

1 steps.

2 (Brief pause.)

3 (The jury returned to the courtroom.)

4 THE COURT: Ladies and gentlemen, we are going  
5 to continue with this case. Mr. Urick has his next  
6 witness he is going to call.

7 MR. URICK: Yes, thank you, Your Honor. We  
8 will call Sal Bianca at this time.

9 (Brief pause.)

10 THE COURT: Please raise your right hand, sir,  
11 and listen to Mr. White as he gives you the oath.

12 SALVATORE JOHN BIANCA

13 a witness produced on call of the State, having first  
14 been duly sworn according to law, was examined and  
15 testified as follows:

16 THE CLERK: You may be seated. Please keep  
17 your voice up and state your name for the record?

18 THE WITNESS: My name is Salvatore John Bianca.

19 THE CLERK: Spell your last name for the  
20 record, please?

21 THE WITNESS: B-I-A-N-C-A.

22 THE CLERK: And state your assignment for the  
23 record?

24 THE WITNESS: I work for the Baltimore Police  
25 Department. I'm assigned to the Trace Analysis Unit of

1 the Crime Lab.

2 THE CLERK: Thank you.

3 MR. URICK: Good afternoon, Mr. Bianca.

4 THE WITNESS: Good afternoon.

5 DIRECT EXAMINATION

6 BY MR. URICK:

7 Q How long have you been employed by the  
8 Baltimore City Police Department?

9 A A little over twenty-six years.

10 Q And what is the Trace Analysis Unit?

11 A The Trace Analysis Unit is a section of the lab  
12 where we analyze physical evidence that has been  
13 recovered from victims, crime scene suspects, and the  
14 nature of our examinations are generally twofold. We are  
15 looking at biological evidence and evidence of a chemical  
16 nature. By biological, I mean things that come from the  
17 body, associated with the body, such as blood, saliva,  
18 hair, semen. By chemical, I mean things that are not  
19 alive such as fibers, glass, soil, the nature of damage  
20 to something, physical matches.

21 Those types of examinations are what we do in  
22 the Trace Analysis Unit.

23 Q What is your expertise?

24 A In trace analysis, I have a background in all  
25 the serology, all the bloodwork, and all the biological

1 nature and most of the chemical analyses. I do  
2 everything in the chemical nature with the exception of  
3 gunshot residue and glass.

4 Q And how long have you been in the Trace  
5 Analysis Unit?

6 A Eleven years.

7 Q And what sort of education did you have?

8 A Well, it's an ongoing thing, education. Prior  
9 to my employment with the Baltimore Police Department, I  
10 was required to have a degree in a science. I have that.  
11 I have a degree from the University of Maryland,  
12 Baltimore County, in Biology. I have graduate studies at  
13 Towson State University. Once I was employed with the  
14 Baltimore Police Department, I received training on the  
15 job, training at the Maryland State Police, training at  
16 the Federal Bureau of Investigation, the FBI, at the  
17 Department of Treasury, the Bureau of Alcohol, Tobacco  
18 and Firearms, at the McCrone Institute in Chicago,  
19 Illinois in Forensic Microscopy, and the list goes on.  
20 Every year, I try to get into some type of training to  
21 further what I do.

22 Q From the time you joined the Baltimore City  
23 Police Department until you went to the Trace Analysis  
24 Unit, what did you do?

25 A I worked in the Mobile Crime Lab. I did that

1 for fifteen years. What you do in the Mobile Crime Lab  
2 is you respond to crime scenes, take photographs, draw  
3 sketches, recover physical evidence, dust for  
4 fingerprints.

5 Q During your eleven years with the Trace  
6 Analysis Unit, have you ever been accepted for your  
7 expertise in trace analysis by any of the courts in  
8 Baltimore City?

9 A Yes.

10 Q Which courts have accepted you?

11 A These courts, circuit courts, and that's in  
12 Baltimore City. I have also been accepted in trace  
13 analysis in some of the surrounding counties.

14 Q And do you supervise any people?

15 A Only myself.

16 Q Okay. And have you ever trained anyone?

17 A Yes, I have trained several people, and I have  
18 trained people from other jurisdictions and trained  
19 people from out of the country.

20 MR. URICK: I would offer Mr. Bianca for his  
21 expertise and training in trace analysis.

22 MS. GUTIERREZ: We would have stipulated to  
23 same.

24 THE COURT: Very well. We will accept Mr.  
25 Bianca in his -- I need you to state the expertise for



1       which you are offering him clearly.

2               MR. URICK:  If I may have the court's  
3       indulgence for just a second.

4               THE COURT:  Sure.

5               (Brief pause.)

6               MR. URICK:  I would offer him for his expertise  
7       in trace analysis in the areas of biological and chemical  
8       analyses.

9               THE COURT:  Very well.  There is no objection,  
10      correct?

11              MS. GUTIERREZ:  No, Your Honor.

12              THE COURT:  Very well.  Let him be accepted.

13              MR. URICK:  If I may approach the witness at  
14      this time.

15              THE COURT:  Yes, you may.

16              BY MR. URICK:

17              Q     Mr. Bianca, at this time I'm going to ask you  
18      to examine what is already in evidence as State's Exhibit  
19      26.

20              A     Okay.  I'm going to use my own gloves.  I break  
21      out with the other ones.  Can I open it?

22              Q     Yes.

23              (Brief pause.)

24              A     All right.

25              Q     Can you identify that item?

1           A     Yes, I can. I can identify it two ways. First  
2     of all, by the number on the bag, which is the police  
3     property number. Items that are brought into the Police  
4     Department are given a unique number. This number,  
5     99008991, is a number that I recorded when I examined  
6     this piece of evidence. Also, on the very bottom is a  
7     white piece of masking tape with an "SB" stapled to it,  
8     which are my initials. Items that I examine, I mark so  
9     that at some later time, if I need to, I can identify it  
10    in case it gets separated from the container.

11           Q     What is serology?

12           A     Serology is the study of blood and fluids, body  
13    fluids, and that would be semen and saliva in addition to  
14    blood.

15           Q     Did there come a time when you were requested  
16    to look at and analyze that shirt?

17           A     Yes, there was.

18           Q     When you first looked at it, what, if anything,  
19    did you observe?

20           A     I observed some red stains that would be on the  
21    back lower right in an area where you see three circles  
22    that have been cut away. This is where I observed three  
23    red stains on the back and a red stain on the front. I  
24    collected these stains. After I tested those and found  
25    out they were human blood, I collected them so that if we

1 needed to do further testing, it could be done. That was  
2 the first thing I did with the shirt.

3 Q What else did you do?

4 A I also used a laser. I spread the shirt out on  
5 a table and used a neon argon laser. The reason why we  
6 use a laser, if we are looking for seminal fluid, semen,  
7 it glows in the dark when you excite it with a laser  
8 light. Then any area that glowed -- you see these red  
9 circles and magic marker -- well, because they glow in  
10 the dark, you really can't see them when you turn the  
11 light on. So you need to mark the area. Then if you  
12 notice, each one of these circles, there is a little snip  
13 of the material missing, and that's the areas that I  
14 tested later on to see if there was semen. They glowed  
15 and then I marked them and then tested them for semen.  
16 All these spots were negative.

17 Also, about the same time, when you test it  
18 with the laser, if there are strange fibers, some fibers  
19 will glow in the dark with laser light, so we look for  
20 those too. I didn't find any on this.

21 Q Did you find anything else on it?

22 A Two hairs and down here in the lower front and  
23 on the back there are some brown areas that have all the  
24 appearance of nasal mucous.

25 Q And what is nasal mucous?

1           A     When you blow your nose, the secretions from  
2     the lining of your nasal passages, when they come out  
3     they harden. Sometimes they harden inside the end of  
4     your nose. So when your nose is stuffy, you blow it out.  
5     What comes out is the solid materials.

6           Q     Did you find anything else on that shirt?

7           A     If I can refer to my report, I believe there  
8     was nothing else.

9           Q     Yes.

10                (Brief pause.)

11          A     That was the extent of it.

12                MR. URICK: With the court's permission at this  
13     time, I would like to have the witness approach the jury  
14     with the shirt and show them at a closer position where  
15     the various stains were.

16                THE COURT: You may.

17                THE WITNESS: (Indicating.) Okay. You are  
18     looking at the front of the shirt now. This area here  
19     with the small hole is a blood stain. It's human blood.  
20     It corresponds to the three stains in the back, the  
21     largest one. It represents a bleed through. That means  
22     that the stain is on the back, and it went through the  
23     outside layer and onto the inside layer of the front of  
24     the shirt and then came through.

25                There are other areas that are not circled that

1 are not enumerated. These are stains on the shirt that I  
2 tested that were negative for blood and semen. On the  
3 back, you see areas circled with red dots. These are the  
4 areas that glowed in the laser light. A lot of things  
5 glow under laser light such as soda and anything with  
6 sugar in it. It's flavins that are in those that are  
7 excited by the laser light.

8 Okay. These three circles are the blood stains  
9 that I recovered. At the same time, I'll show you what  
10 else I mentioned. This is the nasal mucous in the back,  
11 if you can see it, in this area, and then on the front in  
12 the lower right. I'll point to the area and then hold it  
13 up again. It's in the lower right.

14 MR. URICK: Thank you.

15 THE WITNESS: May I return this to the bag?

16 MR. URICK: Yes, please.

17 (Brief pause.)

18 (State's Exhibit No. 27  
19 was marked for purposes  
20 of identification.)

21 BY MR. URICK:

22 Q Now, I would like to refer you to what has been  
23 marked for identification as State's Exhibit 27. I think  
24 you have already referred to that. How did you refer to  
25 it?

1           A     This is a report that I typed up on August the  
2     31st, 1999, which was a report of the findings of my  
3     examination of items I had been asked to look at.

4           Q     And does that report list the items you were  
5     asked to look at by number?

6           A     By property number, yes, it does.

7           Q     And does it itemize each one by a number in the  
8     report?

9           A     Yes, it does.

10          Q     And are your conclusions in reference to the  
11     itemized numbers in the report?

12          A     Yes, they are.

13          Q     And does the report accurately state your  
14     conclusions as to each analysis that you made?

15          A     Each analysis, and there is on the analysis of  
16     items sixteen through eighteen, there is a correction  
17     sheet that I put out. I had an omission on that  
18     particular analysis report.

19          Q     Now, besides the shirt that you analyzed for  
20     blood, what sort of property did you analyze?

21          A     I analyzed a pair of bluejeans, a raincoat,  
22     liquor bottle, the body bag that the body was recovered  
23     in. When the Medical Examiner's people recover a body  
24     from a crime scene, they use a white plastic bag that has  
25     a zipper on the front. They put the body in the bag

1 along with any of the contents of the surroundings,  
2 especially on a person that has been buried. That was  
3 brought to me for analysis, along with the victim's  
4 clothing such as her panties, panty hose, her bra, her  
5 blouse, her shirt, jacket, and a plastic ring that was a  
6 hair ring that was in her hair.

7 Q When you analyze something, are you able to  
8 determine whether or not a stain is semen?

9 A Yes.

10 Q Did you analyze any property for possible  
11 semen?

12 A Yes.

13 Q What property did you analyze for possible  
14 semen?

15 A Okay. The victim's clothing, the striped shirt  
16 that I already mentioned which is item nine. Let me go  
17 down the line. Her panty hose, her panties, her bra, her  
18 jacket, her skirt, and the hair ring.

19 (Brief pause.)

20 (State's Exhibit No. 27(a)  
21 was marked for purposes  
22 of identification.)

23 BY MR. URICK:

24 Q I'm now going to show you what has been marked  
25 for identification as State's Exhibit 27(a) and ask if

1       you can identify that?

