

We're not surprised to see that the Tulare County DA's "investigation" of the evidence simply repeats all of their past arguments, and offers nothing new. We've covered all of these issues in minute detail in the podcast and FB posts, and a quick summary can be viewed or download here:

https://img1.wsimg.com/blobby/go/d682b257-4f14-452e-9964-8a4e5ddffcf3/downloads/1d0nd7d80_194996.pdf

The most interesting, and obviously dishonest, omission in the DA's response is the failure to mention the statement of Brent Trueblood. Once again, the Tulare DA is making the argument that Oscar Clifton had no alibi since he wasn't seen during the freezer loading. The DA knows that Clifton was seen, that Trueblood's statement was not typed up, nor provided to the defense, and that the interview tape was physically hidden.

We have covered the issue of sexual assault, semen, seminal fluid and blood typing at length. We refrained from posting some of the documents since we felt that this entire issue further victimizes Donna and her family. We're putting together a more organized, documented response to the DA's statements regarding "semen" and the 2011 DNA testing, but some of the basics are:

1. There was no physical evidence of a sexual assault at autopsy, and that was the testimony at trial. Donna was virginal;
2. Multiple laboratory searches of the evidence, from 1975-2011, failed to find any spermatozoa in or on Donna, or her clothing, or any of Clifton's clothing;
3. All internal swabs taken from Donna failed to react to AP testing, they were totally negative for any finding of semen or seminal fluid;
4. Hairs found stuck to Donna's thigh (her own) were washed, and the liquid was tested for the presence of semen and male DNA, neither was present;

5. The “crusted material” from Donna’s pubic hair that showed a weak, slow reaction on the AP test, was also blood typed - it was type “A” not Clifton’s known type “O;”

6. The only LABORATORY finding was of possible seminal fluid based on chemical testing. There was an unchallenged, one sentence statement during the trial that “semen” was present. That was not the finding of the lab, simply a statement made on the witness stand;

7. There was one slide that had cuttings of Donna’s pubic hair taken at autopsy, and later mounted in the lab on the same day that slides of Clifton’s samples were also prepared. There was no knowledge of DNA cross-contamination during lab work in 1975-76;

8. When this slide was sent to the lab in 2011, it was wrapped in a cardboard bundle with another slide. There had been no attempt to protect the slides from lab worker, or sample cross-contamination;

9. The slide cover on the slide containing Donna’s pubic hair had come loose, so a lab worker had applied scotch tape to hold down the cover. Obviously, the hairs were uncovered at some point after their initial mounting, and then further contaminated with any DNA introduced on the tape;

10. In 2011, the hairs were washed, and mixed with a control fluid. Y-STR testing on the fluid sample used for mixing found that it was contaminated with an unknown male DNA profile that did not match Oscar Clifton. There was no way to re-wash the hairs and obtain a new sample. We know, FOR A FACT, that an unknown male’s DNA contaminated the sample upon which the Tulare DA is now relying;

11. The lab report could not explain the sample contamination, and there was no attempt to determine whose DNA profile was introduced into the wash of Donna’s pubic hair. We know the sample contained alleles that were connected to the mixing fluid, not the material on Donna’s pubic hair. Obviously, these results may not be introduced as evidence at any court proceeding, given the known contamination and unreliability;

12. There is no evidence, whatsoever, that the pubic hair tested by the lab in 2011 contained semen. In fact, the lab's microscopic analysis conclusively determined that no cellular material or spermatozoa was present on the hair prior to testing;

13. So, three alleles were developed from the wash:

a. The lab acknowledged that there was no way to know if these alleles came from the pubic hair, or the contaminated wash fluid;

b. No identification or finding can be made from three alleles on any Y-STR test;

c. All three numbers are the most common findings at those locations. One out of every nine caucasian males would have that same three number combination on Y-STR test;

d. The slide of Donna's pubic hair was prepared at the same time, in the same lab, by the same person, on the same day, as slides of Clifton's head and pubic hair. Cross-contamination in the original lab would be expected in 1976;

e. There is no way to determine which alleles may have come from the pubic hair versus the contaminated mixing fluid; and

f. We don't know if those three alleles even came from the same male contributor. They could easily be a mix of different individuals. In that case, it's impossible to include or exclude any contributor, including Clifton and DeAngelo.

To be perfectly clear and plain, Donna was not sexually assaulted. None of the supposed seminal fluid was found on swabs taken inside Donna at autopsy, or anywhere on her body, including her thigh. What the Tulare DA is claiming is that they found one nearly microscopic drop of pre-ejaculate (no spermatozoa) on Donna's pubic hair. Her pubic hair had been exposed to her menstrual blood, urine, mud and fresh tree spray overnight on the wet ground.

Contrary to the assertion made by the Tulare County DA, there can be no exclusion of DeAngelo based on the 2011 DNA testing. Neither the lab, nor the Tulare DA have any idea where those three alleles in the wash came from: the contaminated mixing fluid; lab worker or sample contamination when the slide was cut or mounted; skin cell DNA from the scotch tape; or, spittle from one of the officers on the scene, at autopsy or the mortuary workers who took Donna from the grove to the funeral home prior to autopsy. What we do know, is those alleles did not come from semen. It was determined in the lab there was no semen on the hairs **before** they were put into the wash fluid for DNA testing.