blood, what did that

1 look like?

2 A I noted it as faint brown, so a down arrow signifies
3 white, brown, or faint brownish.

4 Q Did you notice any other brown or other color staining
5 on either the comforter, the sheet, or the mattress cover?

6 A No, I did not. I would have noted that on my
7 worksheets and the photos.

8 Q So no brown staining other than that one spot?

9 A Correct.

10 Q And if you had seen brown staining on any of those
11 three items, would you have tested it?

12 A I would have tested it probably for blood. Again, I
13 was not trained on the fecal material testing, but I would
14 have at least conducted the color screening test for blood.

15 Q If you thought it was fecal matter, would you have
16 sent it -- but you didn't see any stain like that, correct?

17 A I did not, no.

18 Q But if you had seen it and you thought it was fecal
19 matter, would you have referred it to a different unit?

20 A I think I might have -- I would have documented it as
21 fecal-like matter because I'm not trained in the testing,
22 and that would have been in the report, and then further
23 testing from the DNA analyst or from the submitting agency
24 or someone could have asked for that testing to be
25 conducted.

26 Q But you didn't see any of those?

27 A I did not.

1 ATTY. PALERMO: I have no other questions.

2 THE COURT: Go ahead.

3 RECROSS-EXAMINATION BY ATTY. BERKE:

4 Q With brown staining, isn't it impossible to know
5 definitively whether it's fecal matter or not if it's not
6 tested?

7 A I would have noted it as fecal-like matter. So
8 similar to the hairlike fiber, unless that specific test is
9 done, that's how I would have documented it as.

10 Q Well, you had testified that some of the choice in
11 your testing was based upon information you had received
12 about this case.

13 A Correct.

14 Q And with the existence of a stain that was brownish in
15 color, you didn't feel that it was significant to have it
16 examined by someone who conducts fecal testing?

17 A No.

18 ATTY. BERKE: Thank you.

19 REDIRECT EXAMINATION BY ATTY. PALERMO:

20 Q The stain that you tested, did that appear to be --
21 the stain you did test, the one stain that was brown, did
22 that appear to be fecal matter to you?

23 A No.

24 ATTY. PALERMO: Thank you.

25 ATTY. BERKE: I have no other questions.

26 THE COURT: Okay. Thank you so much. Thank you
27 for coming in.

1 THE WITNESS: Thank you.

2 ATTY. PALERMO: Your Honor, before we call our
3 next witness, may we approach briefly?

4 THE COURT: Yeah, sure. Can we go off the
5 record for just a minute, please?

6 (Sidebar)

7 THE COURT: We can go on the record, please.
8 Everybody okay? Did you want a break or do you want
9 to power through? All right, we want to go.

10 ATTY. PALERMO: Frank Scarano is the State's
11 next witness, Your Honor.

12 THE COURT: I'm sorry, I didn't hear the name.

13 ATTY. PALERMO: Oh, I'm sorry. It's Francesco
14 Scarano.

15 THE COURT: Mr. Scarano, please, if you could
16 remain standing, please, raise your right hand, and
17 face Madam Clerk. You're going to be put under oath.

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1 F R A N C E S C O S C A R A N O ,

2 Being first duly sworn, was examined and testified under
3 oath as follows:

4 THE COURT: Have a seat, please.

5 THE WITNESS: Thank you.

6 THE COURT: I'll just ask if you could keep your
7 voice up.

8 THE WITNESS: Of course.

9 DIRECT EXAMINATION BY ATTY. PALERMO:

10 Q Good afternoon.

11 A Good afternoon.

12 Q Mr. Scarano, who do you work for?

13 A I'm employed by the DSPP, the Connecticut Crime Lab.

14 Q How long have you been working there?

15 A I've been there a little over six years and quite in a
16 few roles. I'm currently a forensic science examiner 1, and
17 I spent the first two years as a Connecticut careers
18 trainee.

19 Q I'm sorry, you spent the first two years what?

20 A The first two years as a Connecticut careers trainee.

21 Q Which unit do you work in in the lab? It's the lab
22 you work for, right?

23 A Yeah, so currently working at the lab. I'm currently
24 in the latent print unit, but I spent four years in the DNA
25 unit and then transitioned into the forensic support unit,
26 working mostly with rapid DNA, and then now currently in the
27 latent print unit.

- 1 Q Could you tell the jurors your educational background?
- 2 A Yes. I have a bachelor's degree in biology and a
3 minor in chemistry from Sacred Heart University.
- 4 Q Thank you. Now, have you testified in court before?
- 5 A I have.
- 6 Q Do you remember how many times?
- 7 A Four times prior to this.
- 8 Q So when you were working -- you worked in the DNA
9 section?
- 10 A I did.
- 11 Q And you were a forensic examiner 1 in there, right?
- 12 A Yes, I was a Connecticut careers trainee into a
13 forensic examiner 1.
- 14 Q So what were your duties as a DNA examiner 1 in the
15 DNA unit?
- 16 A So in DNA, my duties at the time were to process
17 evidentiary and question samples to attempt to develop DNA
18 profiles from them, and then we would also process known DNA
19 samples to try and develop those profiles.
- 20 Q When you were working in the DNA unit, did you have
21 any involvement with submissions involving this case that
22 we're here for today?
- 23 A I did.
- 24 Q What was your involvement?
- 25 A I did the bench work or lab processing of five samples
26 for the case.
- 27 Q And what were those samples?

1 A Those samples were items 2-2, 3-2, 3-3, 3-4, and 3-5.

2 Q And do you know -- can you describe what those items
3 -- what they correlate to?

4 A Yes. I believe item 2-2 was a stain from the
5 comforter, and then 3-2, 3-3, 3-4 and 3-5 were stains from
6 the upper portions of the sheet.

7 Q And can you explain to the jury what your involvement
8 was? What did you do regarding those submissions, those
9 items?

10 A Yes. So the DNA processing involves four steps. The
11 first step is called the extraction step, and that's where
12 we separate the DNA from the rest of the cellular material.
13 We get purified DNA to be able to move forward. The second
14 step in the process is called quantification, and that's
15 when we run the DNA through a machine and it lets us know
16 how much DNA we actually are working with. I could be a
17 small quantity, could be a large quantity.

18 After that quantification step, we'll go through an
19 amplification step. This is kind of like a mechanical
20 xerox. We're just making millions and millions of copies of
21 that DNA strand since it is so small just so that we can
22 detect it better. And after that amplification step, it
23 actually will lead us to our detection step or injection,
24 and that's where we run the DNA sample through a machine and
25 that generates the DNA profile.

26 Q Thank you. So the submissions that you talked about,
27 where did those -- what other unit did those submissions

1 come from? Where did they originate from before they got to
2 DNA? Was that -- I'm sorry, can you tell us where they came
3 form?

4 A Of course. So those samples will come from the
5 forensic biology unit before the DNA unit.

6 Q So your role was to basically get DNA out of those
7 samples?

8 A Yes.

9 Q And you told us the four steps, and as a result of
10 those four steps, what did you do? What else did you have
11 to do in terms of -- were DNA profiles generated, is what
12 I'm asking.

13 A Yes, DNA profiles were generated.

14 Q And did you do certain testing on those items, those
15 submissions? Did you use a particular type of kit for those
16 to determine the DNA profiles like a Yfiler, a GlobalFiler?

17 A Yes. So we used a GlobalFiler kit and a Yfiler kit on
18 those samples.

19 Q And explain the difference to the jury.

20 A So GlobalFiler is our standard detection kit that we
21 use for general DNA samples. We will use the Yfiler Plus
22 kit when we're targeting specifically male DNA.

23 Q Did you use both in this case?

24 A We did.

25 Q Why did you do that?

26 A So when -- after the quantification step, I take those
27 results and I pass them along to an analyst, and in this

1 case, the analyst got back to me and let me know that when
2 we were going to amplify the samples, we needed to process
3 both with the GlobalFiler kit and the Yfiler kit, and that's
4 due to male DNA being detected.

5 Q And do you always use a Yfiler kit?

6 A We don't always use a Yfiler kit, but typically we
7 would use it if, when we see the results from that
8 quantification step, it kind of shows us the ratio or the
9 levels of female DNA to male DNA. And so based on that
10 ratio, we would decide if we're going to move the sample
11 forward with a Yfiler kit or just a GlobalFiler kit.