2           A     Yes, I can.

3           Q     What is that?

4           A     This is a report of mine dated 12/2/99, and  
5       it's a result of a hair comparison that I did in this  
6       particular case.

7           Q     Was that the correction report that you  
8       mentioned?

9           A     No, the second page is. The second page is  
10      dated 12/2/99 and -- no, that's not it either. That's my  
11      fiber comparison. It should be 10/14/99.

12           THE COURT: For the record, the witness has  
13      pulled a document from his pad. I don't know if it's the  
14      same document that the State's Attorney has given him. I  
15      would ask that it be shared with defense counsel.

16           (Brief pause.)

17           MS. GUTIERREZ: I will note I have seen this  
18      before and it's not the same document. So I would ask  
19      that it be marked.

20           THE COURT: It's not the same document?

21           MS. GUTIERREZ: It's not the same document.

22           THE COURT: That was handed to him?

23           MS. GUTIERREZ: That was just shown to him,  
24      yes.

25           THE COURT: Very well.



1 MS. GUTIERREZ: Yes, but I have seen it, this  
2 document.

3 THE COURT: Very well.

4 MR. URICK: Could you mark this as State's  
5 Exhibit 27(b) for identification, please.

6 (State's Exhibit No. 27(b)  
7 was marked for purposes  
8 of identification.)

9 THE WITNESS: Okay. This is a report that I  
10 wrote on October 14th, 1999. It states in my conclusion  
11 that one of my conclusions on my initial report, I made  
12 an omission and I neglected to include that I recovered  
13 fibers from these items of clothing.

14 BY MR. URICK:

15 Q And 27(a) is what?

16 A 27(a) are two reports. One is a result of a  
17 hair comparison and the second report is the results of  
18 fiber comparisons that I made.

19 Q And that fiber analysis, was it based on the  
20 recovery of fibers that you mention in 27(b)?

21 A Yes, it was the fibers that were recovered from  
22 items sixteen through eighteen. I compared them to a  
23 pair of gloves and a multi-colored tee-shirt.

24 Q And what, if anything, did you find out?

25 A The fibers did not match. They were different.

1 Q And the first page of that, where did the  
2 property that you analyzed come from?

3 A Okay. The hair came from the victim's  
4 clothing. I compared those to the victim's hair sample  
5 and the hair sample recovered from Adnan Syed.

6 Q And what, if anything, did you determine  
7 through that?

8 A None of the hairs that were not the victims and  
9 not animal hairs that were left over that were suitable  
10 for comparison matched all the physical characteristics  
11 of Mr. Syed. None of them matched his hair exactly.

12 Q And when you refer to those hairs, how many are  
13 you referring to?

14 A Two.

15 MR. URICK: I would offer at this time State's  
16 Exhibits 27, 27(a) and 27(b).

17 THE COURT: Any objection?

18 MS. GUTIERREZ: No, Your Honor.

19 THE COURT: Let them be admitted.

20 (State's Exhibits Nos. 27,  
21 27(a) and 27(b),  
22 respectively, previously  
23 marked for identification,  
24 were received in  
25 evidence.)

1 BY MR. URICK:  
2 Q Okay. Now, when you were doing your hair  
3 analysis, how many different hair samples did you start  
4 with?  
5 A Forty-five to fifty hairs.  
6 Q And how did you weed those out?  
7 A Okay. The first thing you do is you put them  
8 under a microscope to look at them, and you look at their  
9 characteristics. Then you look at your victims and  
10 whoever you are comparing the hair to, to get a  
11 reference, a frame of mind as to which kind of hairs you  
12 are looking at. The next step is you pick all the hairs  
13 out that are non-human, animal hairs. A large percentage  
14 of the hairs that were looked at were animal hairs. So  
15 we ruled those out. The victim's hair accounted for a  
16 large part of the hairs recovered, and her hairs were  
17 long, black, with some brown dye, and they were easy to  
18 pick out from the remainder. Then the next step is to  
19 pick out the fragments from intact hairs; fragments not  
20 having a tip and a root, less than a complete hair. Then  
21 you come down to the complete hairs which there were two  
22 left, and I looked at those and looked at the  
23 characteristics of the victim's hairs and it was not her  
24 hairs. Then I looked at the characteristics of Mr.  
25 Syed's hair, and they did not match all of his

1 characteristics or did not have all the characteristics.  
2 So, therefore, it was not his hair that I could say with  
3 any certainty.

4           The next step was to look at the hair and see  
5 if they had been pulled out or not. The reason for that  
6 is that if hair has been pulled out, you have what is  
7 called a follicular tag. There is no board or I would  
8 draw one. What happens, the hair is a follicle that  
9 comes out of your skin and it's a projection of these  
10 cells. They grow and they grow out. They have a life  
11 cycle and your hair grows. It doesn't stay there  
12 forever. Every three or four months they fall out.  
13 Every day we are losing a hundred hairs or more. Well,  
14 if hair is in their growing stage and in their mature  
15 stage, they are in there pretty tight and the cells are  
16 all attached. If you were to pull those out, you would  
17 pull out some cellular material at the bottom of the  
18 follicle, and that's important. If they are in their  
19 last stage of life, they are just being held in there by  
20 friction and they fall out. We are losing hairs at a  
21 hundred hairs a day. So those hairs really don't mean a  
22 lot except for a comparison to say, oh, yes, they look  
23 like somebody's hairs.

24           Hairs forcefully removed that have that little  
25 bit of tissue on the bottom of skin have DNA, and that's

1 very important because follicular tag allows you to say  
2 with DNA testing whose hair they could be with some  
3 degree of certainty. Comparison by looking is  
4 nonspecific. My hair could look like a million other  
5 people's hairs and there is no way of telling, you know,  
6 my hair from any of those people. But if you have like  
7 DNA on it, the hair, from pulling it out, then it becomes  
8 very important and it becomes identifiable.

9 (Brief pause.)

10 (State's Exhibit No. 28  
11 was marked for purposes  
12 of identification.)

13 BY MR. URICK:

14 Q I would ask you to look at what has been marked  
15 for identification as State's Exhibit 28.

16 A Okay.

17 Q Can you identify that?

18 A Yes, this is a report form that I filled out to  
19 request DNA analysis from the Maryland State Police on  
20 the blood samples that I had recovered from the shirt  
21 that I showed the jury.

22 Q And what blood samples were those to be  
23 compared with?

24 A To be compared with the victim, Hae Lee, Adnan  
25 Syed, and Jay Wilds.

1 MR. URICK: I would offer at this time State's  
2 Exhibit 28, the chain-of-custody and request for DNA  
3 analysis form.

4 THE COURT: Any objection?

5 MS. GUTIERREZ: No objection.

6 THE COURT: Let it be admitted.

7 (State's Exhibit No. 28,  
8 previously marked for  
9 identification, was  
10 received in evidence.)

11 BY MR. URICK:

12 Q At this time, I would like to show you what is  
13 already in evidence as State's Exhibit 5. I would like  
14 you to just examine that for a few moments.

15 (Brief pause.)

16 A Okay.

17 Q Can you identify that document?

18 A Yes, I can.

19 Q What is that?

20 A This is a fiber comparison report written by  
21 Daniel VanGelder. He is a Criminalist in the Trace  
22 Analysis Unit, the same as myself, and it's his results  
23 from a comparison of fibers --

24 MS. GUTIERREZ: Objection.

25 THE COURT: One moment.

1 MS. GUTIERREZ: I stipulated to the  
2 admissibility of the document itself, not to this witness  
3 being able to testify as to Mr. VanGelder's opinions.  
4 THE COURT: The report is admitted.  
5 MS. GUTIERREZ: Yes.  
6 THE COURT: All right. There is no objection.  
7 What is the exhibit number again, for the record?  
8 MR. URICK: This is State's 5. It was already  
9 in evidence.  
10 THE COURT: All right. Is there some  
11 conclusion that you are seeking to have this witness make  
12 based on a review of that evidence, this particular  
13 report?  
14 MR. URICK: No. I was about ready to ask the  
15 court's permission to publish the document by having the  
16 witness explain what is being analyzed and then reading  
17 the conclusions in the report.  
18 MS. GUTIERREZ: Well, I'm going to object to  
19 that. I think that the document speaks for itself.  
20 That's what we stipulated.  
21 THE COURT: Very well. May I see the document,  
22 please?  
23 (Document proffered.)  
24 THE COURT: Thank you.  
25 (Brief pause.)

1           THE COURT: Mr. Urick, your purpose is only for  
2 this witness to read the contents of this report as  
3 written?  
4           MR. URICK: Yes.  
5           THE COURT: In its entirety?  
6           MR. URICK: I was just going to have him read  
7 the conclusions of the report.  
8           THE COURT: And are you going to ask him to  
9 draw some other conclusion as a result of reading it?  
10          MR. URICK: No.  
11          THE COURT: All right. He may read it. The  
12 item is in evidence. The objection is overruled. For  
13 the record, what is being offered now as a stipulation is  
14 an item of evidence. That report you will get in its  
15 entirety. This witness is just being asked to read the  
16 final paragraph which is titled "Conclusion". Then on  
17 cross, Ms. Gutierrez, you may use that document and have  
18 someone else read the rest of it if you would like --  
19          MS. GUTIERREZ: Thank you, Your Honor.  
20          THE COURT: -- or use it in any fashion you  
21 would like. Sir, you may read the bottom paragraph where  
22 it says "Conclusion".  
23          THE WITNESS: Okay, Your Honor. "Conclusion.  
24 A thorough search of the jacket and boots reveal no  
25 fibers comparable to the victim's skirt fibers. The red



1 fiber found on the victim's body and the tuft of red  
2 fibers found on the victim's blouse have not been  
3 associated, each other, with the multi-colored tee-shirt  
4 or with the weightlifting glove."

5 MR. URICK: If I may approach the witness again  
6 at this time to gather the various exhibits now.

7 THE COURT: Yes, you may.

8 (Brief pause.)

9 MR. URICK: Witness with the defense at this  
10 time.

11 CROSS-EXAMINATION

12 BY MS. GUTIERREZ:

13 Q Mr. Bianca, the items that you have discussed  
14 with us were items that were submitted to you by someone  
15 else from within the Police Department; were they not?

16 A Yes.

17 Q Okay. And that is ordinary; is it not?

18 A Yes.

19 Q You are asked to analyze items that are  
20 submitted to you for you to use your expertise in  
21 analyzing trace evidence; are you not?

22 A That's correct.

23 Q All right. And generally those items that are  
24 submitted to you come from crime scenes, correct?

25 A That's correct.

1           Q     And generally you are not the person that goes  
2     out to the crime scene although once in a while you may;  
3     is that correct?  
4           A     That is correct.  
5           Q     And there is nothing unusual about that,  
6     correct?  
7           A     That is correct.  
8           Q     Now, in regard to the striped tee-shirt, you  
9     were submitted that striped tee-shirt and asked to  
10    analyze it to see if any evidence could be recovered from  
11    its fibers, correct?  
12          A     No, not exactly that.  
13          Q     Well, sir, was that tee-shirt submitted to you  
14    with a form from someone else in the Police Department?  
15          A     That is correct.  
16          Q     And were you made aware of the place, the  
17    location of where the tee-shirt was recovered?  
18          A     Yes.  
19          Q     Were you made aware of the possible  
20    significance of the tee-shirt?  
21          A     No.  
22          Q     Were you told what to look for?  
23          A     Not exactly.  
24          Q     And none of that is extraordinary; is it?  
25          A     That is correct.

