

1 that has a C on it for car and place that basically at  
2 the location where the car was found. Now, were you  
3 present on the day that the victim was found?

4 MR. FORRESTER:

5 A No, I was not.

6 Q You may return to the stand at this time. If  
7 I may have the Court's indulgence for just a second.  
8 If I may have the Court's indulgence. Ms. Gutierrez.  
9 Witness with the Defense.

10 THE COURT: Cross.

11 CROSS EXAMINATION

12 BY MS. GUTIERREZ:

13 Q Detective Sergeant, the person who directed  
14 you to where this car was found was Jay Wilds.

15 MR. FORRESTER:

16 A Yes, it was.

17 Q Nothing further.

18 THE COURT: Any redirect?

19 MR. URICK: No, thank you.

20 THE COURT: Very good. May the witness be  
21 excused?

22 MR. URICK: Yes.

23 THE COURT: Thank you, Lieutenant Sergeant.  
24 Ladies and gentlemen we're going to take our afternoon  
25 recess now. It will be twenty minutes, we'll be

1 calling for you at 3:45. Again, please stay in your  
2 jury room until you are called for. Please now return  
3 to your jury room.

4 Please leave your note pads on the chair as you  
5 will at the end of each day just leave them there.  
6 We'll turn them over so no one can see them. Again,  
7 remember do not discuss the case with anybody either  
8 among yourselves or with anyone else.

9 (The jury was excused from the courtroom.)

10 THE COURT: Counsel, please be in place at  
11 3:45. Also please make the seating changes we  
12 discussed.

13 THE CLERK: All rise.

14 (Brief recess.)

15 THE COURT: Please be seated. Yes, Mr.  
16 Urick.

17 (The jury returned to the courtroom.)

18 MS. GUTIERREZ: Excuse me, Judge, there's a  
19 juror missing.

20 THE COURT: Oh, yes. Are we missing? Thank  
21 you. Mr. Urick?

22 MR. URICK: With the Court's permission I'll  
23 go get the next witness. The State at this time would  
24 call Sal Bianca to the stand.

25 THE CLERK: Raise your right hand please.

1 SALVATORE JOHN BIANCA.

2 a witness produced on call of the State, having first  
3 been duly sworn, was examined and testified as follows:

4 THE CLERK: You may be seated. Please keep  
5 your voice up for the record. State your name.

6 MR. BIANCA: My name is Salvatore John  
7 Bianca.

8 THE CLERK: And your work address?

9 MR. BIANCA: 601 East Fayette Street, that's  
10 the Baltimore Police Department.

11 MR. URICK: If I may have the Court's  
12 indulgence for just a second.

13 DIRECT EXAMINATION

14 BY MR. URICK:

15 Q Good afternoon, Mr. Bianca.

16 MR. BIANCA:

17 A Good afternoon, sir.

18 Q What do you do for the Baltimore City Police  
19 force?

20 A I'm currently a criminalist in the trace  
21 analysis unit, that's a portion of the crime lab. It  
22 analyzes physical evidence that's been recovered from  
23 crime scenes, individuals and objects.

24 Q And how long have you been doing that?

25 A I'm been doing the trace analysis work for

1 the last eleven years and I've been with the department  
2 twenty six years, but the first fifteen years being in  
3 the crime lab.

4 Q Now, what is serology?

5 A Serology is the study of biological fluids  
6 such as blood or saliva or semen. Also included with  
7 that would be hairs and some skin.

8 Q And what if any training have you had in  
9 serology?

10 A Okay. I have a degree from the University of  
11 Maryland, Baltimore County in biology. Zoology falls  
12 within the field of biology. Since then I have study  
13 at a graduate school at Towson State University in a  
14 Master's program in biology. I worked two years in a  
15 hospital in a histology lab which works with tissues  
16 and assisted on autopsies during that period. Once I  
17 left that I worked in the -- I came to work for the  
18 Baltimore Police Department. I received training as a  
19 local crime lab technician. Part of their training was  
20 the recognition and recovery and preliminary testing of  
21 fluids and biological materials that would fall under  
22 zoology.

23 In 1980 along with other training I had the  
24 opportunity to go to the FBI Academy in Quantico,  
25 Virginia and received training in crime scene

1 processing, evidence collection and some analysis. In  
2 1988 I was promoted from the trace analysis unit --  
3 from the mobile crime lab to the trace analysis unit  
4 and that started approximately a year and a half  
5 training in serology, that was given at the Baltimore  
6 Police Department by my current supervisor.

7 Aside from other instrumental courses that deal  
8 with that and working with peers that would be the  
9 training that I had that was specific to serology  
10 biological fluids and things of that nature.