12 Q And what were the results in terms of male versus
13 female in these items or submissions?

14 A I unfortunately don't recall just because when I
15 passed the paperwork over to the analyst, she was the one
16 that told me exactly what to do in terms of processing. So
17 I don't actually view that paperwork doing just the bench
18 work.

19 Q I understand. So basically -- and who was the analyst
20 in this case?

21 A The analyst was Angela Przech.

22 Q So Angela Przech was directing you as to what to do,
23 what the processes were?

24 A Mhmm.

25 Q And would it be fair to say that she told, "I want you
26 to use a Yfiler kit," based on what she observed up to that
27 point?

1 A Yes.

2 Q And Yfiler, that tests for male DNA, male chromosomes?

3 A Yeah, so the Yfiler is male specific DNA testing for
4 the Y chromosome.

5 Q In terms of DNA, can DNA degrade over a period of time
6 or under certain circumstances?

7 A Yes.

8 Q Could you explain what situations or factors would
9 basically result in a degradation? of DNA?

10 A Absolutely. So DNA degradation can occur just from
11 being in an area over a long period of time. There's
12 environmental factors that also come into play; if there's a
13 lot of humidity, just for example, the other elements like
14 rain or too much sunlight. DNA can also be degraded, you
15 know, if there's swiping on a surface and it's being moved
16 around.

17 Q Could water or washing an item degrade any DNA that
18 might be there?

19 A It is possible.

20 Q How about heat?

21 A Yes.

22 Q So when you finished your processes, what is the next
23 step? Where does the result go that you basically obtained
24 from the GlobalFiler kit and the Yfiler kit?

25 A So those results become files on our computer, and
26 those files are then pulled by the analyst into a genetic
27 software where it takes the file and generates the DNA

1 profile to be viewed.

2 Q Did you have any involvement with the known samples?

3 A I did not.

4 Q So your involvement strictly was the evidentiary
5 samples? And by that, I mean the comforter, the mattress
6 pad, and the sheet.

7 A Yes.

8 Q Did you do any analysis yourself as a result of the
9 processes you performed and the testing you performed?

10 A No, I did not.

11 Q And did you generate any reports?

12 A No.

13 Q Did you take any steps to ensure that, you know,
14 controls were in place, that the testing you were doing was
15 proper, that there was no contamination? Any controls in
16 place during the processes you did?

17 A Yes, I did. When we do the bench work for DNA
18 testing, we wear our PPE or proper protective equipment, and
19 that involves a lab coat, wearing gloves or two sets of
20 gloves, extra sleeves, and then our standard closed toe
21 shoes, long pants to ensure no contamination. But we also
22 run positive and negative controls with our samples. So the
23 positive controls are introduced at various steps, and those
24 controls contain DNA profiles that we know what they're
25 supposed to be. So when you take the DNA through the
26 process, if that positive control has the same DNA profile
27 that we know it should have, then we know those worked. And

1 then our negative controls should be DNA free samples. So
2 when we get them through the detection step, as long as
3 those samples are DNA free, then we know there was no
4 contamination in the bench work.

5 Q And were there any problems in terms of the controls
6 that you used?

7 A There were no issues with the controls.

8 Q And you said you didn't generate a report. Would you
9 normally generate a report at this point?

10 A No. At this step, there would be no report from my
11 end.

12 Q And why did it go onto Angela, the analyst

13 A So that's more just standard protocol, where we
14 separate the work with some lab technicians or bench people,
15 we refer to ourselves as. So we'll just run the bench work
16 and then we pass it along to an analyst. It does rotate.
17 You know, everyone is qualified to do both or we'll get to
18 the point of qualification to do both. But especially early
19 on in your career, you spend a lot of time more so in the
20 lab than you do analyzing the DNA profiles.

21 Q Did you do any comparisons between the evidentiary
22 samples, the stuff you were working on, and the known
23 samples or the buccal swabs?

24 A No, I do not.

25 ATTY. PALERMO: I don't have any other
26 questions. Thank you.

27 THE COURT: Okay, thank you. Attorney Berke?

1 ATTY. BERKE: Thank you.

2 CROSS-EXAMINATION BY ATTY. BERKE:

3 Q In regards to the degrading samples for DNA, what are
4 the key parameters that a sample can degrade in?

5 A I'm sorry, key parameters as in --

6 Q You said that DNA can degrade over time.

7 A Yes.

8 Q One of the factors is not just time but the
9 environment.

10 A The environmental factors, yes.

11 Q Right, and what is the heat threshold that would
12 require DNA to degrade?

13 A Unfortunately, I don't know the exact heat threshold,
14 but it's pretty high. I can testify to that.

15 Q What do you mean by that in the context of an ambient
16 temperature?

17 A So the best example that's coming to mind is DNA off
18 of a fire cartridge casing is very difficult to retrieve
19 because the cartridge is fired at such a high level of heat.
20 But if I were to take, you know --

21 THE COURT: By a cartridge, you're talking about
22 a bullet?

23 THE WITNESS: Yeah.

24 A But if I were to take, you know, my warm hand and
25 place it on a DNA sample, that sample wouldn't necessarily
26 degrade as quickly as the fire cartridge casing.

27 Q Do you know offhand how hot the fire cartridge casing

1 is when it's discharged?

2 A Unfortunately, I do not.

3 Q I'm just trying to find -- you know, get your answer
4 as far as -- I mean, you gave that as an example, but that's
5 kind of hard to know without knowing what that temperature
6 is.

7 A Of course. I can give a different example if it would
8 help.

9 Q If you know -- if that would relate to the
10 temperature, yes.

11 A So it's possible for DNA to degrade, you know, in a
12 standard dryer. If you were to put, you know, something
13 into a dryer, that DNA could degrade based on the heat from
14 the dryer.

15 Q Do you know what temperature a standard dryer heats
16 at?

17 A Unfortunately, I do not.

18 Q So we're talking about, for example, ambient
19 temperature within a house. Would that be hot enough for
20 DNA to degrade?

21 A It's possible.

22 Q How long can DNA be extracted timeframe-wise that
23 you're aware of?

24 A I can't put a specific timeframe on that. As long as
25 the DNA is well preserved, it can be extracted for -- I'd
26 comfortably say years.

27 Q Are you aware of DNA extractions from decades ago?

1 A In terms of cases that occurred decades ago?

2 Q Yes, DNA that's -- right, DNA that's decades old
3 that's able to be extracted.

4 A Not off the top of my head.

5 Q But in your opinion, it could be years?

6 A Yes.

7 Q In regards to identifying an individual as being a
8 source of DNA, when you're referring to Yfiler, that
9 includes an individual and individuals of that male's
10 lineage, correct?

11 A Yes, that is correct.

12 Q And what's your understanding of how far back that can
13 go in regards to someone's male lineage?

14 A So the male lineage can go as far back as one can
15 track due to the fact that the Y chromosome is only passed
16 down from the father. So all males in that paternal lineage
17 would have the same Y chromosome and DNA.

18 Q So the Yfiler analysis can't identify which male of
19 that lineage, is that correct?

20 A No, it cannot.

21 Q And you indicated you were unfamiliar with the amount
22 of male DNA versus female DNA that was identified in this
23 case and quantity.

24 A Yes, that is correct.

25 Q You had referred to the upper portion of a sheet
26 regarding the testing. Do you know how that was identified
27 as being the upper portion of a sheet?

1 A From my end, the way that's identified is I will place
2 the samples onto my extraction sheet from our LIMS system,
3 our laboratory information management system, and those
4 samples are uploaded into that system once they are created
5 by the forensic biologist. So when I received -- when the
6 sample was ready for my step, it was already described as a
7 stain from the upper portion of the sheet.

8 Q I'm showing you what's marked State's Exhibit 8. So
9 when you're referring to the upper portion of the sheet,
10 that has no correlation with a sheet found on a bed,
11 correct?

12 A Correct.

13 Q So you don't know which orientation that is?

14 A No.

15 Q That's just how it falls on your -- how it's laid on
16 your bench?

17 A Mhmm.

18 Q Is that the procedure in your lab as far as how upper
19 and lower is identified, as where it is in relation to the
20 bench?

21 A That is more of a forensic biology unit question that
22 because in DNA, we don't necessarily process the evidence.
23 But yes, I can comfortably say yes.