1           Q     All right. Now, once you got the tee-shirt,  
2     you first examined it; did you not?  
3           A     That is correct.  
4           Q     All right. Now, sir, you wrote a report on  
5     this tee-shirt?  
6           A     Yes.  
7           MS. GUTIERREZ: Mr. Clerk, if I could have  
8     those reports back, please. Thank you. I'm going to put  
9     these here in case you need to look at them, Mr. Bianca.  
10          BY MS. GUTIERREZ:  
11          Q     First of all, can you tell us the date you  
12     examined the tee-shirt?  
13          A     Okay. I believe it's March 10th --  
14          Q     All right. Now, when you examined --  
15          A     -- 1999.  
16          Q     1999, March the 10th. And, sir, when you  
17     examined it, were you provided the name of a suspect?  
18          A     At that time, I don't believe so.  
19          Q     And that wouldn't have been out of the  
20     ordinary; would it have?  
21          A     No.  
22          Q     All right. And you visually examined, as you  
23     explained to us, the striped tee-shirt, correct?  
24          A     That is correct.  
25          Q     And you were made aware that it was found in a

1 1998 Nissan, not laid out, but bunched up, almost stuffed  
2 in the crack of the front driver's seat, correct?

3 A No.

4 Q Were you made aware of any information as to  
5 where it was recovered from?

6 A That it was recovered from the victim's  
7 vehicle.

8 Q Okay. And were you made aware that it was, in  
9 fact, recovered from the victim's vehicle driver's seat?

10 A That's the extent of the information that I  
11 had.

12 Q Just that it was recovered from the victim's  
13 vehicle; is that correct?

14 A That is correct.

15 Q And the first thing you did was look at the  
16 stains that appeared to you to be blood; is that correct?

17 A Yes.

18 Q And you looked at stains that you thought were  
19 blood that turned out, based on your presumptive test,  
20 not to be blood, correct?

21 A That is correct.

22 Q Because often times stains on fabrics for a  
23 variety of reasons may appear to the naked eye to be  
24 blood when, in fact, they are not?

25 A That is correct.

1 Q And in order to determine if a stain, the  
2 appearance of a stain is, in fact, human blood, you must  
3 utilize a presumptive test; must you not?  
4 A That is correct.  
5 Q And that determines whether, in fact, the  
6 substance is blood, correct?  
7 A No.  
8 Q Does it determine presumptively that the  
9 substance is blood, yes or no?  
10 A I can't answer that yes or no.  
11 Q All right. Well, let me ask you another  
12 question, Mr. Bianca. The test that you performed on  
13 that shirt first clarified that some of the stains that  
14 you were looking at were not, in fact, blood; did it not?  
15 A That is correct.  
16 A And that some of the stains that you looked at  
17 were, in fact, blood and that they were presumptively  
18 human blood as opposed to animal blood?  
19 A That test doesn't do that.  
20 Q Well, sir, you performed more than one test on  
21 the shirt?  
22 A Yes.  
23 Q You ultimately determined in your expert  
24 opinion, did you not, that the substance, some of the  
25 substance that you looked at on that shirt was human

1 blood; did you not?

2 MR. URICK: Objection.

3 THE COURT: Overruled. You may answer the  
4 question.

5 THE WITNESS: Yes.

6 BY MS. GUTIERREZ:

7 Q All right. Now, once you determined that some  
8 of those, what appeared to be blood, was human blood, you  
9 would then ordinarily try to determine if you could,  
10 based on your expertise, if there was anything else in  
11 that trace biological evidence that could give you any  
12 further indication as to the substance itself to identify  
13 it futher; would you not?

14 A I would perform no more tests. I would select  
15 the stain and freeze it.

16 Q And that is because, to determine anything  
17 further, as you have defined for us, such DNA would  
18 require expertise beyond your own, correct?

19 A That is correct.

20 Q All right. Now, after you looked at the things  
21 that appeared to you to be blood and it turned out some  
22 you were right on and some you were wrong on, you then  
23 looked for other substances that might appear on the  
24 shirt, correct?

25 A I don't -- when you ask it that way, I wasn't

1 or I looked --

2 Q Well, did you, in fact --

3 THE COURT: One moment. You may answer the  
4 question.

5 THE WITNESS: I do not determine whether I was  
6 right or wrong. All stains had the possibility of being  
7 blood. Blood is not always red. Blood changes colors  
8 from the red that we see to almost black. It goes  
9 through a progression. It goes from red to brown to  
10 black over a period of time, depending on the  
11 environment, depending on where it has been, if it has  
12 been in sunlight, if it's been in shade, if it's dried,  
13 if it's moist. So any stain that I can see has the  
14 potential of maybe being blood.

15 So we do a test. The first test, you are  
16 right, is a presumptive test. It's not a right or wrong,  
17 was I right or wrong, was I guessing. It doesn't work  
18 that way. I test all the stains. If the test is  
19 negative, that tells me that it is definitely not blood.  
20 If the test is positive, and that's the presumption, it  
21 tells you it could be blood but you need to go further.  
22 And then the next test I do, I do an immunological test,  
23 and that test tells me two things. If it is positive, it  
24 tells me that it is blood, and not only that it's blood  
25 but that it's human blood. Then if that test doesn't

1 work, that's it, unless I need to find out for sure if  
2 that could be animal blood. If that's the case, there is  
3 another test.

4 BY MS. GUTIERREZ:

5 Q Well, thank you, Mr. Bianca, but that really  
6 didn't answer my question.

7 MR. URICK: Objection.

8 THE COURT: Well, Ms. Gutierrez --

9 BY MS. GUTIERREZ:

10 Q You test to --

11 THE COURT: One moment, Ms. Gutierrez. If the  
12 answer does not answer your question, you may ask another  
13 question.

14 MS. GUTIERREZ: I'm going to do so.

15 THE COURT: And I would ask that you do that.  
16 The objection is sustained.

17 BY MS. GUTIERREZ:

18 Q Now, Mr. Bianca, the question I asked, the  
19 answer to which I seek, is to determine when you were  
20 given this striped shirt to examine, you viewed it  
21 physically with your own eyes; did you not?

22 A Yes.

23 Q And you determined where on the shirt, if at  
24 all, to test further to see if what might appear to be a  
25 stain that may be blood was, in fact, blood or not; did



1       you not?

2           A       (No response.)

3           Q       Did you make that determination --

4           A       Wait a minute, you lost me.

5           THE COURT: One moment, Ms. Gutierrez. You

6       have asked a question. Allow the witness to answer the

7       question.

8           THE WITNESS: When I tested the shirt with my

9       own eyes, the areas that I believed were significant, and

10      I got a positive preliminary test, I further tested those

11      to make a determination if, in fact, they were human

12      blood. Nobody told me where to go. I tested it myself.

13           BY MS. GUTIERREZ:

14           Q       So once again, Mr. Bianca, thank you but that

15      doesn't answer my question.

16           MR. URICK: Objection.

17           THE COURT: Sustained.

18           BY MS. GUTIERREZ:

19           Q       You determined, sir, what you were going to do

20      to that shirt; did you not?

21           THE COURT: Is there an objection?

22           MR. URICK: Objection.

23           THE COURT: Sustained.

24           BY MS. GUTIERREZ:

25           Q       Did you determine what to do with that shirt,

1       sir, yourself?

2               MR. URICK:  Objection.

3               THE COURT:  Sustained.

4               BY MS. GUTIERREZ:

5               Q     Did anyone request that you do anything

6       specific to that shirt in regard to blood?

7               THE COURT:  The objection is sustained.  The

8       question has been asked and answered twice.  Counsel,

9       please move on.

10              BY MS. GUTIERREZ:

11             Q     Mr. Bianca, when you determined to do either

12       your presumptive test or any other test, you did so based

13       on your belief that what your eyes showed you could

14       possibly be blood, correct?

15              MR. URICK:  Objection.

16              THE COURT:  Sustained.

17              BY MS. GUTIERREZ:

18             Q     Mr. Bianca, when you tested the shirt, did your

19       presumptive or further testing reveal that your own

20       observations that something might be blood in fact turned

21       out not to be blood?

22              MR. URICK:  Objection.

23              THE COURT:  Overruled.

24              THE WITNESS:  No.  Everything that I tested

25       presumptively that was positive and I checked and

1 confirmed with a further test, those four stains that I  
2 pointed out on this shirt were, in fact, human blood.

3 BY MS. GUTIERREZ:

4 Q So four of the stains that you tested  
5 presumptively, you then went further on, correct?

6 A Four of the stains that I tested presumptively  
7 that gave me a positive result, I went on and tested  
8 further, and those four stains were, in fact, human  
9 blood.

10 Q And the four stains, sir, were out of how many  
11 stains that you initially tested?

12 A To give you an answer to that, I need to take  
13 the shirt out and count all the holes.

14 Q Would you agree, sir, that you tested more  
15 stains than the four, yes or no?

16 A I tested, yes, more than the four stains with  
17 the presumptive test.

18 Q In fact, a lot more than four; isn't that  
19 correct?

20 A I would have to count.

21 Q You don't need to get it out and count really,  
22 do you?

23 THE COURT: One moment, Ms. Gutierrez. The  
24 witness is asking that he count the stains, and he has  
25 indicated that he needs to do that in order to answer

1 your question. The court is willing to have him do that  
2 if you would like that answer.

3 MS. GUTIERREZ: I'm not going to waste the  
4 time, Judge.

5 THE COURT: If not, move on.

6 MS. GUTIERREZ: I'll move on.

7 THE COURT: Very well. That's your option.

8 BY MS. GUTIERREZ:

9 Q Now, Mr. Bianca, once you tested the shirt  
10 presumptively and/or otherwise, you then examined the  
11 shirt to see if there was the presence of any other trace  
12 evidence; did you not?

13 A Yes, I tested further.

14 Q I didn't ask you that, sir. I asked you if you  
15 examined the shirt for any other trace evidence, sir?

16 MR. URICK: Objection.

17 THE COURT: Overruled. You may answer the  
18 question.

19 THE WITNESS: I examined the shirt further.

20 BY MS. GUTIERREZ:

21 Q Now, sir, when you examined the shirt further,  
22 you described for us your seeing what appeared to you to  
23 be nasal mucous in the lower right hand front of the  
24 shirt; did you not?

25 A That is correct.

1 Q And as to that nasal mucous, sir, did you  
2 collect any other specimens or conduct any other tests?  
3 A I looked at it under the microscope in place.  
4 Q Bodily fluids, sir, what you have called  
5 biological evidence, often contain factors biologically  
6 that can establish identity; do they not?  
7 A I do not know what you are referring to.  
8 Q Well, sir, bodily fluids, you know what I am  
9 referring to; do you not?  
10 A Could you be specific about what you mean by  
11 bodily fluids?  
12 Q Well, sir, do you understand the term bodily  
13 fluids?  
14 A Yes, I do.  
15 Q That's a term that you have used since you have  
16 been on the stand; is it not?  
17 A Yes.  
18 Q And it's a term that you use in the use of your  
19 expertise in examining biological trace evidence; is it  
20 not?  
21 A That is correct.  
22 Q The mucous that comes out of the nose, is that  
23 a bodily fluid or not?  
24 A Yes, it is.  
25 Q And, sir, the mucous that you believe the stain

1 on the shirt that you examined that you believe to be the  
2 bodily fluid that came out as mucous from someone's nose,  
3 did you submit that for further testing of any kind to  
4 any source?

5 A No.

6 Q And, sir, did you conduct any other test on  
7 that particular stain that appeared to you to be  
8 consistent with the bodily fluid of nasal mucous?

9 A Correct.

10 Q No, sir, that requires --

11 A I'm just saying that's what you are referring  
12 to, and the further test that I did was to look at it  
13 with a microscope, and I looked at it and determined that  
14 it was nasal mucous.