11 Q What if any experience on the job have you  
12 had in serology?

13 A The last eleven years.

14 Q Have you ever been qualified for your  
15 expertise in training in serology by any of the courts  
16 in Baltimore City?

17 A In this court in Baltimore City. I've also  
18 been accepted as an expert in Carroll County, Harford  
19 County, Cecil County and I think that's all the  
20 counties that I was accepted as an expert in.

21 MR. URICK: At this time I would offer the  
22 witness for his expertise and training in the area of  
23 serology.

24 MS. GUTIERREZ: We would certainly accept Mr.  
25 Bianca as an expert.

1 MR. BIANCA: Yes, I have powder free ones, so it  
2 won't mess anything up. Is there a question?

3 BY MR. URICK:

4 Q Have you had a chance to examine them?

5 MR. BIANCA:

6 A I've examined 27, 28 and may I open 26?

7 Q Yes, please.

8 A Before I rip this open I just want to point  
9 out there's an SV on here, that's my initials across  
10 the seal.

11 Q Why would your initials be across the seal?

12 A When I examine a piece of evidence, property,  
13 I mark the item. I also when I'm finished close,  
14 staple the container and close it with evidence tape  
15 and write my initials on it. So, if somebody else has  
16 to examine it they know who the last person was who was  
17 in this bag.

18 Q Okay. Have you had a chance to examine the  
19 object?

20 A Yes, I have.

21 Q What is that object?

22 A It's a stripped shirt that I analyzed.

23 Q I'm going to show you what's already in  
24 evidence as State's Exhibit 13 and ask you to take a  
25 moment just to look at these photographs.

1 MR. URICK: Thank you very much.

2 THE COURT: Okay. Ladies and gentlemen, the  
3 expert Mr. Bianca has been qualified and as agreed by  
4 the Defense to be an expert. The rules of evidence  
5 don't usually permit witnesses to give their opinions.  
6 One exception is with experts who by knowledge,  
7 training, skills and experience have an additional  
8 layer of expertise, so we permit them to testify in  
9 terms of experience. You treat the experts testimony  
10 along with all of the other evidence as you consider it  
11 as a jury and you give it such weight that you think  
12 it's entitled to.

13 MR. URICK: If I may the Court's indulgence  
14 for just a second.

15 THE COURT: Yes.

16 MR. URICK: Mr. Clerk, will you mark this for  
17 identification purposes as State's Exhibit Number 26.

18 (State's Exhibit No. 26 was  
19 marked for identification.)

20 MR. URICK: If I may approach the witness at  
21 this time. I'm going to show the witness what's been  
22 marked for identification purposes as State's Exhibit  
23 26, 27 and 28.

24 (State's Exhibits No. 27 & 28 was  
25 marked for identification.)

1 A Yes.

2 Q Is that the same shirt that's depicted in  
3 these photographs?

4 A Yes, it is.

5 MR. URICK: Would offer at this time as  
6 State's Exhibit 26, the shirt that was recovered from  
7 the victim's car that Young Lee identified.

8 THE COURT: Without objection State's 26 is  
9 admitted.

10 (State's Exhibit No. 26, previously  
11 marked for identification, was  
12 admitted into evidence.)

13 BY MR. URICK:

14 Q Now, State's Exhibit 27, what is that?

15 MR. BIANCA:

16 A Items 27 is a two page report that I wrote  
17 and it's dated 8/31/99.

18 Q And that report examines what?

19 A That examines this particular shirt and other  
20 items that were submitted to the trace analysis unit  
21 for analysis.

22 Q And does that report present the findings of  
23 your examination of that shirt and the other items?

24 A Yes, it does and then there is an additional  
25 report.

1 MR. URICK: We would offer State's Exhibit  
2 27, the report.

3 THE COURT: Without objection State's 27 is  
4 admitted.

5 (State's Exhibit No. 27, previously  
6 marked for identification, was  
7 received into evidence.)

8 BY MR. URICK:

9 Q Based -- if you would read what the -- what  
10 your examination showed of that shirt.

11 MR. BIANCA:

12 A Okay. On this particular report it's item 9,  
13 stripped shirt and the results of the examination are  
14 as follows. The shirt exhibit red stains on the back  
15 lower right and went through from the rear to the front  
16 of the shirt. These stains were determined to be human  
17 blood. A sample of these stains were retained for  
18 future possible analysis. The shirt was examined for  
19 semen with negative results and two hairs were  
20 recovered from the shirt.