24 ATTY. BERKE: Thank you. I have no other
25 questions.

26 ATTY. PALERMO: Yes.

27 REDIRECT EXAMINATION BY ATT. PALERMO:

1 Q Just to clarify, when you got these submissions from
2 biology, you got the cuttings, correct? You got cuttings of
3 the comforter or the sheet? You didn't have the whole --

4 A Yeah, I did not have the whole. I received a sample
5 of the cutting in a test tube.

6 Q In a test tube?

7 A Yeah.

8 Q So who determined the orientation as an upper portion
9 of the sheet?

10 A The forensic biologist.

11 Q Would you have any personal knowledge if, you know,
12 whether it was -- if you looked at a picture, where it came
13 from yourself just looking at the sample?

14 A No, I would not.

15 Q Okay, and that's normal, right?

16 A Yes.

17 Q It's biology that determines that?

18 A Yep, forensic biology determines the orientation of
19 evidence.

20 ATTY. PALERMO: Thank you. No other questions.

21 THE COURT: Attorney Berke?

22 RE CROSS-EXAMINATION BY ATTY. BERKE:

23 Q Is there any document within the file at the lab that
24 would identify what the definition of upper or lower aspect
25 of a sheet is or upper and lower aspect of a particular
26 piece of evidence?

27 A I would have to refer back to our standard operating

1 procedures, but I don't recall a document being that
2 specific to -- for this example, it's kind of up to the
3 discretion of the forensic biologist.

4 Q Would there be any notation in the notes that are
5 maintained by your lab during the process of processing an
6 item that would reflect that?

7 A I'm sorry, by the lab or by the individual who
8 processed the evidence?

9 Q Either.

10 A It would be retained by the forensic biologist.

11 ATTY. BERKE: Thank you.

12 ATTY. PALERMO: No other questions, Your Honor.

13 THE COURT: Thank you very much, sir. Have a
14 good day.

15 THE WITNESS: Thank you.

16 THE COURT: Have a good weekend, sir.

17 THE WITNESS: Yeah, you as well.

18 THE COURT: Break?

19 ATTY. PALERMO: Yes, please.

20 THE COURT: We're going to take a fifteen-minute
21 break, stretch our legs, and we'll be back at 3:45.
22 Thank you.

23 (The jury exits the courtroom)

24 (A recess was taken; court resumes)

25 THE COURT: Do you have your next witness up?

26 ATTY. DAVIS: Yes.

27 ATTY. PALERMO: Yes, Your Honor.

1 THE COURT: We're on the record with State of
2 Connecticut v. Hall. The parties are present. Mr.
3 Hall is here. Can we have the jury, please?

4 (The jury enters the courtroom)

5 THE COURT: Counsel stipulate to the presence of
6 the jury and alternates?

7 ATTY. DAVIS: Yes, Your Honor.

8 ATTY. BERKE: Defense stipulates, sir.

9 THE COURT: We do have two notes from the
10 jurors. One is: "Judge, would it be possible to get
11 a simple note" -- and I'm looking at Madam Clerk when
12 I say this -- "explaining or stating that we will be
13 serving until Thursday next week. I would like to
14 send it to my principal. Thank you." I could
15 certainly draft something. I don't have a
16 letterhead. I'm embarrassed. I'll do something. If
17 you see me typing up here, I'm not being rude. I can
18 do two things at once. I can do that. "Your Honor,
19 I have a question regarding" -- we'll have that
20 marked, please as an exhibit.

21 "I have a question regarding yesterday when we
22 did not convene due to a medical emergency. I
23 received word so late, 8:30 a.m., I was not able to
24 attend work. School starts at 8 a.m. The Court will
25 not likely grant us jury service because we did not
26 come to court, so I missed a day of work and my
27 district will not accept jury service as a reason.

1 Is there a remedy for that? I don't want to be
2 docked a day's pay because of this issue." Thank
3 you. I will write a note also saying because of a
4 medical emergency, we cancelled later on in the day.
5 And quite frankly, what I'll do -- I hope to get it
6 done right now. But quite frankly, what I'll do is
7 I'll have you look at it. And if you say, "Hey,
8 Judge, that's not good enough," I'll beef it up.

9 And look, every time you put something in
10 writing, I have to mark it as a court exhibit. I
11 don't want you to think I'm singling out some things
12 and not the other. I think we're up to Court's
13 Exhibit -- not because of the notes; we have other
14 things that are court exhibits.

15 THE CLERK: This is Number 14.

16 THE COURT: 14. And that's not unusual, so
17 don't worry about it. But I do want to explain it to
18 you. It's not like some things are being done and
19 not others. So if we could have your next witness,
20 please?

21 ATTY. PALERMO: Yes, Your Honor. State's next
22 witness is Angela Przech.

23 THE COURT: If you could please follow the
24 marshal, I want you to remain standing, raise your
25 right hand, and face Madam Clerk. You're going to be
26 put under oath.

27

1 A N G E L A P R Z E C H ,

2 Being first duly sworn, was examined and testified under
3 oath as follows:

4 THE COURT: You may begin, please.

5 ATTY. PALERMO: Thank you.

6 DIRECT EXAMINATION BY ATTY. PALERMO:

7 Q Good afternoon.

8 A Good afternoon.

9 Q Ms. Przech, who do you presently work for?

10 A I work for the State of Connecticut at the Connecticut
11 Forensic Laboratory in the DNA section of the laboratory.

12 Q And what's your position there?

13 A I am a forensic science examiner 2.

14 Q How long have you worked at the lab?

15 A I've worked at the lab for about 18 and a half years.

16 Q And how long have you been a forensic examiner 2?

17 A Forensic examiner 2? I became a forensic examiner 2
18 in 2021.

19 Q And you work in the DNA unit now?

20 A Yes.

21 Q How long have you been working in the DNA unit?

22 A 18 and a half years.

23 Q What is your educational background?

24 A I have a BS in biology with a minor in chemistry from
25 the University of Hartford. I have a PhD in biomedical
26 sciences with a concentration in molecular biology and
27 biochemistry from the University of Connecticut. After

1 that, I was an NIH virology oncology post-doctoral fellow at
2 Yale University School of Medicine prior to becoming --

3 THE COURT: What does NIH mean?

4 THE WITNESS: National Institute of Health.

5 THE COURT: Okay, thank you.

6 A I was a post-doctoral fellow at Yale University prior
7 to becoming a forensic science examiner 1 in the DNA section
8 of the laboratory, where I had a six month training period
9 prior to becoming a DNA analyst. And as far as education in
10 the lab, every time there's a new technology, we have
11 training on a new technology. But we also are required
12 beyond that to have eight hours of continuing education a
13 year.

14 Q And are you up to date on your continuing education?

15 A It is 2025 and we're only about six weeks in, so as of
16 --

17 Q Okay. But you will plan on doing that, yes?

18 A Yes, I have always.

19 Q Okay. So a forensic science examiner 2 in the DNA
20 section, what are the basic duties there?

21 A The basic duties for a forensic science examiner 2 are
22 the same as a forensic science examiner 1, except I
23 supervise people as well. We process samples for DNA
24 extraction. We measure the amount of DNA. We make
25 photocopies of the regions. We separate that DNA according
26 to size and color. We analyze those profiles and we make
27 comparisons of those profiles and write reports.

1 Q How do items typically get to the DNA unit? From
2 where do they usually come?

3 A They come from one of two places. They usually come
4 from either evidence receiving or forensic biology.

5 Q And in terms of DNA, can DNA degrade under certain
6 circumstances?

7 A Yes.

8 Q Under what circumstances?

9 A There's a lot of different circumstances that DNA can
10 degrade, including environmental such as sun, UV light,
11 rain, assaults like humidity and temperature as well.
12 Things like detergents and bleaches can also break down DNA.

13 Q Can heat break down -- say someone put something in a
14 dryer. Could that break down DNA?

15 A Yes, it can.

16 Q And washing in a washing machine, could that
17 potentially break down DNA?

18 A Yes.

19 Q Did you perform a DNA analysis in this case?

20 A Yes.

21 Q And what submissions did you work on? Can you tell us
22 what you did in terms of your involvement in analyzing items
23 that were submitted to the lab for comparison in this case?