15 Q And, sir, having determined that it was nasal  
16 mucous, did you submit that to either further testing by  
17 yourself or by any other source to clarify the identity  
18 of the source of that nasal mucous?

19 A No.

20 Q Okay. Now, sir, in regard to the seminal  
21 fluid, you said that was one of the reasons that you  
22 submitted the shirt to being viewed under the lasers; is  
23 that correct?

24 A To examine it for the possible presence of  
25 seminal fluid, that is correct.

1           Q     And so you, I am sure, fully examined the  
2     striped shirt; did you not?

3           A     Yes.

4           Q     Looking anywhere that seminal fluid may have  
5     been deposited on that shirt, correct?

6           A     That is correct.

7           Q     From any source?

8           A     I can't determine the source.

9           Q     That's outside of your expertise; is it not?

10          A     That is correct.

11          Q     And under any conditions under which that  
12     possible seminal fluid may have gotten on the shirt; is  
13     that correct?

14          A     That's something I have no control over.

15          Q     So that's not your concern when you are making  
16     that examination, correct?

17          A     I'm looking for the presence.

18          Q     All right. Now, when you were looking for, and  
19     the lasers first lit up something, whether or not that's  
20     the correct term, lit up, it showed you that something  
21     might be; did it not?

22          A     Some areas fluoresced.

23          Q     Okay. By fluoresced, you mean like the  
24     fluorescent quality of what the laser produces on the  
25     shirt; do you not?

1           A     If I can have a minute, I can explain  
2     fluorescence and how it works.

3           Q     Sir, did you not understand my question?

4           A     Yes.

5           Q     Okay. Let me ask you another one then, sir.

6           THE COURT: One moment. She asked you a  
7     question. Can you answer her question yes or no? I know  
8     you would like to explain, but her question doesn't allow  
9     for an explanation.

10          THE WITNESS: That's correct. And the way it  
11     was posed is not scientifically accurate.

12          THE COURT: Well, then you have to say that you  
13     cannot answer the question.

14          THE WITNESS: I'm sorry. I can't answer the  
15     question.

16          THE COURT: Or if you will rephrase the  
17     question, I can answer it, or I'm not sure that I know  
18     what you are talking about. Anyway, you need to answer  
19     her question as posed.

20          THE WITNESS: I understand, Your Honor.

21          THE COURT: Very well. You may continue.

22          BY MS. GUTIERREZ:

23          Q     So, Mr. Bianca, let me understand. You can't  
24     answer the question that I posed; is that correct?

25          A     I don't remember the question now.



1 Q All right. Mr. Bianca, you subjected the shirt  
2 to the lasers. Are you with me so far?  
3 A Yes.  
4 Q And you got a reaction and you have used the  
5 term that it fluoresced; is that correct?  
6 A That is correct.  
7 Q And that fluorescing, the fact that it  
8 fluoresced, demonstrated to you that there might be  
9 seminal fluid there; did it not?  
10 A That is correct.  
11 Q And then you had to go conduct another test,  
12 right?  
13 A That is correct.  
14 Q And the other test that you conducted said to  
15 you, no, there is no seminal fluid on this shirt, right?  
16 A Correct.  
17 Q Deposited by any source, right?  
18 A Correct.  
19 Q Deposited under any circumstances, right?  
20 A All I can tell you is whether it was there or  
21 not.  
22 Q All right. And you told us when you looked,  
23 notwithstanding the fluorescence, that it wasn't there,  
24 correct?  
25 MR. URICK: Objection.

1 THE COURT: Sustained.  
2 BY MS. GUTIERREZ:  
3 Q Well, sir, the various reports you made, which  
4 are sitting in front of you, the first report that you,  
5 yourself, made is dated on August 31st, 1999; is it not?  
6 A That is correct.  
7 Q And that is State's Exhibit 27; is it not?  
8 A Yes, it is.  
9 Q That's the first trace analysis in this case;  
10 is it not?  
11 A That's the first one that I wrote.  
12 Q Okay. And the second one that you wrote is  
13 dated on 10/14/1999; is it not?  
14 A Yes, it is.  
15 Q That's your signature on that; is it not?  
16 A Yes, it is.  
17 Q And as you have already told us, the 10/14,  
18 that means that it was done a month and a half after the  
19 first one, and was to correct what you called an omission  
20 in the first one; isn't that correct?  
21 A That is correct.  
22 Q The same item numbers listed under the same  
23 property numbers are the same as to both your first  
24 report and your second report; isn't that correct?  
25 A That is correct.

1           Q     And the purpose of the 10/14 analysis is to  
2     correct the omission in regard to items sixteen to  
3     eighteen; is that correct?  
4           A     That is correct.  
5           Q     And items sixteen to eighteen were items that  
6     were recovered from the victim's body in this case back  
7     on or about February 9th or 10th, 1999; is that correct?  
8           A     Not the 9th, the 10th.  
9           Q     The 10th of February?  
10          A     No, no, no, March. That was March 10th.  
11          Q     So it is your understanding that the clothing  
12     and the items from the victim were recovered on March  
13     10th, 1999, correct?  
14          A     No, that March 10th, 1999 was when I started my  
15     analysis in this case.  
16          Q     Okay. And your report, sir, is dated August  
17     31st, 1999, correct?  
18          A     That is correct.  
19          Q     And my only question, sir, is when were the  
20     items numbered sixteen through eighteen, the same items  
21     that are the subject of the October 14 report, recovered  
22     from the victim's body, if you know?  
23          A     The numbers that are reflected on the report,  
24     8/31/1999, State's Exhibit 27, that's when I assigned  
25     those numbers.

1           Q     That's when you assigned those numbers,  
2     correct?

3           A     Correct.

4           Q     So those numbers are the numbers that you have  
5     identified, items that are related to the victim's body,  
6     whatever time they were recovered, correct?

7           A     That's correct.

8           Q     You didn't collect them from her body; did you?

9           A     No.

10          Q     They were submitted to you after they were  
11     collected; were they not?

12          A     That is correct.

13          Q     And they were then submitted to you in due  
14     course on a regular form, correct?

15          A     That is correct.

16          Q     All right. And, sir, when you analyzed those  
17     and reported them on August 31st, you omitted the  
18     information that, in fact, on her body fibers were  
19     recovered from the garments that were on her body and  
20     collected and removed by someone other than you prior to  
21     their submission to you; is that correct?

22          A     No.

23          Q     Well, sir, on August the 31st, 1999, did you  
24     indicate in regard to items sixteen through eighteen as  
25     to whether or not fibers transferred were negative or

1 positive in regard to their recovery? Did you so  
2 indicate, yes or no?

3 A I indicated that on the report dated 8/31/99  
4 and that was in error.

5 Q Sir, my question is, did you indicate it on  
6 your report, yes or no?

7 A Yes.

8 Q And what you indicted on August the 31st is  
9 that it was negative for transferred fibers as to items  
10 sixteen and eighteen; isn't that correct?

11 A That is correct.

12 Q And on October the 14th, '99, you indicated  
13 that, in fact, fibers of various colors were recovered  
14 from the garments numbered sixteen to eighteen; isn't  
15 that correct?

16 A That is correct.

17 Q And, sir, would you agree in analyzing -- you  
18 were aware, sir, that the body from which these garments  
19 had been recovered had been interred subsequent to its  
20 death; were you not?

21 A I was.

22 Q And your being so aware, there was nothing  
23 unusual about that, was there, your being made known that  
24 information?

25 A I was looking at the clothing to see if there

1 was anything on it.

2 Q Sir, my question is, there wasn't anything  
3 unusual about your being told that the body had been  
4 interred; was there?

5 A It's not unusual.

6 Q All right. And having known that information,  
7 looking at the garments of a body that had been interred,  
8 partially covered after death, any evidence that could be  
9 recovered from that which was closest to the body when it  
10 was disinterred would have special significance; would it  
11 not?

12 A That would depend on the case.

13 Q Well, sir, you understand that it could  
14 possibly have special significance; do you not?

15 MR. URICK: Objection.

16 THE COURT: Overruled. Did you, yes or no?

17 THE WITNESS: It could.

18 THE COURT: Very well. Next question.

19 BY MS. GUTIERREZ:

20 Q In addition to fibers, things that are also  
21 trace evidence that are biological as opposed to non-  
22 biological, substances such as hair could also likely  
23 have great significance; could they not?

24 A They could.

25 Q Particularly if there is hair recovered on the

1 clothing or the body of an interred person who  
2 subsequently was disinterred, when those hairs do not  
3 belong to that body, would also likely have great  
4 significance; would they not?

5 A They could.

6 Q And you understood that when you recovered  
7 them; did you not, sir?

8 A Yes.

9 Q Now, sir, in regard to the hair, you didn't  
10 collect the hair, correct?

11 A From the clothing?

12 Q Any of the hair.

13 A Yes, I collected the hair.

14 Q Did you collect any of the forty-five to fifty  
15 samples that were submitted to you that you then  
16 analyzed?

17 A I collected all of those.

18 Q Okay. And did you collect them directly from  
19 the clothing listed in items sixteen to eighteen that was  
20 the clothing of the victim submitted to you through a  
21 chain-of-custody that came directly from the Medical  
22 Examiner's office that took the clothing off of the dead  
23 body?

24 A Yes, I analyzed that.

25 Q No, sir, my question is, is where you collected

1 the hairs from, did they come from your examination of  
2 the clothing of the body that you were told had been  
3 interred and disinterred as forwarded through the chain-  
4 of-custody from the Medical Examiner's office that took  
5 off the clothing?

6 A That is correct.

7 Q You were aware, sir, that great care was taken  
8 to disinter this body; were you not?

9 A That is something that I have no knowledge of.

10 Q Well, sir, would it make a difference to you to  
11 learn that great care was taken in disinterring this body  
12 to ensure that all available evidence that might appear  
13 closest to that body on her clothing, on her skin, on the  
14 soil that had interred her, had been taken to recover  
15 very carefully by experts? Would you be surprised to  
16 learn that?

17 A No.

18 Q Not in your expertise as a trace evidence  
19 analyst, correct?

20 A Correct.

21 Q You would want the most care taken; would you  
22 not?

23 A Exactly.

24 Q Because trace evidence can oftentimes tell all  
25 of us many things about what happened to a body that is



1 found; can it not?

2 A It can.

3 Q And that's the whole purpose for your  
4 examination in cases such as this; is it not?

5 A That is correct.

6 Q All right. Now, sir, the forty-five to fifty  
7 hair samples, were they all collected from one of those  
8 items of clothing that had been removed from this body by  
9 someone in the Medical Examiner's office?

10 A Could you repeat the question, please?

11 Q You said that you examined forty-five to fifty  
12 samples, correct?

13 A Correct.

14 Q And that you, yourself, removed those forty-  
15 five to fifty samples yourself from items sixteen to  
16 eighteen, the articles of clothing identified to you as  
17 belonging to the victim, Hae Min Lee, correct?

18 A Correct.

19 Q And, sir, did you, yourself -- every single one  
20 of the forty-five to fifty hairs that you examined came  
21 from one of those articles of clothing, correct?

22 A They came from all of those items. There were  
23 some from each.

24 Q Some from each. And, sir, you said that Ms.  
25 Lee's hair, you could tell what it was; could you not?

1       You could tell what Ms. Lee's hair was, correct?

2       A     That is correct.

3       Q     And her hair was fairly readily identifiable;

4       was it not?

5       A     Correct.

6       Q     Because of both its length and the presence of

7       what appeared to be brown dye on black hair?

8       A     That is correct.

9       Q     Okay. And so, sir, is it fair to say that it

10      was a simple process out of that forty-five to fifty

11      hairs to easily take out all the hairs that appeared

12      readily to match Hae Min Lee?