21 Q May the witness show the jury the shirt at  
22 this time?

23 THE COURT: Yes.

24 MR. URICK: If you would please hold -- move  
25 to the front of the jury and hold up the shirt so that

1 front and on the back and I'll turn around and show  
2 you. See these little bumps of tan material and  
3 there's some on the back, you got to look around. I  
4 initially --

5 THE COURT: Did everybody get a chance to see  
6 on the jury?

7 MR. BIANCA: Initially we looked at these and  
8 they gave every appearance of being possibly human  
9 nasal mucus and I wrote that in my notes and at the  
10 time I was concerned about the time. And determining  
11 if it was necessary to look at we could go back to it.  
12 Here it is on the back in the center, tan material.  
13 And as time was going by the color of the blood has  
14 changed. Blood starts out it's red and as time goes by  
15 as it dries it becomes brown or a browner and if you  
16 leave it long enough it turns black. The stains on  
17 here are faded. When I looked at them they were more  
18 red.

19 THE COURT: Can he return to the witness  
20 stand now, Counsel?

21 BY MR. URICK:

22 Q Before you put that away. Where does mucus  
23 come when they come from?

24 MR. BIANCA:

25 A The nose.

1 everybody can see it and point out the areas that you  
2 examined.

3 MR. BIANCA: First off, you saw me fumbling  
4 with the shirt and what I was looking for was my  
5 initials, a little tag on the bottom. On every piece  
6 of evidence or item that I examine I mark the item if  
7 possible myself with my initials in case it becomes  
8 separated from the bag. Now, --

9 THE COURT: If you could show it to them in  
10 sections taking the alternates first.

11 MR. BIANCA: Sure. This is the front of the  
12 shirt.

13 THE COURT: And if you would stop it where it  
14 points rather than racing it along the edge.

15 MR. BIANCA: Sure.

16 THE COURT: So they can focus on it.

17 MR. BIANCA: I want to show you the back and  
18 that's the area that are outlined with red dots. See  
19 those? That's the area where human blood was found.

20 BY MR. URICK:

21 Q Now, besides what blood what if anything else  
22 can you see on that shirt?

23 MR. BIANCA:

24 A Okay. There are a few other stains with  
25 what's -- what's interesting is in the lower right

1 Q Now, after you examined that for blood what  
2 of anything did you do with the shirt?

3 A I took a sample of the blood, in fact of all  
4 the blood stains and froze those, so at a later time we  
5 could do -- have them sent out for DNA analysis.

6 Q How did it come to have holes in it?

7 A I put those holes in it. I cut out portions  
8 of the stains and froze those, so they would be  
9 available to us at a later time.

10 Q And did you in fact request a DNA analysis?

11 A I did request it at the request of a homicide  
12 detective.

13 Q And can you identify State's Exhibit 28?

14 A This is the chain of custody form that I  
15 personally filled out that would accompany the samples  
16 I took from the shirt along with standard samples of  
17 the victim's blood and the suspect's blood. And this  
18 would go to the Maryland State Police crime lab for  
19 them to have and establish a chain of custody coming  
20 from me to them and then returning back to our lab.

21 Q Who's samples of blood were asked to be  
22 compared to the stain on the shirt?

23 A Okay. Adnan Syed and Jay Wilds.

24 Q How about the victim's?

25 A Also the victim, Hae Min Lee.



1 MR. URICK: Would offer as State's Exhibit  
2 28, the DNA request form.

3 THE COURT: Without objection State's 28 is  
4 admitted.

5 (State's Exhibit No. 28, previously  
6 marked for identification, was  
7 received into evidence.)

8 MR. URICK: If I didn't move them and I would  
9 move in at this time State's 26 and 27.

10 THE COURT: Twenty six and 27 are in.

11 MR. URICK: Thank you. May 26 and 27 be  
12 published to the jury at this time?

13 THE COURT: Yes, they may.

14 MR. URICK: If I may have the --

15 MR. BIANCA: Do you want this back in the  
16 bag?

17 MR. URICK: You can return that to the bag if  
18 you would and hand it to the Court at this time. At  
19 this time pursuant to stipulation we'd offer as State's  
20 Exhibit 4, two fibers that were found at the time of  
21 this disinterment of the victim, one near the head, the  
22 other underneath the body and then as State's Exhibit  
23 Five, Daniel Van Gelder's trace analysis report on  
24 those fibers.

25 THE COURT: Very good.

1 MR. URICK: Mr. Clerk, if you could mark  
2 these as evidence 5, 4 and 5 at this time.

3 THE COURT: Exhibits 4 and 5 are admitted.  
4 (State's Exhibits No. 4 & 5  
5 are received into evidence.)

6 THE COURT: Ladies and gentlemen, during the  
7 course of the trial you will hear the word stipulation.  
8 That just means that the parties have agreed about  
9 certain things. One of the things they've agreed about  
10 is that two fibers, State's Exhibit 4 are admissible as  
11 evidence and they have also agreed about a report,  
12 State's Exhibit Number 5 and that comes into evidence  
13 as well.