24 A After the items are processed within our laboratory,
25 my part in this was taking the data and analyzing the DNA
26 data and making comparisons to knowns that were submitted to
27 the laboratory and then writing a report.

1 Q So knowns are from -- explain what a known is just,
2 you know, generally.

3 A A known is a sample that's collected from an
4 individual.

5 Q And how many knowns were there in this case?

6 A Five knowns were submitted in this case.

7 Q Did you generate any reports regarding your analysis
8 in this case?

9 A Yes.

10 Q How many reports did you generate?

11 A Two.

12 ATTY. PALERMO: Your Honor, I showed these to
13 counsel. I'd ask that they be marked as full
14 exhibits without objection, I believe.

15 ATTY. BERKE: That's correct.

16 THE COURT: So 37, which is now a full exhibit
17 -- right, no objection, Attorney Berke? You did say
18 that?

19 ATTY. BERKE: That's correct, sir.

20 THE COURT: All right. It's a seven-page
21 report. Guy Vallaro is in the upper left-hand
22 section of page 1 as the director of the State of
23 Connecticut Department of Emergency Service and
24 Public Protection Division of Scientific Services.
25 That is, as I said, a seven-page report dated
26 8/27/2020. And 38 is a six-page report, same
27 letterhead, date of report 11/5/2020. Thank you.

1 Q I'm showing you State's Exhibit 37 and also 38. Do
2 you recognize these exhibits?

3 A Yes.

4 Q And what are they?

5 A DNA report and supplemental DNA report.

6 Q And who authored those?

7 A I did.

8 Q And do those pertain to the work you did on the
9 submissions in this case?

10 A Yes.

11 Q So I was asking you how many known samples did you
12 work on for analysis?

13 A Five.

14 Q And do you know who those were from in terms of
15 initials?

16 A I have four with initials and one that's a full name.
17 Do you want that as initials as well.

18 Q No, the full name you can say. So why don't you say
19 the full name?

20 A Nicholas Hall.

21 Q And what submission was that.

22 A Submission number 4.

23 Q Okay. How about submission number 5?

24 A Submission number 5 was a known buccal sample from
25 G.T.

26 Q How about submission number 6?

27 A 6 was a known sample from L.T.

1 Q And how about submission number 7?

2 A 7 was from S.T.

3 Q And how about submission number 8?

4 A W.T.H.

5 Q Did you yourself generate the DNA profile for those
6 known samples?

7 A No.

8 Q Who did that?

9 A Michael Morganti.

10 Q Did you generate a DNA profile from some evidentiary
11 samples?

12 A Yes.

13 Q And could you tell the jury what those evidentiary
14 samples were and your submission numbers?

15 A 2-1, 3-2, 3-3, 3-4, and 3-5.

16 Q And what were those, starting with the --

17 A 2-1 was a stain from a comforter. 3-2, stain from
18 sheet, upper portion. 3-3, stain from sheet, upper portion.
19 3-4, stain from sheet, upper portion. 3-5, stain from
20 sheet, upper portion.

21 Q And have you testified in court before?

22 A Yes.

23 Q How many times?

24 A Over 50 times.

25 Q And before you came here, did you review your reports
26 and any paperwork associated with your work?

27 A Yes.

1 Q So could you tell the jury what work you did in terms
2 of the submissions, how you got the DNA profile on
3 submissions regarding the comforter, the stain from the
4 comforter, and the stains from the sheets. How did that
5 come about?

6 A I get data from a machine, and the DNA is separated
7 according to size and color. I look at that information, I
8 make any edits if necessary, and then I lock in that profile
9 and I have a reviewer who also analyzes the data and looks
10 at that profile. We come to an agreement on that profile.
11 We also come to an agreement on the number of contributors
12 within a sample, the number of contributors being how many
13 people are in that profile, how many people's DNA is
14 potentially in that profile. And then once that is done, we
15 make comparisons of known samples to that evidentiary
16 samples if there are any.

17 Q And did you draw any conclusions regarding the
18 submission 002, the stain on the comforter, in terms of the
19 DNA? Was that a mixture? Was it a single source? What
20 conclusions did you reach?

21 A Well, actually, the items had two tests performed, two
22 DNA tests performed. We used a regular standard STR kit to
23 develop a standard DNA profile, and then we also used a male
24 only kit to develop a male DNA profile if they were present
25 in some of the samples.

26 Q What is the standard kit? What's that called?

27 A The standard kit that was used in the testing for this

1 report was GlobalFiler.

2 Q And does that look for DNA from males and females?

3 A It looks at specific regions in the DNA, and it looks
4 at for male and female DNA.

5 Q And the other test you did, what was it called?

6 A The male only testing is called Yfiler Plus, and that
7 only looks and makes copies of DNA that's found in male DNA.

8 Q And why did you do both tests in this case.

9 A Both tests were performed in this case because several
10 of the samples had a high concentration of female DNA
11 compared to male DNA.

12 Q And when you say several of the samples, do you recall
13 which?

14 A One of the samples -- sorry, may I look at my notes,
15 Your Honor.

16 Q Would that help refresh --

17 THE COURT: Would that help refresh your
18 recollection?

19 THE WITNESS: Yes.

20 THE COURT: Yes, as long as you testify from
21 your memory and not from your notes.

22 THE WITNESS: Yes, absolutely.

23 THE COURT: Unless you're looking at your report
24 that's already in evidence.

25 THE WITNESS: I have personal notes on paper so
26 that I don't have to dig through my case jacket.

27 A So for 2-2, 3-2, 3-3, 3-4, and 3-5, the male to female

1 ratio of DNA present was high for all of them.

2 Q And as a result -- could you kind of explain that in
3 maybe layman's terms? When female was high, just give us an
4 example of what you mean by that.

5 A In the beginning when the samples are being processed
6 in the lab, we separate the DNA from everything else that's
7 on that item. We clean that DNA up, and then the next step
8 is to measure the amount of DNA present -- human DNA present
9 in that individual item and also measure the amount of male
10 DNA that is present in that individual item. So we can kind
11 of make an inference -- and our software also does that
12 calculation as well -- of how much total DNA we have
13 present, how much total male DNA is being measured, and then
14 you can get a ratio of how much female DNA is there to male
15 DNA.

16 Q And in those submissions, what you indicated was there
17 was a high percentage of female DNA you found.

18 A There was a lot of female DNA present compared to male
19 DNA.

20 Q So could you take us through what conclusions you
21 reached regarding -- well, let me step back. So why do you
22 go to the Yfiler? Why would you use Yfiler in this
23 particular case?

24 A If you have a lot of female DNA present -- it's almost
25 like when we're making copies of the DNA and the regions
26 that we're looking at, if you have a lot of a certain type
27 of DNA, it will outcompete the other amount of DNA. So you

1 can think of it almost like a pool of, like, balls, and you
2 have a whole bunch of balls that are pink and only a couple
3 balls that are blue. When you're digging through that pile
4 of DNA, you're pulling out more pink than you're pulling out
5 blue. So when we're using just our standard kit, it makes
6 no differentiation between those pink balls and those blue
7 balls. But when we're using the Yfiler kit, it actually
8 will only amplify the male DNA.

9 Q So could you take us through what -- so what were your
10 results? What did you do in terms of -- when you first used
11 the GlobalFiler, there was a lot of female DNA.

12 A Which report are we talking about?

13 Q I'm talking about the evidentiary submissions, right?
14 002-002, that was the stain on the comforter, correct?

15 A Yes.

16 Q And when you did the GlobalFiler, what were the
17 results? Was it a single source? Was it a mixture?
18 Describe what the results of that testing were.

19 A For the GlobalFiler testing, 2-1 was a mixture of two
20 contributors.

21 Q 2-1?

22 A 2-2; sorry.

23 Q A mixture of two contributors? Could you tell is
24 those contributors were male or female?

25 A In this particular case in the GlobalFiler testing, no
26 male DNA was detected.

27 Q So when you found no male DNA found, is that when you

1 determined to do the Yfiler testing?

2 A So once all of those -- so all of the samples, they
3 weren't done individually. All of the samples were
4 amplified. The evidentiary samples were amplified with
5 GlobalFiler. We had an analysis. We could make a
6 comparison to the known. And at that point, yes, we decided
7 that we were going to move forward with the Yfiler Plus for
8 the male only testing.