13      A     That is correct.

14      Q     Now, you understood that the presence of the

15      victim's own hair on any of her own clothing would not be

16      unusual; would it?

17      A     That is correct.

18      Q     No matter where it appeared on her clothing,

19      correct?

20      A     No matter where?

21      Q     Yes, sir. It would not be unusual for a

22      victim's hair to appear on the outside of her clothing;

23      would it?

24      A     No.

25      Q     It wouldn't be unusual for a person's own hair

1 to appear on the inside of their clothing; would it?  
2 A No, it wouldn't.  
3 Q And it would not be questionable as to how it  
4 got there; would it?  
5 A No.  
6 Q Not under ordinary circumstances, correct?  
7 A Correct.  
8 Q And so you were able to easily distinguish  
9 those hairs and remove them from the forty-five to fifty  
10 hairs that you had, correct?  
11 A Correct.  
12 Q How many of the forty-five to fifty belonged to  
13 Hae Min Lee?  
14 A The majority of the hairs.  
15 Q And by a majority, if it was forty-five, that  
16 would be twenty-three plus hairs?  
17 A I don't have an exact count.  
18 Q And, sir, did you keep an exact count anywhere?  
19 A No.  
20 Q And did you photograph the hairs?  
21 A No.  
22 Q Did you separate out the hairs and put them in  
23 some other container to keep all the like hairs together?  
24 A Yes, I did.  
25 Q All right. And, sir, is there anywhere in your

1 report where you notated how many of those hairs belonged  
2 to Hae Min Lee?

3 A No.

4 Q All right. Now, in regard further to the  
5 hairs, once you determined that a majority of them  
6 belonged to Hae Min Lee, how many in total other hairs  
7 did you determine were subject to being analyzed or  
8 compared?

9 A Approximately two.

10 Q Now, when you say approximately two, could that  
11 be one?

12 A No, it was two.

13 Q So it was exactly two, sir?

14 A Two hairs that were complete, that is correct.

15 Q Exactly two hairs that were complete, sir?

16 A Two.

17 Q Not more than two?

18 A Two.

19 Q So it is your testimony and your expert  
20 opinion, sir, that out of the forty-five to fifty,  
21 whether it was forty-five or fifty, minus the majority of  
22 hairs that you separated out, whatever number that might  
23 be, that there were only two possible hairs that were not  
24 Hae Min Lee's that were capable of being compared to see  
25 if they belonged to someone else?

1           A     That is correct.

2           Q     And that there were no other hairs in the group  
3 of forty-five to fifty, minus the majority, whatever  
4 number that may be, that belonged to Hae Min Lee that  
5 were suitable for comparison?

6           A     A large portion of the remaining hairs were  
7 animal hairs and they were not suitable.

8           Q     All right. Well, obviously the animal hairs  
9 weren't suitable for comparison to human hair, correct?

10          A     That is correct.

11          Q     My question, however, still stands. Is it your  
12 testimony that only two out of the total number, whether  
13 it be forty-five or fifty, of the number of hairs that  
14 you, yourself, recovered and identified for any reason,  
15 that you excluded them notwithstanding whether they be  
16 human or animal or they be Hae Min Lee's hair, that only  
17 two remained that were suitable for comparison to anyone  
18 else who is human?

19          A     Correct.

20          Q     Okay. Now, you had two hairs and you were  
21 asked to compare the hairs with a sample head hair that  
22 had come from Adnan Syed; is that correct?

23          A     That is correct.

24          Q     And you, sir, were aware when samples are  
25 collected from a suspect, that that includes both cutting

1 the hair and pulling it; are you not?

2 A Cutting the hair is not part of the procedure.

3 Q Okay. So that all the head hairs identified as

4 Adnan Syed's were pulled hairs; were they not?

5 A That's correct.

6 Q And some of them had that bulb that comes out

7 from underneath the skin; does it not?

8 A Correct.

9 Q And that bulb would have contained DNA that

10 would be subject to further analysis; would it not?

11 A That is correct.

12 Q But that didn't become necessary because you

13 could look at the head hair that had been pulled from his

14 head to compare the two hairs collected from the source

15 closest to her body that were not her own and know that

16 they did not belong to this man; could you not?

17 A I can say they didn't have the characteristics

18 that matched all his characteristics.

19 Q And, sir, because that's what you could see,

20 that's why you said you didn't submit any of those hairs

21 for further comparison with any of the hairs pulled out

22 of his head, correct?

23 A No.

24 Q Okay. Now, sir, you did submit, as you have

25 told us, the shirt for further DNA analysis, correct?

1           A     Blood stains removed from the shirt, yes.

2           Q     So you did submit. So the answer to my

3 question then, sir, is yes, you did submit it?

4           MR. URICK: Objection.

5           THE COURT: Sustained.

6           BY MS. GUTIERREZ:

7           Q     Now, sir, were you asked at any time -- oh,

8 incidentally, when you state your opinion that none of

9 the head hairs matched in your expert opinion any of the

10 submitted head hairs of Adnan Syed, the date of that

11 report, sir, is December 2nd, 1999; is it not?

12          A     That is correct.

13          THE COURT: Ms. Gutierrez and Mr. Urick, if you

14 would all come up to the bench for one moment before we

15 go any further.

16          MS. GUTIERREZ: Do you need Mr. Syed?

17          THE COURT: Yes.

18          (Counsel and the defendant approached the bench

19 and the following ensued:)

20          THE COURT: This is sua sponte on the court's

21 own, that in an abundance of caution, in light of the

22 line of questioning, I'm concerned that your questions

23 may elicit a response from this witness like, well, as a

24 result of the last trial or before the last trial.

25          MS. GUTIERREZ: Well, no, just so the court

1 knows, I don't --

2 THE COURT: I don't know the answer to the  
3 question, but, if you know, when did the last trial  
4 start?

5 MS. GUTIERREZ: After the 2nd of December.

6 THE COURT: Okay.

7 MS. GUTIERREZ: It started technically on the  
8 3rd but it didn't actually get started until --

9 THE COURT: Okay. And so his answer about why  
10 he did it in December is going to be because in  
11 anticipation of the trial, he was instructed to do  
12 something.

13 MR. URICK: I think that's what he would  
14 respond, that that was the target, that they were getting  
15 the reports ready for the trial date.

16 THE COURT: And so my concern is then  
17 warranted, that the witness not be asked a question that  
18 would trigger that answer, and I'm not suggesting, Ms.  
19 Gutierrez, that you --

20 MS. GUTIERREZ: I didn't intend to.

21 THE COURT: I know, yes, that you weren't  
22 intending to.

23 MS. GUTIERREZ: But I do see it now, yes.

24 THE COURT: Okay. But in an abundance of  
25 caution, I could see that potentially he could respond in



1 a way that would not be very helpful at this stage. So I  
2 would ask that with regard to your next few questions  
3 that you be very specific so that he is not given a lot  
4 of latitude.

5 MS. GUTIERREZ: Okay.

6 THE COURT: All right. Thank you very much.

7 MS. GUTIERREZ: Thank you, Judge.

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

10 THE COURT: Ladies and gentlemen, we have been  
11 sitting for a while this afternoon. By a show of hands,  
12 is there anyone that would like to take a break at this  
13 time?

14 THE JURY: (Indicating.)

15 THE COURT: Okay. Why don't we do that and  
16 allow you to stretch your legs, and then we will come  
17 back and conclude the testimony of this witness. Mr.  
18 White, if you would take the jury around.

19 THE CLERK: Okay.

20 THE COURT: Ladies and gentlemen, during this  
21 break do not discuss the testimony that you have heard.  
22 Do not share your notes because you are going to leave  
23 those face down on your chairs. We will allow you to  
24 stretch your legs and use the facilities, and then you  
25 will be brought back.

1                   So please go with Mr. White, the courtroom  
2 clerk, at this time.

3                   Now, as the jury files out, if the witness  
4 would like to take a break and stretch his legs, you are  
5 welcome to do that. You may not discuss your testimony  
6 with either counsel during this break. You are still on  
7 the witness stand.

8                   THE WITNESS: Thank you.

9                   (The jury was excused from the courtroom.)

10                  THE COURT: And for the benefit of the  
11 stenographer and Mr. White, if he can hear me, you are  
12 welcome to take a break and stretch your legs as well.  
13 Counsel, feel free to do that also. Okay. Ten minutes  
14 max. I don't expect us to be moving around more than ten  
15 minutes.

16                  MR. URICK: How late does the court anticipate  
17 going today?

18                  THE COURT: I think I said 5:00 today.

19                  MR. URICK: Okay.

20                  THE COURT: Tomorrow, we have to finish by 4:30  
21 or twenty-five of 5:00.

22                  MR. URICK: We are going to start at 2:00?

23                  MS. GUTIERREZ: Tomorrow, what time do we  
24 start?

25                  THE COURT: We are going to start after I

1 finish my morning docket. It's my collateral day but I'm  
2 going to work tomorrow.

3 MS. GUTIERREZ: Okay.

4 THE COURT: Normally on a collateral day, the  
5 court does not work, but I am going to work. I'm going  
6 to do my dispositions, which I have four, and the VOPs.

7 MR. URICK: I think you have five. I have one  
8 that somehow --

9 THE COURT: Is on my docket?

10 MR. URICK: The plea was taken in here and it  
11 should have been but somehow they recorded it as being on  
12 Part 23's docket, which is incorrect.

13 THE COURT: So that is also coming over here?

14 MR. URICK: Yes. I will have to get the court  
15 file and bring it over here.

16 THE COURT: All right. Well, then that will be  
17 five and then two violations of probation. So I am  
18 suggesting that we have the jury back at 1:30.

19 MS. GUTIERREZ: Okay.

20 THE COURT: Rather than have them sit for all  
21 that time. So then we will start the case somewhere  
22 between 1:30 and say 2:00.

23 MS. GUTIERREZ: Okay.

24 THE COURT: Allowing my staff to have a break.  
25 Okay?

1 MS. GUTIERREZ: Okay.

2 THE COURT: And then I can go through the rest  
3 of the week with you.

4 MS. GUTIERREZ: Yes, I would appreciate that,  
5 Judge.

6 THE COURT: Wednesday, tomorrow, we will finish  
7 at 4:30, a quarter to 5:00, no later, and then Thursday  
8 we will work until 5:00 or 5:30, and then Friday we can  
9 work until 5:00.

10 MS. GUTIERREZ: Okay. That's fine. And will  
11 the court be taking its regular lunch between 12:30 and  
12 2:00?

13 THE COURT: Yes. On Thursday, there is a bench  
14 meeting at 12:45.

15 MS. GUTIERREZ: Okay. That helps. I do have  
16 to have a series of telephone conferences with death  
17 penalty lawyers in Puerto Rico.

18 THE COURT: That will be fine.

19 MS. GUTIERREZ: So I will set them all up for  
20 like 1:00.

21 THE COURT: 1:00 would be a good time to set  
22 them for the entire week, I would say. Actually,  
23 tomorrow I have a bench education program at 12:45, so I  
24 don't think I'm supposed to have lunch tomorrow either.

25 MS. GUTIERREZ: Didn't you get lunch today?

1 THE COURT: Yes, actually I did because the  
2 meeting was cancelled. I think I'm going to start  
3 bringing my lunch. That might help. In any event, I'm  
4 going to take a ten minute recess and allow the  
5 stenographer to take a break and counsel as well, and we  
6 will be back in ten minutes.

7 THE CLERK: All rise. This court will take a  
8 ten minute recess.

9 (Brief recess.)

10 -oOo-

11 (Jury present upon reconvening.)