14 BY MR. URICK:

15 Q Mr. Bianca, who's Daniel Van Gelder?

16 MR. BIANCA:

17 A Daniel Van Gelder is a co-worker of mine.  
18 He's a criminalist too, with the Baltimore Police  
19 Department. He's been there approximately 28 years.

20 MR. URICK: At this time I'd ask for State's  
21 Exhibit 5 to be published by having the witness read  
22 Mr. Van Gelder's conclusions of his analysis.

23 THE COURT: The witness may publish it.

24 MR. URICK: If you could take a few seconds  
25 to look at the exhibit and familiarize yourself with

1 it.

2 THE COURT: As you can see, ladies and  
3 gentlemen these agreements mean that we don't actually  
4 have to call the witnesses in, so that means we save  
5 some of your time that way by just having these  
6 agreements. And of course I'm sure that you as well as  
7 I appreciate when the attorneys are able to make these  
8 agreements among themselves because it does help the  
9 trial move a little faster.

10 MR. BIANCA: Okay.

11 BY MR. URICK:

12 Q Have you had a chance to examine the report?

13 MR. BIANCA:

14 A Yes, I did.

15 Q Very briefly, can you explain what Mr. Van  
16 Gelder was doing?

17 A Mr. Van Gelder was comparing some fibers that  
18 had been recovered from the victim's clothing and from  
19 the body bag and the grave site where the victim was  
20 found. His conclusions are as such. A thorough search  
21 of the jacket and boots reveal no fibers comparable to  
22 the victim's skirt fibers. The red fibers found on the  
23 victim's body and the tufted red fibers found on the  
24 victim's blouse have not been associated each other  
25 with the multi colored T shirt or the weight lifting

1 glove.

2 BY MR. URICK: Thank you. If I may return  
3 the exhibit to the Clerk at this time. If I may have  
4 the Court's indulgence for just a second. Witness with  
5 the Defense.

6 THE COURT: Cross.

7 MS. GUTIERREZ: Thank you, Your Honor.

8 CROSS EXAMINATION

9 BY MS. GUTIERREZ:

10 Q Mr. Bianca, you are as a trained  
11 criminologist and serologist able to determine if the  
12 substance is submitted to you is in fact semen, are you  
13 not?

14 MR. BIANCA:

15 A That is correct.

16 Q And there was no substance that you either  
17 discovered or was submitted directly to you that you  
18 checked for the presence of semen?

19 A I checked it and there was no semen.

20 Q There was no semen on anything that was  
21 submitted to you?

22 A There was no semen found. That is correct.

23 Q In regard to this case?

24 A That is correct.

25 Q Okay. And you also you told us one of the

1 things that serology does is that it can determine  
2 other biological elements such as the presence of skin  
3 or -- what is it called? Ephemeral cells.  
4 A Ephemeral cells.  
5 Q And again you did not determine the existence  
6 of any skin or ephemeral cells related to anybody in  
7 regard to anything that you examined?  
8 A In reference to the report item 11.  
9 Q Yes.  
10 A That had ephemeral cells on the --  
11 Q Okay. What was item 11?  
12 A Item 11 was a liquor bottle.  
13 Q Okay. And that liquor bottle to your  
14 knowledge it was just submitted to you as recovered  
15 from the scene where the body of this victim was  
16 discovered, is that correct?  
17 A Okay. It was recovered from the crime scene  
18 and at the time had been finger printed and I examined  
19 the lid and the cap in the case that it may or may not  
20 be relevant and I looked at the top, swabbed it and  
21 found ephemeral cells. I retained those, reported  
22 that in the report and gave that information to  
23 detectives for them to do with as their investigation  
24 would lead them.  
25 Q And nothing else was ever submitted to you to

1 compare the cells that you recovered or notated on that  
2 liquor body was it?  
3 A No, because that would be a request from --  
4 and let me just explain this if I may? Requests come  
5 to our lab from the detectives, from the prosecutors  
6 and defense attorneys interested investigators in the  
7 case and it's not up to me to make the decision, that  
8 the investigator's decision.  
9 Q You decide what to do because it's submitted  
10 to you on a form, is it not?  
11 A I receive information on a form requesting a  
12 particular type of analysis.  
13 Q And that form is a Baltimore City Police  
14 Department form, is it not?  
15 A Yes, it is.  
16 Q And that form is attached to some piece of  
17 physical evidence, is it not?  
18 A No, it can be sent to me in the mail.  
19 Q Okay. But it usually relates to a piece of  
20 physical evidence, does it not?  
21 A That is true.  
22 Q Because that's what you do, is that correct?  
23 A That's correct.  
24 Q As a result of any of your analysis and the  
25 analysis that you refer to in the report that has been