9 Q For the males? So for 002-002, the GlobalFiler was a
10 mixture and then you did the Yfiler profile, right? The
11 testing, what was the result?

12 A The Yfiler Plus results for 2-2 was a single male
13 profile.

14 Q And did you compare that result with any known samples
15 at that time when you did --

16 A Well, for the GlobalFiler results, I compared all five
17 knowns. For the Yfiler results, I only compared the known
18 to the male known.

19 Q Okay, and what was the result?

20 A Do you want the results for the GlobalFiler, the
21 Yfiler, or both?

22 Q Both.

23 A Okay.

24 Q So why don't you take us through, because there were
25 five --

26 A Because there's two separate reports where there's a
27 comparison to just one known and then another report with a

1 comparison to just --

2 Q Which would be easier for you? Which would probably
3 be easier for the jury?

4 A I think it would be easier to separate the reports out
5 into two separate things because --

6 Q All right, so let's start with your first report --

7 A -- just because the Yfiler testing is not in the
8 second report. It's only in the first report.

9 Q Okay, so let's start with your first report. You
10 tested five -- there were five submissions, right?

11 A Yes.

12 Q And those were the stains. One was a stain from a
13 comforter and the other four were stains from the sheet
14 upper portion?

15 A Upper portion area of the sheet, yes.

16 Q Okay. So what were the results from 202, the stain
17 from the comforter?

18 A 2-2, the GlobalFiler was a mixture of two
19 contributors. Nicholas Hall was eliminated as a contributor
20 to that profile. The Yfiler Plus results were consistent
21 with a male contributor, single source, and the results are
22 consistent with Nicholas Hall or another member of the same
23 male lineage because the source of the Yfiler Plus DNA
24 profile from item 2-2.

25 Q And I'm going to step back because we didn't really
26 talk about this. You had the known samples, the DNA
27 profiles from the known samples to compare it to?

1 A Yes.

2 Q Okay, so is that what you were comparing it to,
3 Nicholas Hall's profile generated?

4 A That's what the statement is saying. We have a DNA
5 profile that was developed from Nicholas Hall's known buccal
6 sample, and that known buccal sample DNA profile was
7 compared to the samples.

8 Q So on that first stain, 2-2, it was consistent with
9 Nicholas Hall's DNA, correct?

10 A In the GlobalFiler results, Nicholas Hall was
11 eliminated from that profile. In the Yfiler Plus results,
12 Nicholas Hall's known DNA profile or another member of that
13 same lineage is consistent with being the source of that DNA
14 profile.

15 Q How about 3-2, submission 3-2? That was a stain from
16 the sheet upper portion area. What did the GlobalFiler test
17 results show?

18 A The GlobalFiler results for 3-2 are consistent with
19 being a mixture of two contributors.

20 Q And did you compare that to Nicholas Hall's DNA
21 profile?

22 A Yes.

23 Q And what was the result?

24 A Nicholas Hall's DNA profile was eliminated as a
25 contributor to the DNA profile from item 3-2 for
26 GlobalFiler.

27 Q And GlobalFiler, you talked about how there was a lot

1 of female DNA and that's why you ended up going to the
2 Yfiler, correct?

3 A Yes.

4 Q Okay, and what was the Yfiler result regarding 3-2?

5 A 3-2 for the Yfiler results was consistent with being
6 -- originating from a single male lineage, and the results
7 are consistent with Nicholas Hall or another member of the
8 same male lineage being the source of that DNA profile from
9 3-2.

10 Q And how about 3-3? What were the results there for
11 the GlobalFiler?

12 A GlobalFiler for 3-3 was consistent with being a single
13 female individual, and the Yfiler Plus DNA profile was
14 consistent with originating from a single male lineage.

15 Q And how about 3-4, the next stain on the sheet upper
16 portion?

17 A 3-4, actually, we did GlobalFiler and Yfiler testing,
18 but we only got a result for GlobalFiler testing.

19 Q And what was that result?

20 A So 3-4 was consistent with being a single female
21 individual, and Nicholas Hall was eliminated.

22 Q At some point, did you -- you got other submissions
23 regarding known samples, correct?

24 A Yes.

25 Q And what did you do in terms of those known samples in
26 relation to comparison with the evidentiary samples in this
27 case?

1 A Every time we get a known sample submitted to the lab
2 for a case, we make comparisons to usually all of the
3 evidentiary samples that were processed and a report was
4 issued on. And in this case, four additional knowns were
5 submitted and comparisons were made.

6 Q And can you tell us the results of those?

7 A So in this particular case, the four known submissions
8 that were submitted were all female profiles, so the Yfiler
9 results were not compared to those because if we actually
10 took their samples and tried to develop a DNA profile with
11 Yfiler, there would be no results.

12 Q So could you tell us what conclusions you reached
13 regarding 2-2, the stain on the comforter?

14 A So the results are still the same, so it's a mixture
15 of two individuals. When comparing to the four knowns that
16 were submitted, S.T. is assumed to be a contributor to the
17 DNA profile from 2-2, and G.T., L.T., and W.T.H. are
18 eliminated as contributors to the DNA profile from 2-2.

19 Q Explain to the jury what assumed means. Is there
20 another way to explain it?

21 A So we have different interpretations. We have
22 included consistent with a contributor for a mixture and
23 inconclusive and eliminated. Assumed is the same as saying
24 included are consistent with a contributor. It just means
25 that they are assumed for. It just means that they are
26 assumed for -- it just means that they are there, they are
27 present, and it's not unusual for them. So usually it's an

1 item that they would normally come into contact with.

2 Q And when you say assume, is that based on the DNA
3 profile that was generated for that particular known?

4 A For that particular forensic sample. So this item, I
5 was informed that the person who was assumed on these items,
6 that was their bedroom that those items came out of. So I
7 would assume if you were in your bedroom that you would also
8 be on the items that are in your bedroom.

9 Q And what about 3-2, the first stain on the upper
10 portion area?

11 A 3-2 was a mixture of two contributors, and again, S.T.
12 is assumed to be a contributor to the DNA profile from 3-2,
13 meaning that the DNA profile developed from S.T.'s known is
14 included in the profile from that item. G.T., L.T., and
15 W.T.H. were eliminated as contributors to those profiles.

16 Q And now about 3-3, another stain from the sheet upper
17 portion area?

18 A 3-3 is consistent with a single female individual.
19 S.T. is assumed to be the source of the DNA profile from 3-
20 3. G.T., L.T., and W.T.H. are eliminated as a source of the
21 DNA profile from 3-3.

22 Q How about 3-4, item 3-4?

23 A 3-4 also is consistent with a single female
24 individual. S.T. is assumed as the source of the DNA
25 profile from 3-4. G.T., L.T., and W.T.H. are eliminated.

26 Q And how about 3-5?

27 A 3-5, again, is originating from a single female

1 individual. S.T. is assumed to be the source of the DNA
2 profile from 3-5. G.T., L.T., and W.T.H. are eliminated as
3 the source from 3-5.

4 Q In terms of these submissions, these samples, the
5 mixtures, does a mixture mean that the DNA profile found in
6 that mixture was deposited there at the same time?

7 A I can't tell you that.

8 Q It could be one person's DNA could be there and then
9 another person's could be there at a different time?

10 A Yes, deposited there at a different time, yes.

11 Q In other words, there's nothing to indicate that those
12 DNA profiles that ended up there were deposited there at the
13 same time, correct?

14 A We have no way of testing for that, correct.

15 Q Okay.

16 A We have no way of testing for that. That's the end of
17 the story. I can't say if they were or they weren't.
18 There's no way we can indicate that.

19 Q And I guess my only point is if I say mixture, you
20 can't say, "Oh yeah, it happened at the same time?" You
21 don't know?

22 A We can't say that. We don't test for that.

23 Q Okay. So in terms of your comparisons regarding
24 submission 2-2, the stain on the comforter, with the Yfiler
25 profile, the DNA profile was consistent with the DNA profile
26 of the defendant, correct? Consistent with the profile
27 obtained from Mr. Hall from his known or buccal swab,

1 correct?

2 A Which item are you talking about?

3 Q 2-2.

4 A And which test, GlobalFiler or Yfiler?

5 Q I'm talking Yfiler.

6 A For 2-2, the Yfiler profile was consistent with a male
7 single source profile, and Nicholas Hall or another member
8 of his same male lineage is consistent with the source of
9 that profile.