12 THE CLERK: All rise. This court resumes in  
13 session.

14 THE COURT: Thank you.. You may be seated.  
15 Ms. Gutierrez, you may continue at your  
16 leisure.

17 MS. GUTIERREZ: Thank you, Your Honor.

18 CROSS-EXAMINATION (Continuing)

19 BY MS. GUTIERREZ:

20 Q Mr. Bianca, let's finish with the hair. The  
21 two remaining hairs, after you took out for Hae Min Lee's  
22 hair, after you took out any hairs that you thought to be  
23 animal hairs or determined to be animal hairs, you said  
24 there were two hairs left that were suitable for  
25 comparison, correct?

1           A     That is correct.

2           Q     And that those two hairs you compared with the  
3     known samples from Adnan and found that in your expert  
4     opinion they didn't match?

5           A     They didn't have all the physical  
6     characteristics that were in his range of characteristics  
7     for his hair, yes.

8           Q     So would it be fair to say that your opinion  
9     indicated that those two hairs did not belong to Adnan  
10    Syed?

11          A     I could not determine that they came from Adnan  
12    Syed.

13          Q     Okay. And so those two hairs, sir, we are sure  
14    did not fit into the pile that were animal hairs, right?

15          A     That is correct.

16          Q     So their being animal hairs wouldn't account  
17    for the fact that they didn't have sufficient  
18    characteristics, right?

19          A     That is correct.

20          Q     From your examination, it is likely that those  
21    two hairs could be compared to other hairs; could they  
22    not?

23          A     That is correct.

24          Q     Your examination and comparison of them did not  
25    destroy the hairs, correct?

1           A     That is correct.

2           Q     And you did not try to further compare those  
3 hairs with any other submissions; did you?

4           A     That is correct.

5           Q     All right. Now, sir, in regard to other  
6 evidence, Mr. VanGelder is also from the Trace Analysis  
7 Unit?

8           A     That is correct.

9           Q     He is your colleague, correct?

10          A     Correct.

11          Q     And he is the author of State's Exhibit 5 in  
12 evidence that you have been asked to review and look at  
13 and which you read the conclusions; is that correct?

14          A     That is correct.

15          Q     And on the first page of his report, State's  
16 Exhibit 5, it lists all the things that he compared; did  
17 it not?

18          A     Correct.

19          Q     And among the things that he compared, he  
20 compared a red fiber found near the head related to the  
21 crime scene that had been submitted to him, correct?

22          A     Could I see the report?

23          Q     Sure. It's the first one on the list.

24          A     Okay.

25          Q     So is that correct?

1           A     That is correct.

2           Q     And he also compared another fiber that was  
3           found, according to his report, underneath the body in  
4           soil with crime scene next to that in quotation marks?

5           A     That is correct.

6           Q     And he attempted to compare those two fibers  
7           with other fibers and other things submitted to him; did  
8           he not?

9           A     That is correct.

10          Q     He also was submitted some of the items that  
11          belonged to the victim that had been removed from her  
12          body post-disinterment; did he not?

13          A     Yes.

14          Q     Among them was her black skirt?

15          A     Correct.

16          Q     And her light blue ribbed blouse?

17          A     Correct.

18          Q     And her white jacket with the words "Banana  
19          Republic" on it?

20          A     Correct.

21          Q     And he also was submitted for comparison  
22          purposes several pair of boots, one pair marked  
23          Timberland boots that came from a second floor bedroom,  
24          correct?

25          A     Correct.



1 Q And also a pair of tan suede boots marked  
2 Ramrod that came from the basement water heater room,  
3 correct?  
4 A Correct.  
5 Q And that those boots were alleged, according to  
6 his notations, to contain soil in the soles; is that  
7 correct?  
8 A That is correct.  
9 Q And based on information you got, those two  
10 items, both pair of boots were alleged to belong to the  
11 suspect identified as Adnan Syed?  
12 A Correct.  
13 Q And were taken pursuant to a search warrant and  
14 seizures based on that search warrant of Adnan Syed's  
15 bedroom and basement where he resided with his family?  
16 A I do not have direct knowledge of that.  
17 Q Okay. They are identified as belonging to him;  
18 are they not?  
19 A Yes.  
20 Q And, in addition, Mr. VanGelder was asked to  
21 analyze a blue jacket with olive lining, with the words  
22 "Columbia" on it, that is listed as the suspect's coat;  
23 is it not?  
24 A Correct.  
25 Q And that Mr. VanGelder attempted before

1 arriving at his conclusions contained in his report,  
2 which is in evidence as State's Exhibit 5, that he  
3 attempted to match anything from any of those items  
4 together with any other item that was submitted to him;  
5 did he not?

6 A Correct.

7 Q And that in regard to the jacket and the boots,  
8 there were no fibers relevant to any fiber that may have  
9 come from the victim's clothing?

10 A That is correct.

11 Q And that, in addition, there was nothing of  
12 evidentiary value noted by Mr. VanGelder in regard to his  
13 thorough examination of Mr. Syed's coat?

14 A Correct.

15 Q And he reported all those findings either by  
16 stating them or by their omission in his report?

17 A I can only say what he has written in his  
18 report.

19 Q And in his report, in his conclusion, he finds  
20 that there were no fibers comparable to the jacket and  
21 boots, correct?

22 A Wait a minute.

23 Q Isn't that the first sentence that you read,  
24 Mr. Bianca?

25 A "A thorough search of the jacket and boots

1       revealed no fibers comparable to the victim's skirt  
2       fibers."

3           Q     The answer to my question is yes?

4           A     Well, he says skirt fibers.

5           Q     Well, sir, my question was, he found no  
6       comparison between the items related to Adnan Syed and  
7       anything else; isn't that correct?

8           A     What he says is skirt fibers.

9           Q     Well, sir, is there anything under conclusion  
10      that relates to any finding as to any evidence recovered  
11      from either the boots associated with Mr. Syed and coming  
12      from his home, and his bedroom, or his jacket, relative  
13      to any piece of property or item submitted as related to  
14      coming from the victim or from the grave; is there?

15          A     No.

16          Q     No. And there is nothing else under the  
17      conclusion that would indicate that anything itself was  
18      observed by him, correct?

19          A     There are no other comments.

20          Q     No other comments. And, sir, the laboratory  
21      report of Mr. VanGelder, like your laboratory reports,  
22      are submitted on forms; are they not?

23          A     The lab request, yes.

24          Q     And it's the same form everybody uses to report  
25      their conclusions; is it not?

1           A     Wait a minute. Which form are you talking  
2     about?

3           Q     Well, sir, I'm talking about --

4           A     I thought you were mentioning request forms.

5           Q     No, sir, I'm talking about your reports.

6           A     Oh, our reports we write on a computer.

7           Q     Okay. But they are printed out on a form; are  
8     they not?

9           A     No, they are printed out on blank paper that  
10    comes off the printer at the end of the computer.

11          Q     Thank you, sir. Does the top of your report on  
12    10/14 state that it's a Baltimore Police Department  
13    laboratory report?

14          A     Yes.

15          Q     And does it have at the top of that lab report  
16    some places defined by lines to indicate to who and from  
17    and what reference it is in relation to?

18          A     Correct.

19          Q     And Mr. VanGelder, your co-worker from your  
20    same unit, does his report appear with the notation  
21    "Police Department, Baltimore, Maryland, Laboratory  
22    Report" at that top?

23          A     Yes.

24          Q     Just like it appears at the top of your report?

25          A     Yes.

1 Q And does Mr. VanGelder's report have the same  
2 lined out notations to indicate to, from, and reference  
3 numbers?

4 A Yes.

5 Q Okay. Now, there is nothing unusual about the  
6 form of Mr. VanGelder's report; is there?

7 A No.

8 Q Mr. VanGelder's report also relates to  
9 specifically as to how it characterized that soil was  
10 suspected to be in the soles of the boots related to  
11 Adnan Syed; is that correct?

12 A Correct.

13 Q And, sir, you were made aware that the body of  
14 this victim was disinterred from a shallow grave, and on  
15 top of the body though is soil and leaves, back on  
16 February 9th, 1999?

17 A Correct.

18 Q And does Mr. VanGelder's report indicate  
19 whether or not he subjected soil to any type of analysis  
20 or comparison at all?

21 A In this report, it is a fiber examination.

22 Q So is the answer to my question, sir, yes or  
23 no?

24 A There is nothing in this report that says  
25 anything about a soil comparison.

1 Q Okay. Now, sir, in regard to the jacket and  
2 other items of clothing, it indicates that in addition to  
3 visual analysis, that they were subjected to further  
4 scientific analysis; were they not?

5 A Correct.

6 Q By a stereo microscopy?

7 A Correct.

8 Q Am I saying that right?

9 A That's correct.

10 Q Okay. And a polarized light microscopy?

11 A That's correct.

12 Q Those are not exactly items that most of us lay  
13 persons would have lying around; would we?

14 A No.

15 Q They provide additional ability than one's own  
16 powers of observation from the naked eye; do they not?

17 A That is correct.

18 Q They enhance the ability to see and  
19 subsequently analyze possible trace evidence from what  
20 one examines, correct?

21 A Correct.

22 Q And Mr. Adnan Syed's jacket was subjected to  
23 that further analysis; was it not?

24 A That's correct.

25 A Sir, from your unit, the Trace Analysis Unit,

1 are you aware of whether or not soil was compared by  
2 anyone in your unit that was submitted to your unit for  
3 analysis?

4 A Yes.

5 Q And, sir, are you not aware that there is not a  
6 single report that compares any soil taken from any item  
7 of property, whether it be clothing, or from the car,  
8 that is alleged to be a match after any comparison by the  
9 naked eye or an enhanced comparison with any soil  
10 submitted to anyone in your unit?

11 A I know from my conversation with Daniel  
12 VanGelder that he did conduct soil examination and  
13 comparisons.

14 Q Sir, are you --

15 A And I am not aware of his report and his  
16 findings.

17 Q So, sir, you are aware that, in fact, there was  
18 analysis of soil, correct?

19 A Yes.

20 Q And soil as obtained from around and near the  
21 grave site of the body that was recovered on February  
22 9th?

23 A From my conversation with Daniel VanGelder, I am  
24 aware that he did soil examinations and comparisons --

25 Q Thank you.

1           A     -- the results of which I do not know.

2           Q     Now, finishing with the shirt, the tee-shirt

3           that was submitted, you have identified, and it has now

4           been marked in evidence as State's Exhibit 21, that was a

5           request for a laboratory examination filled out by you;

6           isn't that correct?

7           A     That is correct.

8           Q     And it is directed to the Maryland Department

9           of State Police; is that correct?

10          A     That is correct.

11          Q     And the letters MSP refers to Maryland State

12          Police; does it not?

13          A     That is correct.

14          Q     You filled out this report, did you not?

15          A     That is correct.

16          Q     And in the report, it indicates the date of the

17          offense that you filled out, correct?

18          A     Date of offense, yes.

19          Q     All right. And the date of offense that you

20          filled out was 2/9/99, correct?

21          A     That is correct.

22          Q     That is not the date that you filled out this

23          form, however; is it?

24          A     That is correct.

25          Q     On the bottom of the form, it indicates you



1 have another line in which you signed, correct; did you  
2 not?

3 A That is correct.

4 Q That's essentially a chain-of-custody log of  
5 who has that evidence at any given time; is it not?

6 A That is correct.

7 Q And it indicates on 9/24, September 24th, 1999,  
8 that you had that evidence and you logged it in; is that  
9 correct?

10 A No, that indicates -- that's the date that I  
11 took the evidence, when I took it to the Maryland State  
12 Police for analysis.

13 Q Okay. So your request either was dated on  
14 9/24, which doesn't appear on the form, or some day  
15 earlier, correct?