1 introduced into evidence that is dated on August 31st  
2 of this year, is it not?  
3 A That is correct.  
4 Q Okay. And when you got that request --  
5 that's the date of your report, correct?  
6 A No, the date of my report was August 31st,  
7 correct.  
8 Q 1999.  
9 A 1999.  
10 Q And, sir does that indicate the date that the  
11 evidence was forwarded to you?  
12 A No, that is the date --  
13 Q That's just the date of your report.  
14 A Report.  
15 Q So, that means you would have concluded your  
16 analysis, correct?  
17 A That's correct.  
18 Q Does it take you months to conclude your  
19 analysis once physical evidence is directed your way?  
20 A Sometimes.  
21 Q Can you tell us when you received a request  
22 attached to some or to one or more pieces of evidence  
23 for you to analyze --  
24 A Sure.  
25 Q As a criminalist?

1 A I can tell you today that the evidence came  
2 in when I first looked at it.  
3 Q Okay. Could you tell us that date, sir?  
4 A Sure. I'm just going to look at my notes if  
5 that's okay. March 10th was the first day of 1999, the  
6 first --  
7 Q When that evidence was submitted to you?  
8 A That I had it in my possession.  
9 Q Okay. And was there anything about the  
10 analysis that you conducted on the shirt that you've  
11 identified and shown the jury to determine the presence  
12 of human blood that took from March 10th to August  
13 31st?  
14 A No, that was done that particular day.  
15 Q It was just done on the 31st?  
16 A No, it was done March 10th.  
17 Q Okay. And is there anything about your  
18 analysis that took until the 31st of August to write  
19 the report? Was there any other information you were  
20 waiting on to determine that the substance on the shirt  
21 that you suspected to be blood was in fact human blood?  
22 A Yeah, I knew it was human blood at that  
23 particular time back in March.  
24 Q Now, at that particular time you're referring  
25 to March of 1999?

1 A That's correct.  
 2 Q Is there anything that took time for your to  
 3 conclude your analysis from March the 10th '99 to  
 4 August 31st?  
 5 A Correct.  
 6 Q No, sir, it's just a simple question. Is  
 7 there anything --  
 8 MR. URICK: Objection.  
 9 BY MS. GUTIERREZ:  
 10 Q Is there anything about your analysis that  
 11 specifically took the time between March the 10th, 1999  
 12 and August 31st, was there anything? That requires a  
 13 yes or no answer?  
 14 MR. BIANCA:  
 15 A No.  
 16 Q Okay.  
 17 A But there is no, yes or no answer to that  
 18 question.  
 19 MS. GUTIERREZ: Well, no, sir. My question  
 20 only requires --  
 21 MR. URICK: Objection.  
 22 THE COURT: Sustained. No dialogue between  
 23 the witness and the lawyer. Please replace -- rephrase  
 24 the question.  
 25 BY MS. GUTIERREZ:

1 Q Mr. Bianca, I'm going to show you what's  
 2 already been admitted as State's Exhibit 28. That is  
 3 the form request for the laboratory examination and the  
 4 chain of custody log, is it not?  
 5 MR. BIANCA:  
 6 A That is correct.  
 7 Q Okay. And on the chain of custody log at the  
 8 bottom of the page your name is listed.  
 9 A That is correct.  
 10 Q And your name is listed and dated as 9/24/99  
 11 at 4:00 p.m., is it not?  
 12 A That is correct.  
 13 Q And that's the last time that you would have  
 14 handled the blood sample that you've described to us  
 15 that you cut from the shirt and froze?  
 16 A I didn't handle it then, I had it in a  
 17 package and this is the date and time that I turned  
 18 that package over to the Maryland State Police for  
 19 analysis.  
 20 Q On this form, Mr. Bianca, there is a part of  
 21 a form, a block that says examination requested by, is  
 22 there not?  
 23 A That is correct.  
 24 Q And this examination that is of DNA, RFLP is  
 25 requested by yourself, is it not?