10 Q And what is the expected frequency of individuals who
11 could be the source of the Yfiler Plus profile from 2-2?

12 A So the expected frequency of individuals who could be
13 the source of the Yfiler profile from item 2-2 is less than
14 1 in 33 in the general male population.

15 Q Correct me if I'm wrong in explaining this. So if you
16 have 33 people, male people of the general population, 1 out
17 of 33 would have that profile?

18 A One out of 33 would also be consistent with the source
19 of that DNA profile. It doesn't mean that they have the
20 same profile as Nicholas Hall. It means that they also
21 would be consistent with that source.

22 Q Okay, and what is the expected frequency of
23 individuals who could be the source of the Yfiler Plus DNA
24 profile from item 3-2?

25 A The expected frequency of individuals who could be the
26 source of the DNA profile from item 3-2 is less than 1 in 8
27 in the general male population.

1 Q And just, you know, to clarify, 3-2, when you did the
2 Yfiler profile, Nicholas Hall's DNA was consistent with
3 that, correct?

4 A Nicholas Hall or someone in his male lineage.

5 Q And explain that, someone in his male lineage.

6 A Male DNA is inherited through the father. So normal
7 DNA that we're testing for, you get half from your mom, half
8 from your father. The Ys that we're testing for are
9 inherited down through the male lineage or from grandfather
10 to father to son, etcetera, down through the lines. So more
11 than one person could have that profile. It's not as unique
12 as our regular general STR testing.

13 So this here is giving you an idea statistically how
14 frequently the profile that was developed from the forensic
15 evidence, not from the known from Nicholas Hall, but how
16 frequent that profile could be found in the general
17 population. It stands alone by itself. It's the forensic
18 being compared to the general population.

19 Q And what was the expected frequency of individuals who
20 could be the source of the Yfiler Plus DNA from item 3-3?

21 A For 3-3, the expected frequency of individuals who
22 could be the source of the Yfiler Plus DNA profile from 3-3
23 is less than one in four in the general population.

24 Q And how about regarding the expected frequency of
25 individuals who could be the source of the Yfiler Plus DNA
26 profile from item 3-4?

27 A There was no DNA profile from that.

1 Q Because?

2 A There was DNA -- there was Yfiler testing done, but
3 there was no Yfiler profile developed from that item.

4 Q Was that because it was a single source, a female
5 single source?

6 A No.

7 Q 3-4?

8 A No.

9 Q Was it a mixture?

10 A Our GlobalFiler said that it was a single source
11 female profile, but when we measured the amount of DNA that
12 was present, there was some male DNA that was present. So
13 that sample was moved forward using Y testing because there
14 was a lot of female DNA there.

15 Q Okay, and how about item 3-5?

16 A 3-5 we did not test for Y STRs. When we measured the
17 amount of DNA that was present, no male DNA was detected, so
18 we did not move that sample forward.

19 Q So of those five evidentiary samples, Nicholas Hall's
20 DNA was consistent with three of them, is that correct,
21 under the Yfiler testing?

22 A You're making a comparison of a known to an
23 evidentiary sample, and that known profile was consistent
24 with being the source.

25 Q And I think I asked you this, but maybe I didn't. Was
26 there a technical reviewer that went over your analysis and
27 your conclusions in this case?

1 A Yes.

2 Q And were there any problems detected in terms of your
3 analysis?

4 A I'd have to refer to my notes, but if we're signing
5 both sides of the report, that means we both agree to the
6 results that are presented in the report.

7 Q I know you explained this, but I'm just going to ask
8 you. Could you explain again how Nicholas Hall could have
9 been eliminated from the GlobalFiler but was consistent with
10 the source on the Yfiler?

11 A GlobalFiler is testing for all of human DNA, male and
12 female DNA, and Yfiler is only amplifying and making copies
13 of the male DNA. So in this case, we have forensic samples
14 where there is a lot of female DNA. So you have that pool
15 of balls that are pink with a few blue balls, and if you
16 randomly pulled down into that bag, you're probably going to
17 pull up a lot more pink than you are blue while you're doing
18 that testing.

19 The Yfiler DNA only looks at the male DNA, so it is going
20 into that pool and pulling out that blue DNA and making
21 copies of that. So it is not unusual to test with
22 GlobalFiler and not be able to detect the male DNA being
23 present because there's so much more female DNA than the
24 male DNA than being able to detect DNA on the Yfiler.

25 Q If someone is eliminated from a stain, no DNA was
26 found there, does that mean that person never, say, touched
27 that item, sat on a bed? Does that mean that that person

1 that was eliminated was never there?

2 A Eliminated and not seeing a DNA profile are two very
3 different things, so can you clarify?

4 Q Right. So if someone is eliminated from a stain --
5 for example, L.T. was eliminated from some of these stains,
6 correct?

7 A So we develop a DNA profile; that's a forensic sample.
8 If you have no DNA profile, there is no comparisons. So
9 we've developed a DNA forensic sample and then we made
10 comparisons to the knowns. What we're saying is that
11 there's not enough -- they're either completely eliminated
12 from that profile, like, their known profile does not match
13 anything that's in that profile, or there's enough
14 information there to eliminate them from that profile.

15 Q And I guess my question really goes to those tests are
16 -- what was tested were particular stains, right? Do you
17 know where those stains came from? They came from --

18 A They're labeled as such. They say that they're a
19 stain from a comforter or a stain from a sheet.

20 Q And I guess my question is, if someone sat on a bed
21 and maybe not sat on it where the stain was, is it possible
22 to leave somebody's DNA there?

23 A Is it possible to sit down and leave your DNA behind?

24 Q Correct.

25 A That is possible, yes.

26 Q So for example, if L.T. sat on her bed but she didn't
27 sit on that stain, is it possible she could have left her

1 DNA on the bed but maybe not on that stain?

2 A Well, it is possible, but we're not testing the other
3 areas that aren't. So could that person's DNA still be
4 there and it's not an area we're testing? Yes, that's
5 possible.

6 Q And is there a ceiling on the Yfiler profile? And do
7 you know what I mean by that?

8 A I have no idea.

9 Q Well, you said one out of -- for example, Nicholas
10 Hall's -- the Yfiler profile, one of them was 1 out of 33 in
11 the general population. You know, in GlobalFiler testing,
12 it's a much larger pool, isn't it, than the Yfiler profile?

13 A Well, the statistics for GlobalFiler and for Yfiler
14 are very different that we're reporting out. They're two
15 very different mathematical statistical concepts. For
16 Yfiler, we're using a database and it produces that
17 statistic for us, whereas with GlobalFiler, it's a different
18 -- we're using a completely math equation. It's like using
19 addition and then using higher level calculus. There's two
20 different things going on, so I can't compare the two.

21 Q Okay, so you can't make a comparison?

22 A No.

23 Q All right, understood.

24 ATTY. PALERMO: I don't have any other
25 questions. Thank you.

26 THE COURT: Okay, thank you. Attorney Berke? I
27 just want to tell you, I have the letters typed.

1 Embarrassingly, I don't know my phone number, so I've
2 got to go in and take a look at it. Just in case
3 anyone needs to call, I want to give them the correct
4 number right off my phone, a direct line. So I'll
5 get it to you before the end of the day. Thank you.
6 And I do have letterhead. I just have to figure out
7 how to use it, so that may take a little bit. Go
8 ahead. I'm sorry.

9 CROSS-EXAMINATION BY ATTY. BERKE:

10 Q You had justified that DNA can degrade based upon a
11 number of variables which include environmental and other
12 types of methods that could degrade. One of them, you
13 indicated, was heat. Do you know what the heat parameters
14 are where DNA degrades?

15 A It all depends on the DNA.

16 Q Are there any studies that discuss when DNA degrades
17 as far as heat?

18 A It all depends on the DNA, the sequence of the DNA.
19 GC rich sequences of DNA have a higher melting temperature
20 than other types of DNA. And also, it really depends on the
21 time, situation, and the environment that it's in, because
22 we use heat to melt our DNA, to make photocopies of our DNA
23 regions. But also, if you have DNA out on a slide in the
24 summer, in the sun, that could also be degraded. So we
25 never make assumptions about if something is degraded.
26 We'll just process the samples.