16 A No, it was that day.

17 Q On that day. And so you took the evidence from  
18 the Baltimore City Police Department, correct?

19 A Correct.

20 Q And you then took it out to the MSP, the  
21 Maryland State Police; is that correct?

22 A That is correct.

23 Q And it was logged in the same day by a  
24 representative from the Maryland State Police Biology  
25 Unit, Melissa Stangroom?

1 A Correct.

2 Q Okay. And you did that; did you not?

3 A That is correct.

4 Q And what you took out was the blood sample from

5 Hae Min Lee, correct?

6 A Correct.

7 Q A blood sample from Adnan Syed, correct?

8 A Correct.

9 Q A blood sample from Jay Wilds, correct?

10 A Correct.

11 Q And a blood sample from this shirt, correct?

12 A That is correct.

13 Q And the shirt sample you had actually collected

14 and preserved; did you not?

15 A That is correct.

16 Q As part of your expertise, correct?

17 A Uh-huh.

18 Q Is that a yes?

19 A Yes.

20 Q And on the form, sir, it has a place to list

21 the suspects; does it not?

22 A That is a form that has a space that says

23 victim and another space that says suspect.

24 Q Well, sir --

25 A There is no in between. It's either victim or

1 suspect.

2 Q Well, under the space that is listed with the  
3 word suspect, you listed two names; did you not?

4 A That is correct.

5 Q And the two names you listed, the first was  
6 Adnan Syed, correct?

7 A Correct.

8 Q And the second name you listed was Jay Wilds,  
9 W-I-L-D-S, correct?

10 A Correct.

11 Q Now, to your knowledge, Mr. Wilds wasn't a  
12 victim; was he?

13 A To my knowledge, he was not a victim.

14 Q And, in fact, Mr. Wilds' name had been listed  
15 as a suspect on other requests submitted to your unit;  
16 was he not?

17 A I don't have those in front of me.

18 Q You are aware of that though; are you not?

19 A Not to my recollection.

20 Q Mr. Wilds was never alleged to you by any  
21 source of information to be a victim of this crime; was  
22 he?

23 A Correct.

24 Q And, sir, the filling in of his name under the  
25 space provided for a suspect name is in your handwriting;

1 is it not?

2 A Yes, it is.

3 Q All right. And, sir, you didn't collect Jay  
4 Wilds' blood; did you?

5 A No, I did not.

6 Q And you don't know under what circumstances it  
7 was collected; do you?

8 A Not personally.

9 Q And you don't know personally why he had been  
10 at that time considered to be a suspect in this crime; do  
11 you?

12 A That is correct.

13 Q And, sir, no one else's blood was submitted to  
14 you to think about submitting for comparison; was it?

15 A No.

16 Q Were you ever given a vial of blood related to  
17 another person who had been considered a suspect?

18 A No.

19 Q Were you ever given a vial of blood that  
20 belonged to the person who allegedly found this body,  
21 Alonzo Sellers, on February the 9th, 1999?

22 A Not to my personal knowledge.

23 Q And were you ever asked, since the time that  
24 you determined that these vials of blood -- Hae Min  
25 Lee's, Adnan Syed's and Jay Wilds' blood -- should go out

1 to the Maryland State Police Biology Lab, were you ever  
2 asked by anyone to add a vial of blood belonging to  
3 anybody else?

4 A Could I correct the answer? I don't have vials  
5 of blood. We have blood on cards. They come already  
6 dry. So the blood is not in vials.

7 Q Okay.

8 A But I received no further blood.

9 Q Were you ever instructed or given a card of  
10 blood or any blood in any form to add to your request for  
11 DNA comparison?

12 A No.

13 Q By anyone?

14 A No.

15 Q By any detective?

16 A No.

17 Q By the lead detective on this case, Detective  
18 MacGilvary?

19 A I said, no, by nobody.

20 Q By Mr. Urick?

21 A No.

22 MR. URICK: Objection.

23 THE COURT: Sustained.

24 BY MS. GUTIERREZ:

25 Q By Ms. Murphy?

1 THE COURT: Sustained. By anyone, is no one.  
2 Your next question.  
3 BY MS. GUTIERREZ:  
4 Q Now, sir, in regard to the hair comparison, as  
5 far as you went, since the time that you did them -- and,  
6 sir, if you could look at and tell me, your report  
7 regarding the hair is dated 12/2, correct?  
8 A That is correct.  
9 Q Is that the day you did the analysis?  
10 A That's the day I finished the analysis of the  
11 hairs.  
12 Q All right. And so I assume you started it  
13 before that day?  
14 A Yes.  
15 Q How long does it take to compare hairs that you  
16 have deemed to be suitable for comparison with another  
17 known sample?  
18 A It could take a very long time.  
19 Q Okay. From the time that you completed that  
20 analysis, and I assume when you describe the analysis,  
21 it's analysis by you that doesn't involve destroying the  
22 hair?  
23 A That is correct.  
24 Q Okay. So the hair that you subjected to the  
25 analysis on which you wrote the report on December the

1 2nd still exists, correct?

2 A Correct.

3 Q And it still existed on December the 2nd?

4 A Yes.

5 Q And subsequent to that time, sir, were you ever

6 submitted by Mr. Urick, for instance, any request to

7 compare the hair of anyone else?

8 A No.

9 Q And were you ever submitted any hair to

10 actually compare it to whether or not you knew whose hair

11 it was, by anyone?

12 MR. URICK: Objection.

13 THE COURT: Sustained.

14 BY MS. GUTIERREZ:

15 Q Were you ever asked by any member of the Police

16 Department, specifically including Detective MacGilvary,

17 the lead detective on this case, to compare any other

18 hair to the hair that you had compared and determined did

19 not belong to Adnan Syed?

20 MR. URICK: Objection.

21 THE COURT: Sustained. Counsel, we had covered

22 this area before the break. So I would ask that you move

23 on.

24 BY MS. GUTIERREZ:

25 Q I have one further question in regard to what

1 I'm going to call your first report, which is State's  
2 Exhibit 27. As to that date, that is August the 31st; is  
3 that correct?  
4 A That is correct.  
5 Q Is that the date of your report or the date of  
6 the completion of your analysis?  
7 A That is both.  
8 Q And, sir, what date is it that you started the  
9 analysis the report reflects you completed on August the  
10 31st?  
11 A March.  
12 Q March. March, when?  
13 A 10th, 1999.  
14 Q March 19th, 1999?  
15 A No, I said March 10th, 1999.  
16 Q Of 1999. And is that date reflected on this  
17 report?  
18 A No.  
19 Q And is there anything on this report that  
20 reflects when you did any specific piece of analysis,  
21 either visually or with the assistance of anything else?  
22 A No.  
23 Q No. And, sir, in order to complete this  
24 report, was the evidence merely submitted to you or did  
25 you request any specific submission of any specific type



1 of evidence?

2 A No.

3 Q No. It was just submitted to you, correct?

4 A Correct.

5 Q And in between your first report which is dated

6 August 31st and the second report which is used to

7 correct an omission, as you called it, i.e. the omission

8 that there were fibers foreign to the body found near the

9 body, did you request any other piece of evidence?

10 A No.

11 Q And was any other evidence submitted to you?

12 A Yes.

13 Q All right. And what piece of evidence was

14 that?

15 A In the possession of Daniel VanGelder were a

16 pair of gloves and a shirt, and I compared the fibers to

17 those items and determined that those fibers that I found

18 on the clothing way back in March did not come from those

19 items.

20 Q And the gloves that you were submitted, do they

21 correspond to what he lists as item G-1 on his report

22 which is dated June 1st, 1999?

23 A Uh-huh, yes.

24 Q You are shaking your head yes?

25 A Yes.

1 Q And that item on his report is listed as a  
2 weightlifting glove; is it not?  
3 A That is correct.  
4 Q A single glove, correct?  
5 A Yeah.  
6 Q Is that a yes?  
7 A Yes.  
8 Q And that's the glove that you compared with  
9 something else; is that correct?  
10 A That is correct.  
11 Q And that glove is listed as having been  
12 retrieved from the victim's 1998 Nissan, tag number  
13 FSV645; is it not?  
14 A That is correct.  
15 Q And the other item that you did something with  
16 was?  
17 A There is a striped, a multi-colored tee-shirt,  
18 and on his report it is listed as T-1.  
19 Q All right. And that tee-shirt, it has the  
20 words "Tropical Tests" on it; does it not?  
21 A That's correct.  
22 Q And that tee-shirt is listed as having come  
23 from property number 99008993; is it not?  
24 A Yes.  
25 Q And you are aware that that property number is

1 associated with evidence retrieved, again, from the  
2 victim's 1998 Nissan; are you not?

3 A I have to check on the reports.  
4 (Brief pause.)  
5 I don't know where that shirt came from.

6 Q But that shirt is the shirt listed on Mr.  
7 VanGelder's June 1, 1999 report listed as T-1, correct?

8 A That is correct.

9 Q And that's a different shirt than the shirt  
10 with the horizontal different stripes that you got up and  
11 demonstrated to the jury where you sought to find  
12 suspected blood, correct?

13 A That is a different tee-shirt and it has a  
14 different property number.

15 Q Okay. And you are sure of that, correct?

16 A Yes, I am.

17 Q And you just know that it was a tee-shirt  
18 described as multi-colored under the property number  
19 listed by Mr. VanGelder; is that correct?

20 A That is correct, and listed on the report that  
21 I wrote which is State's Exhibit 27(a), the second page,  
22 and the multi-colored tee-shirt is of the same property  
23 number, 99008993.

24 Q And, again, that's your report of December the  
25 2nd?

1           A     That's correct.

2           Q     A month ago, or two months ago just about.

3     Tomorrow it will be two months, right?

4           A     I guess, yes.

5           Q     And that CC number, again, on your report of

6     December the 2nd is different, that tee-shirt is

7     different than the tee-shirt you walked over and showed

8     the jury, correct?

9           A     That is correct.

10          Q     All right. And on your report that you

11     indicate on the second report you did an additional fiber

12     analysis in regard to those items, correct?

13          A     That is correct.

14          Q     And in your analysis, they were compared, the

15     sixteen to eighteen item numbers which were the victim's

16     clothing retrieved from her body by the medical examiner

17     before submission to you with those items, that glove,

18     singular, and the tee-shirt were compared with negative

19     results, correct?

20          A     That is correct.

21          Q     And by whom were you asked to do that

22     particular comparison?

23          A     I did that because it was my oversight. I had

24     placed the fibers that I had collected off the clothing

25     from the body when --

1 Q Which were from items sixteen to eighteen?

2 A Yes. When I collected them way back in March,  
3 I was also collecting hairs, and the clothing was soiled  
4 and soil covered. I was picking hairs and fibers off the  
5 body, shaking some of the dirt off the hairs to verify if  
6 they were hairs or fibers. I inadvertently got some  
7 fibers mixed in with my hairs, and when I wrote the  
8 report, because somebody said, hey, hurry up and get this  
9 report done, we are going to trial soon, I had all my  
10 hairs separated which I needed some extra time to do,  
11 separated. I didn't have any fibers other than the red  
12 fibers that I found in the body bag that I gave to Mr.  
13 VanGelder.

14 When I looked, I thought, oh, I have all my  
15 hairs to do, and in there I had fibers. That's why I  
16 needed to correct my initial report. I had hairs and I  
17 had some fibers mixed in with my hairs. When I cleaned  
18 them up to do my comparison, I realized, oh, darn, I  
19 wrote down I didn't get any fibers but I have fibers. So  
20 I wrote a report. I could have tossed them away but  
21 that's not the right thing to do. So I wrote a  
22 correction and said, look, I have to correct the initial  
23 report, I found some fibers. At this time, Mr. VanGelder  
24 had already done his comparison. I'm just as capable as  
25 he is to do fiber comparisons. So I did the fiber

1 comparisons on the same pieces of evidence that he had  
2 looked at. When I looked at them, I determined that  
3 these fibers did not match. I wrote a report reflecting  
4 that. At a later time, I did the hairs.