1 Q Mr. Bianca, there was nothing in your  
 2 analysis that required the time period from March 10th  
 3 to August 31st was there?  
 4 MR. BIANCA:  
 5 A For that particular item.  
 6 Q To determine whether or not the substance  
 7 that you suspected was human blood was in fact human  
 8 blood. There was nothing in that part of the analysis  
 9 in regard to that shirt which you just stood up and  
 10 showed the jury that took the time from March 10th to  
 11 August 31st was there?  
 12 A That is correct.  
 13 Q Okay. Now, Mr. Bianca, you also referred to  
 14 and identified what has been marked as State's Exhibit  
 15 28, the request for DNA analysis form, sir.  
 16 A Okay. Could I see the form please?  
 17 THE COURT: State's 28 to the witness please.  
 18 Does the jury still have State's 28?  
 19 JUROR: Yes.  
 20 THE COURT: Would someone hand it back to the  
 21 witness please. Also if you will hold onto the  
 22 exhibits or pass them back to the witness or the  
 23 lawyers when they're near so we don't loose them on the  
 24 floor. Anything else back there? Okay.  
 25 BY MS. GUTIERREZ:

1 A That is -- that is correct.  
 2 Q Your name is in that blank, is it not?  
 3 A That is correct.  
 4 Q And that requested was to take the frozen  
 5 blood sample that you've described to us and submit it  
 6 to a lab that was capable of comparing those frozen  
 7 blood samples with other evidence?  
 8 A That sample with standard samples of the  
 9 victim and suspects.  
 10 Q Okay. And you said suspects with an S, did  
 11 you not?  
 12 A Yes.  
 13 Q And that indicates more than one suspect,  
 14 does it not?  
 15 A No, that means there's a victim sample and  
 16 there's people to be tested against.  
 17 Q Okay. But you chose the word suspect when I  
 18 asked you that question, did you not?  
 19 A Yes and that's a force of habit.  
 20 Q And you used it -- you used it in the plural,  
 21 did you not?  
 22 A There's two names on there besides the  
 23 victim.  
 24 Q Okay. And those two names are Adnan Syed,  
 25 correct?



1 A That is correct.  
 2 Q And Jay Wilds, is that correct?  
 3 A That is correct.  
 4 Q And the form indicated what was submitted  
 5 were blood samples from both Adnan Syed and Jay Wilds,  
 6 is that correct?  
 7 A That is correct.  
 8 Q Together with a blood sample from the victim  
 9 Hae Lee?  
 10 A Correct.  
 11 Q And those submitted together with the blood  
 12 sample from the shirt that you had excised and then  
 13 frozen from the shirt, is that correct?  
 14 A That is correct.  
 15 Q And that was submitted to a lab who could  
 16 compare those blood samples with the frozen sample that  
 17 you made to determine who's if anyone's blood that was,  
 18 is that correct?  
 19 A That is correct.  
 20 Q Okay. And you were correct it's the proper  
 21 procedure for you having identified that the substance  
 22 that you froze was human blood would be to pass it on  
 23 to someone else to determine if further identification  
 24 of that blood could be made, is it not? It's proper  
 25 procedure for you to do that, is it not?

1 A That is once it's been requested of me to do  
 2 so.  
 3 Q Okay. And that form, sir is there a date on  
 4 the request itself?  
 5 A Heres the date I took the sample there.  
 6 Q And that date is?  
 7 A 9/24/99.  
 8 Q Just a couple of months ago?  
 9 A That is correct.  
 10 Q On the shirt you indicated when you were  
 11 showing it that there are -- there appears on the shirt  
 12 red dots, do you recall that?  
 13 A That is correct.  
 14 Q Okay. Those red dots are marks on the shirt  
 15 that you made, is that correct?  
 16 A That is correct.  
 17 Q They were not there on the shirt when it was  
 18 submitted to you?  
 19 A That's correct.  
 20 Q You made them to be able to identify from  
 21 where you were extracting or noticing what appeared to  
 22 you to be blood before you tested to confirm that in  
 23 fact, it was human blood?  
 24 A Correct.  
 25 Q Is that correct? Okay.

1 A The red stains that you see red that are  
 2 circled are the blood stains and some of the red marks  
 3 on there are not blood stains. In fact, they're more  
 4 like perspiration, body fluid stains.  
 5 Q There are often time stains that appear to be  
 6 human blood, but are not?  
 7 A No.  
 8 MR. URICK: Objection.  
 9 THE COURT: Sustained. If you'll let the  
 10 witness answer the question before posing another  
 11 question.  
 12 MS. GUTIERREZ: Well, I imposed --  
 13 THE COURT: It will make the transcript a lot  
 14 clearer that way. Thank you.  
 15 MS. GUTIERREZ: Thank you, Your Honor. For  
 16 the record he was not answering the question that I  
 17 posed.  
 18 THE COURT: He was trying to answer the  
 19 question, Ms. Gutierrez. We'll have no debate between  
 20 you and me about those objections.  
 21 MS. GUTIERREZ: Yes, Your Honor.  
 22 THE COURT: We'll just move on in hopes of  
 23 getting this case tried this year, is that correct?  
 24 MS. GUTIERREZ: Yes, Your Honor.  
 25 THE COURT: Thank you, Ms. Gutierrez.