27 Q So as it relates to this case, DNA was extracted from

1 bedding, something within a home. What temperature would it
2 have to be within a house for DNA to degrade?

3 A It all depends on the environment because there's also
4 other factors including heat variability, humidity within
5 the home, how damp it is within the home, what types of
6 lights are being used in the home, is there UV, did they use
7 bleach when they were cleaning the sheets. So there's a lot
8 of variability, and even the types of detergents that you
9 use can result in different things.

10 Q In your experience, what is the timeframe that you're
11 able to extract DNA? For example, if DNA is deposited on an
12 item a year, two years, three years, four years --

13 A We don't limit our timeframe to when something could
14 be extracted because DNA has been extracted from mummies in
15 Egypt and processed. So basically, give us a sample and
16 we'll process it.

17 Q So there may not be a time limitation? Is that fair
18 to say?

19 A That is correct.

20 Q You had testified that some of the samples that were
21 tested were from an upper portion of a sheet.

22 A Yes.

23 Q And are you aware whether that upper portion of the
24 sheet is in reference to the sheet as it existed on the lab
25 bench within your facility?

26 A I am unaware of how the evidence was even examined.
27 The sample came over to DNA as a swab. That swab was

1 processed by Frankie, who testified before me, and then the
2 samples were analyzed by myself, and that is our standard
3 form of practice in our laboratory. We usually don't see
4 how the evidence has been examined.

5 Q So the reference to upper portion of sheet, you
6 couldn't respond to what that reference is?

7 A That is an item of how that particular item was
8 collected and designated within the case jacket and also
9 within our computer system.

10 THE COURT: But I guess what's being asked is --
11 you don't know. When someone says -- when you get
12 something that says upper portion, you don't know
13 whether it means the foot of the bed, the head of the
14 bed.

15 THE WITNESS: To me, it's item 2-2 and I'm
16 making the comparison of that.

17 THE COURT: Okay.

18 THE WITNESS: Whatever its name is is
19 independent of the interpretation.

20 THE COURT: So I'll just ask you the question
21 again. And I'm sorry to talk over you.

22 THE WITNESS: No, sorry.

23 THE COURT: You don't know whether it's the foot
24 of the bed or the top of the bed?

25 THE WITNESS: I do not.

26 Q As far as orientation, you can't answer that?

27 A Nope.

1 Q You had discussed in reference to the inclusion of
2 Nicholas Hall on some of these items, Nicholas Hall or
3 another male in his lineage, how far back does that go as
4 far as the relationship to Mr. Hall?

5 A That can go back a very long time.

6 Q So it could be father, brother, uncle, and beyond?

7 A Yes.

8 Q Based upon your testing, are you able to identify
9 which male of that lineage through Y Plus STR?

10 A Yfiler -- if you're talking about kinship analysis,
11 Yfiler Plus does not do kinship analysis and we don't look
12 at the migration or the Y lineages as far as heredity goes.
13 We're just developing a Y profile and making a comparison to
14 a known sample. That's something that's independent of our
15 laboratory.

16 Q Your report references ratios. For example, 003-002,
17 the Yfiler Plus is 1 in 8 in the general male population.
18 What are you referencing when you say general male
19 population?

20 A That is actually not a likelihood ratio, but that's an
21 accounting method with a 95% confidence interval, which is
22 something very different than a likelihood ratio. So I just
23 want to make that clear that we're looking at the forensic
24 sample and comparing it to the population and actually not
25 to the individual. It's independent of that.

26 Q Is that population within men in Connecticut, the
27 United States, the world? What's that general male

1 population?

2 A For statistical purposes, we use the YHRD database,
3 which uses the national SWGDAM accepted database for the
4 United States.

5 Q So it's men within the United States? That's the
6 number that it's based on?

7 A It is called the National SWGDAM Database. I'm sorry,
8 I can't testify to if those are all from men within the
9 United States. That's what the database is called, the
10 SWGDAM National Database.

11 THE COURT: SWGDAM?

12 THE WITNESS: Yes.

13 THE COURT: That's S-W-I-G-D-A-M?

14 THE WITNESS: Yes. It's a science working group
15 for DNA. They basically come together under the
16 envelope of forensic DNA analysts and they try to
17 make forensic science and DNA testing more uniform
18 within our community.

19 Q So in regards to item 003-003, which is referenced in
20 your report as stain from the upper -- from sheet upper
21 portion area, the Yfiler Plus DNA profile includes Nicholas
22 Hall and that frequency is one in four of the general male
23 population.

24 A So the statistic is independent of the comparison, and
25 yes, it's less -- it is -- the expected frequency of
26 individuals who could also be consistent with the source of
27 that profile is less than one in four in the general male

1 population.

2 Q So out of four men in this room, one of them could be
3 also included within that?

4 A Could also be consistent with the source.

5 Q And likewise, 1 in 33 in the general male population,
6 which is referenced in 002-002 --

7 A Yes.

8 Q -- 1 in 33 men could also be part of this?

9 A 1 in 33 men would also be consistent with the source.
10 It would expected that at least one of them would be
11 consistent with the source as well.

12 Q Do you know if the CODIS database is done with Yfiler
13 identification or not?

14 THE WITNESS: Excuse me, Your Honor, am I
15 allowed to talk about the CODIS database?

16 THE COURT: If you're asked, yes.

17 ATTY. PALERMO: Well, I'm going to object, Your
18 Honor, on relevancy about CODIS. I don't believe she
19 -- I don't --

20 THE WITNESS: No profiles were entered into
21 CODIS and that's why I'm asking. We don't generally
22 talk about CODIS in the courtroom.

23 THE COURT: Okay. For the ladies and gentlemen,
24 CODIS stands for what? I don't want them to think
25 it's some top-secret thing and the NSA is coming down
26 on me.

27 THE WITNESS: Sorry. No, it's not a top-secret

1 thing. I had a case that there was appeals on it
2 because it was talked about in court. CODIS is a DNA
3 database that is used for comparison of forensic
4 samples to known profiles that are also in that
5 database, and it's also used for a couple of
6 different things. In our laboratory, we do not enter
7 Ys for forensic samples. We do enter Ys on occasion
8 for other types of cases like missing persons and
9 unidentified human remains cases, but not in criminal
10 cases.

11 Q The rate -- the expected frequency -- for example, 1
12 in 33, which is referenced in 2-2 -- how is that number
13 calculated as it relates to the number of matching locations
14 within the DNA profile?

15 A So for statistics for Y DNA testing, we use something
16 called the counting method, and the counting method looks at
17 each individual area that is tested and it looks at the
18 frequency that that particular number that is generated from
19 that area tested is found in the population within that
20 database, and then it adds up those frequencies and it uses
21 a confidence interval to correct that calculation. And in
22 this particular case, the bigger a Y database, the more
23 accurate your information is going to be and more
24 conservative it's going to be as well.

25 Q How many matching alleles in 002-002 were presented
26 between Nick Hall's profile and that item?

27 A Forensic sample 2-2 --

1 Q Yes.

2 A -- only had five alleles, or five areas that were
3 tested. So we have 27 areas that are tested for using this
4 Y testing kit, and only five of those areas developed a
5 profile for 2-2. And when compared to item number 4, all
6 five of those regions were the same.

7 Q So it's 5 of 27?

8 A 5 out of 27, yes.

9 Q And in regards to 3-3, what was that number?

10 A Again for the forensic sample 3-3, three of those
11 areas had a result out of the 27.

12 Q 3 of 27? I asked you about 3-2.

13 A Oh, I'm sorry. I thought you asked me about 3-2. I
14 didn't realize you were talking about 3-3. I apologize.

15 Q You know what, to avoid confusion, let me just start
16 over.

17 A Okay.

18 Q 2-2, you said 5 of 27?

19 A Five were present.

20 Q 3-2?

21 A 3-2, three were present.

22 Q And in 3-3?

23 A 3-3 had two present.

24 Q 2 of 27?

25 A Yes.

26 Q Is there a threshold in the standard operating
27 procedure in your lab to include someone with a number of

1 matches?

2 A Our standard operating procedure in our laboratory for
3 Y STR testing is if we have one allele present in that
4 testing, we can make a comparison to the profiles and then
5 either say eliminated or consistent with a source or
6 consistent with being a contributor, and then we can run a
7 statistic on that. So one allele is enough for us to make a
8 comparison.