5 Q At a time later than December the 2nd, 1999,  
6 correct?

7 A What do you mean?

8 Q Well, your report about what you are trying to  
9 explain, why it came about, is dated December the 2nd,  
10 1999; isn't that correct?

11 A That's when I was finished, the hairs and the  
12 fibers.

13 Q And the fibers. So you actually completed them  
14 at around the same time, correct?

15 A That is correct.

16 Q And so there were two omissions that you had to  
17 correct with later reports, correct?

18 A No, there was one omission that was the  
19 presence of fibers, which I wrote back in November. I  
20 said, look, I have fibers --

21 Q You wrote a report in November, sir?

22 MR. URICK: Objection.

23 THE COURT: One moment, please. The question  
24 is, did you write a report? Overruled as to that  
25 question. Did you write a report in November?

1 THE WITNESS: Yes.  
2 BY MS. GUITERREZ:  
3 Q And to whom did you write it?  
4 A May I? I'm sorry.  
5 Q You are looking at, if you would identify the  
6 State's exhibit number.  
7 A Okay. This is State's Exhibit Number 27(b).  
8 Q And that has a date on it of October the 14th;  
9 does it not?  
10 A Oh, I'm sorry. I mean October, I stand  
11 corrected. I have 10 and I miscalculated.  
12 THE COURT: Very well.  
13 BY MS. GUTIERREZ:  
14 Q So there is no other report in November that we  
15 don't know about?  
16 A No.  
17 Q These are the only reports, correct?  
18 A That is correct.  
19 Q And in regard to your December 2nd report, sir,  
20 your December 2nd reports, sir, they are stapled together  
21 as State's Exhibit 27(a), and one report is dated  
22 12/2/99, correct?  
23 A That is correct.  
24 Q And that's about the hair, correct?  
25 A That is correct.

1 Q And that says that there are no hairs that are  
2 consistent in your analysis with Adnan Syed, correct?  
3 A That is correct.  
4 Q And there is a second piece of paper, second  
5 heading, dated the same, that deals with fiber  
6 comparison, correct?  
7 A That is correct.  
8 Q And fiber comparison says they are negative  
9 results to what you compared it to, correct?  
10 A That is correct.  
11 Q And what you compared the fibers, you compared  
12 the fibers that were recovered from the victim's  
13 clothing, correct?  
14 A On the victim's clothing.  
15 Q On the victim's clothing, correct?  
16 A Correct.  
17 Q With the black glove, singular, that is  
18 identified as a weightlifting glove, correct?  
19 A Correct.  
20 MR. URICK: Objection.  
21 THE COURT: Sustained.  
22 BY MS. GUTIERREZ:  
23 Q And a separate multi-colored tee-shirt?  
24 MR. URICK: Objection.  
25 THE COURT: Sustained.



1 BY MS. GUTIERREZ:  
2 Q And those are two separate reports, correct?  
3 MR. URICK: Objection.  
4 THE COURT: Sustained.  
5 BY MS. GUTIERREZ:  
6 Q Were you ever asked to conduct any other  
7 analysis, Mr. Bianca?  
8 A No.  
9 Q And did you conduct any other analysis?  
10 A No.  
11 MS. GUTIERREZ: Nothing further.  
12 THE COURT: Thank you very much. Any redirect,  
13 Mr. Urick?  
14 MR. URICK: Yes, thank you, Your Honor.  
15 REDIRECT EXAMINATION  
16 BY MR. URICK:  
17 Q Mr. Bianca, defense counsel kept asking you  
18 about follicles on the defendant's hairs when they were  
19 plucked, but when you were describing it, you were  
20 talking about examining the two hairs for follicles?  
21 A That is correct. They are apples and oranges  
22 we are talking about. The hairs that have some maybe  
23 evidentiary potential are the ones that were with the  
24 victim's clothing. They didn't have any follicle in  
25 their root. There was at that stage of the game, that

1 present stage of the game, there was nothing further I  
2 could do. No further analysis was going to be done with  
3 that as DNA or anything else.

4 Q And you would not have needed to look for DNA  
5 in the defendant's hair because we already had a blood  
6 sample from him, correct?

7 A Correct.

8 Q And that's what is commonly used to get a DNA  
9 sample?

10 A That is correct.

11 Q Now, in doing those hair comparisons that she  
12 kept asking you about, the forty to fifty where you got  
13 down to two, are hairs the same? Are they consistent all  
14 over the head?

15 A No.

16 Q When you examined the sample of hairs from the  
17 defendant's head, what if anything did you notice about  
18 the color of the hairs?

19 A Well, they were sort of unusual. His hair is  
20 black and along the perimeter of the hair shaft there was  
21 dark pigmentation on both sides, which is sort of  
22 unusual. Two hairs that I looked at had that same  
23 characteristic but the hair color was different. It was  
24 slightly different in intensity of black. Because of  
25 that, I couldn't make a comparison and say that it was

1 his hair.

2 Now, with the state of the art of hair  
3 comparison, our lab no longer calls a hair comparison  
4 that used to say matched in all characteristics. We no  
5 longer do that. That gives false information in essence.  
6 It gives the people the idea that if you say a person's  
7 hair matches, that it came from them, and it doesn't mean  
8 that. It has never meant that. All it means is they  
9 have the same characteristics, and hair characteristics  
10 are not unique. As I said earlier, a thousand other  
11 people could have the same characteristics as another  
12 person's hair.

13 Q Is it possible that if hairs had been plucked  
14 from a different place on the defendant's head, that they  
15 might have matched with the two that you found?

16 MS. GUTIERREZ: Objection.

17 THE COURT: Sustained.

18 BY MR. URICK:

19 Q Now, how is a test requested?

20 A We receive a Form 237. That's the number  
21 that's on it. It's a Police Department request. On  
22 that, it gives information as to the nature of the case,  
23 the parties involved in the case, the detective involved  
24 in the case, and information to help us retrieve the  
25 physical evidence. It will say, please conduct a hair

1 analysis on the following items, and it will give that  
2 property number which I pointed out on the back. That  
3 way, we know which piece of evidence other than the  
4 millions that the Police Department has in its custody  
5 that we need to look at. That's one way.

6 Sometimes we get phone calls from defense  
7 attorneys and prosecuting attorneys, and from the phone  
8 calls we do meetings with them and we talk to them and  
9 then we decide what evidence we can do, analyze for them  
10 as part of the case. So it's not just restricted to the  
11 Police Department. It's not strictly restricted to the  
12 State's Attorney's Office. It's not strictly restricted  
13 to the defense. We have all those parties that can play  
14 a hand in what we do.

15 Q How many analyses and reports do you conduct  
16 and write per year?

17 A Five or six hundred. That's reports and  
18 analyses, hundreds and hundreds and hundreds.

19 Q Now, when you conduct a fiber analysis, and  
20 say, for example, the two fibers that were found above  
21 and below the body, when you compare them to other items,  
22 you are trying to see if there is a match between that  
23 fiber and the item that's being examined, correct?

24 A Correct.

25 Q If the item that those fibers had come from had

1       been thrown away before the police could seize it, you  
2       would never be able to make a match; would you?

3           A     That is correct.

4           MR. URICK:  No further questions.

5           THE COURT:  Anything further on recross?

6                        REXCROSS-EXAMINATION

7           BY MS. GUTIERREZ:

8           Q     Mr. Bianca, on the 2nd of December, 1999,  
9       almost two months ago, were you performing your  
10      comparison according to the state of the art in hair  
11      comparisons as you have just testified exists?

12          A     Yes.

13          Q     And anywhere in the report where you reported  
14      the results of your comparisons, do you indicate any  
15      similarities between the compared hair and Adnan Syed's  
16      hair?

17          A     No.

18          Q     No.  And in your results, you, in fact, use the  
19      word that none of the hairs examined were consistent in  
20      microscopic physical characteristics with the head hair  
21      sample of Adnan Syed, correct?

22          A     That is correct.

23          Q     Now, you had a sample of two hairs that you  
24      believed to be human hairs, correct?

25          A     They were human hairs.

1 Q And that those hairs were of sufficient breadth  
2 and length to be deemed by you in your expert opinion to  
3 be capable of being compared under your analysis; had you  
4 not?  
5 A Yes.  
6 Q That's why you decided to go forward and  
7 compare those hairs, correct?  
8 A Correct.  
9 Q Nobody made you do it; did they?  
10 A No.  
11 Q Nobody told you to do it, as you have told us,  
12 correct?  
13 A That is correct.  
14 Q You determined that they had sufficient depth,  
15 length, breadth, that were you to subject them to the  
16 state of the art comparison at which you are expert, that  
17 you could, in fact, compare them, correct?  
18 MR. URICK: Objection.  
19 THE COURT: Sustained.  
20 BY MS. GUTIERREZ:  
21 Q Sir, the two hairs that you compared the pulled  
22 head hair from Mr. Syed, that's capable of further  
23 analysis; is it not?  
24 A I'm sorry, could you repeat the question?  
25 Q The two hairs that you decided were suitable

1 and capable of your comparison, those two hairs are  
2 capable of further analysis in regard to identity; are  
3 they not?

4 A Further comparison to other hairs.

5 Q In regard to other analysis that might be  
6 performed, other than your own comparison, they are  
7 capable of being so analyzed; are they not?

8 MR. URICK: Objection.

9 THE COURT: Sustained.

10 MS. GUTIERREZ: Nothing further.

11 THE COURT: You have nothing further; do you?

12 MR. URICK: Nothing, Your Honor.

13 THE COURT: May this witness be excused?

14 MR. URICK: Yes.

15 MS. GUTIERREZ: Yes.

16 THE COURT: And released from summonses?

17 MS. GUTIERREZ: Yes.

18 THE COURT: Mr. Urick?

19 MR. URICK: Yes.

20 THE COURT: Very well. Sir, you are a witness  
21 but you have been released from summonses, so you do not  
22 have to return, but you cannot discuss your testimony  
23 with anyone who may be a witness in this case. In fact,  
24 if you would like, you can have a seat in the courtroom  
25 because you are released from subpoena at this time, but

1       you are free to go.

2               THE WITNESS: Thank you, Your Honor.

3               THE COURT: You're welcome. At this time, I  
4       note that it is just about 5:00 and we are going to  
5       recess court for today. Ladies and gentlemen, let me  
6       give you the following heads up for the next couple of  
7       days. First, tomorrow, although it is what we call a  
8       collateral day for me -- that means I don't have a  
9       regular docket -- that's the day I put in other things  
10      like sentencings and other things to do, and I fill that  
11      day up. It's supposed to be my day off sort of, but it's  
12      not really because we are going to continue this case.  
13      So tomorrow morning, I'm going to do a number of  
14      dispositions and other matters, and then I'm going to  
15      resume this case. The Jury Commissioner will be looking  
16      for you between 12:30 and 1:00 to pay you. So you have  
17      the morning off, so to speak, but between 12:30 and 1:00  
18      they will be looking for you to pay you. Once you are  
19      paid at the Jury Commissioner's Office in Room 239 of the  
20      Clarence Mitchell, Junior courthouse, you should come  
21      around to our jury room and be there. I expect that we  
22      will start this case back again somewhere around 1:30  
23      because we will be finishing the docket and we will take  
24      lunch between 12:30 and 1:30. So we will resume at about  
25      1:30. So I would ask that you make your way to that