1 BY MS. GUTIERREZ:  
 2 Q Mr. Bianca, what question are you answering?  
 3 MR. BIANCA:  
 4 A I am answering the question about the red  
 5 dots and they're made by a magic marker that I make.  
 6 Now, there are red dots on there for a reason and the  
 7 red dots are so that I can see them in normal light.  
 8 One of the tests that I did on this shirt was to see if  
 9 there was semen, I explained that earlier. And the way  
 10 we test for that, the first test we do is to use a  
 11 laser in a darkened room. Body fluids, some of our  
 12 juices and fluids come out, urine is one of them that  
 13 will glow, but semen glows very strongly and intensely.  
 14 Unfortunately, because of the decomposition of the  
 15 body and wearing of the -- excuse me, because of the  
 16 fluids from perspiration and other things we test the  
 17 samples in a darkened room with a laser and anything  
 18 that glows you see those little circles, you see those  
 19 dots in red. Then we come out -- I come out into the  
 20 normal light and look at these areas and test those  
 21 areas because you can't see the glowing in normal  
 22 light.  
 23 So, that's why you see red stains that are  
 24 obviously blood and some of the red marks around those  
 25 and then you see other areas that appear to be nothing

1 circled in red dots. They are areas that glowed under  
2 the laser light and when I tested them it turned out to  
3 be nothing.

4 Q It turned out not to be blood and not to be  
5 semen?

6 A Not to be semen and not to be --

7 Q And not to be anything else that you reported  
8 on that report, is that correct?

9 A That is correct.

10 Q But those reds dots were not there when the  
11 shirt was submitted to you?

12 A No, I placed them on there.

13 Q And, sir, other than whatever analysis you  
14 conducted and reported in your report dated 8/31/99,  
15 you've done nothing else with that evidence have you?  
16 Other then send it forward for the DNA analysis?

17 A The shirt in particular, yes.

18 Q Okay. Thank you. Nothing further.

19 THE COURT: Redirect?

20 MR. URICK: Yes, thank you, Your Honor.

21 REDIRECT EXAMINATION

22 BY MR. URICK:

23 Q Did you ever get the results of that analysis  
24 back?

25 MR. BIANCA:

1 A Yes, I did.

2 Q And what were they?

3 A The blood, the human blood matched --

4 MS. GUTIERREZ: Objection.

5 THE COURT: Basis?

6 MS. GUTIERREZ: That's not the person that  
7 did the results. The results are not in evidence, they  
8 can not be admitted through this witness.

9 THE COURT: Are the results in evidence? I  
10 thought the report was in.

11 MS. GUTIERREZ: Not the DNA report.

12 MR. URICK: No, just the request.

13 MS. GUTIERREZ: Only the request.

14 THE COURT: Then sustained.

15 MR. URICK: I'm showing the Defense an item I  
16 wish to approach the witness with.

17 THE COURT: Okay.

18 MS. GUTIERREZ: I would object and ask to  
19 approach the bench.

20 THE COURT: Okay.

21 (Counsel approached the bench and following  
22 ensued:)

23 THE COURT: What is it?

24 MS. GUTIERREZ: Judge --

25 THE COURT: No, no what is this?

1 MR. URICK: It is rec sheet by a mobile unit  
2 technician.

3 THE COURT: Um-hum. And what are you trying  
4 to elicit it for?

5 MR. URICK: A business record made by the  
6 police department in the ordinary course of business  
7 where the information on it was entered by a person who  
8 has information roughly at the time that the  
9 information is entered on it.

10 THE COURT: What is it that you're trying to  
11 get it in for?

12 MR. URICK: On the second page, second page.

13 THE COURT: The page I had?

14 MR. URICK: Yeah. Lets see. Shirt with  
15 suspected blood.

16 THE COURT: Okay.

17 MS. GUTIERREZ: Well, Judge this is rebuttal  
18 and has not been admitted as a business record, it  
19 can't be established as a business record through this  
20 witness. There's nothing that challenges anything that  
21 was brought out on cross regarding the shirt. The only  
22 thing that was asked about the shirt was connected to  
23 the red dots that certainly don't appear on that and  
24 that's written by a person who can only characterize as  
25 suspected blood. It's beyond the scope and it would be

1 improper to introduce or attempt to even ask this  
2 witness to look at it.

3 THE COURT: What does it add?

4 MR. URICK: It adds that the Defense has been  
5 on notice since February 28th.

6 THE COURT: No, no what does it add? I mean  
7 don't you have that blood stains were recovered from  
8 the shirt and you have the shirt in place in the truck  
9 with the photo? Is there something extra that comes in  
10 from this exhibit?

11 MR. URICK: I believe so.

12 THE COURT: What is it?

13 MR. URICK: The date that the Defense has  
14 been on notice and they've done absolutely nothing to  
15 request any analysis of this blood stain.