9 Q Is it fair to say that the fewer number of matches of
10 alleles would be a lower number of the expected frequency?
11 In other words, 2 of 27 would have a lower expected
12 frequency than 5 of 27?

13 A Honestly, it all depends on the DNA profile that's
14 developed. If you have a really rare allele and that
15 frequency is really rare, you may get a higher number with
16 just two than with the five.

17 Q And that's --

18 A In this case, all of them are -- the five, the three,
19 and the two -- I shouldn't say that. I'm not going to say
20 that they're the same -- I'm sorry -- without looking at it.

21 Q So there were a couple of mixtures that were found and
22 there was one that was identified as a single source -- or
23 two as single source female, I believe.

24 A Can you tell me which items?

25 Q Certainly.

26 A There was 2-2, which is the stain on the comforter.
27 Was that a mixture?

1 A Yes.

2 Q 3-2 was a mixture?

3 A Yes.

4 Q 3-3 is -- well, under GlobalFiler it was a single
5 female, but Nick Hall was included under Yfiler for his
6 lineage? That was -- so during the analysis on GlobalFiler,
7 you only identified the single female. As you said, the
8 amount of DNA of a female overcomes, in your opinion, the
9 amount of male DNA. Is that fair to say?

10 A In this particular case, yes.

11 Q And that's why you identified it as a single female,
12 not a mixture?

13 A No, when I look at the profile, I'm making an
14 independent analysis of each individual item. I'm not
15 thinking about the male to female ratio. I'm just looking
16 at a DNA profile and saying, "This is a single source
17 profile. This is a mixture," determining the number of
18 contributors. Before I even have knowns or anything like
19 that, I'm making those determinations independently.

20 Q So 3-3 was identified as a single female individual --

21 A Yes.

22 Q -- but then you identified it through Y STR, Y Plus.

23 A Yfiler was not a single female individual. Yfiler
24 Plus was a male individual for 3-3. GlobalFiler was a
25 single female individual.

26 Q I'm sorry, GlobalFiler, that's what I meant to say.
27 So within the mixtures that you identified, is it fair to

1 say that L.T. was eliminated as someone who contributed to
2 that DNA profile?

3 A For all of the items, L.T. was eliminated from all of
4 the forensic items, yes.

5 Q So her DNA was not identified in any item that you
6 tested?

7 A When comparing her known profile, that was not present
8 in those items.

9 Q And DNA can be deposited directly from the source,
10 correct?

11 A From the individual, yes.

12 Q From the individual to the item?

13 A Yes.

14 Q The individual to a sheet. It could also be done by
15 transfer, where it's from the individual to an item or
16 person and then to something else. Is that fair to say?

17 A Yes. So if I shake your hand, your DNA is on my hand,
18 and if I touch my cup, I could leave his DNA behind by
19 secondary transfer.

20 Q So when we're referring to an item like a bed, would
21 you expect a person whose bed that is to have a significant
22 portion of DNA on that bed?

23 A When we get items to process, we are not making any
24 assumptions about that item. We just process the item and
25 make comparisons. When we are writing the reports, if a
26 person is fully included and it is their item, then while
27 we're writing the report, we will make that assumption. The

1 assumption is basically saying they're in this room, they
2 should be there. If it is their bed and they're eliminated,
3 I'm not making that assumption.

4 Q So there's nothing that points to L.T.'s DNA in any of
5 the analysis that you had performed?

6 A When I made the comparison to L.T., that profile
7 generated from her known was eliminated from the forensic
8 samples.

9 ATTY. BERKE: Thank you.

10 THE COURT: Any redirect?

11 ATTY. PALERMO: Yes.

12 REDIRECT EXAMINATION BY ATTY. PALERMO:

13 Q You were just examining the stains, right, that were
14 submitted, correct?

15 A No, actually, I didn't examine. They were swabs that
16 were sent over from forensic biology to the DNA section and
17 they were processed in our laboratory by Frankie. I did the
18 analysis on the DNA profiles, made the comparisons, and
19 wrote the report.

20 Q But my point is they came from stains, correct? On
21 the bedding, these were -- biology tested the stains?

22 A Swabs came over from the forensic biology section and
23 that's what they are labeled as.

24 Q Labeled as what?

25 A So if that's where they're from, that would be the
26 forensic biologist to testify to that.

27 Q Okay. So I guess my point is, you didn't get -- you

1 did not test or analyze the entire bedding, correct?

2 A We just processed the samples that were sent over to
3 our section.

4 Q Okay. That's what I wanted to know.

5 ATTY. PALERMO: One moment.

6 THE COURT: Why you're there, I'm just going to
7 take a look in my office for something real quick.
8 Excuse me. We can stay on the record.

9 (Whereupon a pause was taken)

10 THE COURT: Go right ahead. Sorry.

11 ATTY. PALERMO: Your Honor, I have no other
12 questions.

13 THE COURT: Okay, thank you. And you have
14 nothing further?

15 ATTY. BERKE: I have nothing, sir.

16 THE COURT: Okay, thank you. You're excused.
17 Thank you. You don't have any evidence with you, do
18 you?

19 THE WITNESS: Yes, I'm making sure that I have
20 -- not taking it with me. Thank you.

21 THE COURT: Thank you. Have a good weekend.
22 Thank you. Excuse me just a minute. All right,
23 ladies and gentlemen, we're going to break. We're
24 going to end for today. I'm going to give you an
25 advisement and then I'm going to send you back there
26 before -- I'm printing out two letters. I think
27 you've heard this before: I'm not a very good typist.

1 I put the wrong day on both of these. This is
2 pressure. So I have them without the letterhead. I
3 have them with the letterhead. My problem is I don't
4 know whether I'm supposed to be the letterhead upside
5 down in the printer or right-side up or to the left
6 or to the right.

7 UNIDENTIFIED JUROR: It's face down.

8 THE COURT: Okay, it's face down?

9 UNIDENTIFIED JUROR: Yes, upside down.

10 THE COURT: Okay, I'm wrong. But I'm printing
11 them out right now. Anyway, I'm going to give you
12 your advisement, and your advisement is as follows:
13 please do not make up your mind or form any opinions
14 about the evidence you've heard thus far. You are
15 not to discuss the case with anyone, including fellow
16 jurors, about this case. You are not to seek out
17 information outside this courtroom related to the
18 case or the evidence you've heard so far in the case.
19 You are not to do any independent examination or go
20 to the scene of the alleged crime.

21 I do want to say something about notes because I
22 see you all taking notes over there and I think
23 that's great. You see me taking notes. If you take
24 notes during the evidence, you could of course use
25 them during deliberations. It's at that time you
26 could share them with your fellow jurors, but not
27 until then. And as I will tell you later on, if

1 there's a conflict between your recollection and your
2 notes, it is your recollection that shall prevail.

3 All right, so what I'm going to ask you to do,
4 please, is just if you go in there -- here, you can
5 read a rough draft and let me know how it is, the
6 both of you. And just give me a couple minutes and
7 I'll get you all out of here. Actually, everyone
8 could leave except for the two teachers, okay? And
9 then if the two teachers could just remain there,
10 I'll get going. If you could hand your books in?
11 Thank you.

12 UNIDENTIFIED JUROR: Your Honor, what time
13 Tuesday?

14 THE COURT: What time Tuesday did we say? 9:30?

15 ATTY. DAVIS: I said 10.

16 THE COURT: 10:00 Tuesday. Thanks. Thank you
17 for asking. We can be off the record for the day.

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FBT-CR20-0336785-T : SUPERIOR COURT
STATE OF CONNECTICUT : JUDICIAL DISTRICT OF BRIDGEPORT
v. : AT BRIDGEPORT, CONNECTICUT
NICHOLAS HALL : FEBRUARY 14, 2025

E L E C T R O N I C
C E R T I F I C A T I O N

I hereby certify the electronic version is a true and correct transcription of the audio recording of the above-referenced case, heard in Superior Court, Judicial District of Bridgeport, Bridgeport, Connecticut, before the Honorable Peter McShane, Judge, on the 14th day of February, 2025.

Dated this 6th day of March, 2025 in Danielson,
Connecticut.

Erin Baxter

Erin Baxter
Court Recording Monitor