16 THE COURT: They offered?

17 MR. URICK: No, but they have a burden?

18 THE COURT: Sustained.

19 MR. URICK: Ms. Murphy would like to raise a  
20 point.

21 MS. MURPHY: Judge, I'm going to object to  
22 Defense Counsel calling my co-Counsel an ass hole at  
23 the trial table that she did just a moment ago.

24 THE COURT: Okay. I did not hear that. I  
25 know Ms. Gutierrez. Although a pitbull on the pet leg



1 of justice is, at least in my experience has been a  
2 courteous person. I'll assume for the moment that you  
3 misheard her and I will assume that all Counsel will  
4 conduct themselves with decor and properly in trial  
5 because that would be just a horrible crisis to pay for  
6 all of you if you don't. So, shall we do this and try  
7 to stay on schedule.

8 (Counsel returned to the trial tables and  
9 the following ensued:)

10 THE COURT: Objection was sustained.

11 BY MR. URICK:

12 Q Mr. Bianca, are Defense attorneys free to  
13 make request of you to analyze items?

14 MS. GUTIERREZ: Objection.

15 THE COURT: Overruled.

16 MR. BIANCA:

17 A Yes. In fact, we received -- I've received  
18 some personally.

19 BY MR. URICK:

20 Q As of today, December 10th, 1999 has any  
21 request come from the Defense to analyze any of these  
22 items?

23 MS. GUTIERREZ: Objection.

24 THE COURT: Overruled.

25 MR. BIANCA: No.

1 MR. URICK: No further questions.

2 THE COURT: Cross.

3 RE-CROSS EXAMINATION

4 BY MS. GUTIERREZ:

5 Q Do defense attorneys have any obligations to  
6 make any request to analyze any piece of evidence  
7 against their clients, Mr. Bianca?

8 MR. URICK: Objection.

9 THE COURT: Overruled.

10 MR. BIANCA: I'm not a lawyer.

11 MS. GUTIERREZ: Thank you.

12 THE COURT: Good day, sir. Thank you very  
13 much.

14 MR. BIANCA: Your welcome.

15 MR. URICK: May Counsel approach, Your Honor?

16 THE COURT: Yes.

17 (Counsel approached the bench and following  
18 ensued:)

19 THE COURT: Marianne, can you get those bar  
20 stools here so Counsel can get --

21 MS. GUTIERREZ: With wheels, with wheels.

22 MR. URICK: Your Honor, may the witness be  
23 excused?

24 THE COURT: Yes, good day, sir. Okay. Here  
25 we are again.

1 MR. URICK: We've gotten through five  
2 witnesses, we're rolling very quickly. We haven't the  
3 witness, but I'm not certain how long it will take.

4 THE COURT: Lets get this out of the witness  
5 shall we?

6 (Counsel returned to the trial tables and  
7 the following ensued:)

8 MR. URICK: If I may have the Court's  
9 indulgence for just a second.

10 THE COURT: Yes.

11 MR. URICK: If I may continue to have the  
12 Court's indulgence for just a second.

13 THE COURT: Yes, sir. State call it's next  
14 witness please.

15 MR. URICK: Thank you, Your Honor. At this  
16 time the State would call Romano Thomas to the stand.

17 THE CLERK: Please stand and raise your right  
18 hand.

19 ROMANO THOMAS,

20 a witness produced on call of the State, having first  
21 been duly sworn, was examined and testified as follows:

22 THE CLERK: You may be seated. Please speak  
23 into the microphone, keep your voice up. For the  
24 record state your name and your assignment.

25 MR. THOMAS: My name is Romano Thomas, I'm

1 assistant supervisor with the mobile crime lab unit,  
2 Baltimore Police Department.

3 DIRECT EXAMINATION

4 BY MR. URICK:

5 Q Good afternoon, Mr. Thomas.

6 MR. THOMAS:

7 A Good afternoon.

8 Q What is the mobile unit for the crime lab?

9 A The mobile unit is a specialized unit that  
10 responds to crime scenes to photograph, document,  
11 package and recover evidence.

12 Q And how long have you been employed by the  
13 Baltimore City Police Department?

14 A Six years.

15 Q And what have your duties been during that  
16 time?

17 A During that time, the first three years I was  
18 assigned to the mobile unit classified as a crime lab  
19 technician I in which I responded to various crime  
20 scenes, crimes against persons and also property crimes  
21 as well including burglaries. The past three years  
22 I've been employed with the police department in the  
23 mobile unit as an assistant supervisor.

24 Q And drawing your attention now to February  
25 the 9th of 1999. Did you have occasion to respond to