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2 Excerpts from Noah Wright Hearings re Donna Dowden errors:

3 1 MUNICIPAL COURT OF THE STATE OF CALIFORNIA

4 2 MARIN COUNTY JUDICIAL DISTRICT

5 3 ----oOo----

6 4
7 HON. JOHN A. SUTRO, JR., JUDGE DEPARTMENT NO. G

8 5
9 6 THE PEOPLE OF THE STATE OF CALIFORNIA,]

7 Plaintiff,]

10 8 vs.] No. SC-078796A

11 9 NOAH ISAIAH WRIGHT,]

12 10 Defendant.]

13 11
14 12 PRELIMINARY HEARING

15 13 REPORTER'S TRANSCRIPT OF PROCEEDINGS

16 14 Tuesday, September 17, 1996

17 15 Volume XI

18 16 (Pages 687-779)

19 17
20 18 APPEARANCES:

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I N D E X

WITNESSES

For the People	Page
DOWDEN, DONNA By: Mr. Berberian Further Direct Examination (Resumed)	687
By: Mr. Kruglick Cross-Examination	689

EXHIBITS

Defendant's	Iden.	In Evid.
H - Check list	706	
I - Document	731	
J - Document	734	
K - Photomicrograph	754	
L - Document	770	
M - Document	774	
N - Document	776	
O - Document	778	

1

2 Page 768

3 1 29 -- what you say is true, but 129 is correct, right,
2 29 of 76?

4 3 A. Yes.

5 4 Q. But then if you turn the page, then there's
5 more corrections?

6 6 A. Yes.

7 7 Q. While you're on that next page, there's
8 another error that's indicated on that page as well,
9 isn't there?

10 10 A. I'm sorry. Which page?

11 11 Q. That would be your 30 -- well, originally
12 28, now 30 of 76.

13 13 MR. BERBERIAN: I'm going to object to the
14 characterization as an error. I think she's explained
15 why she did this. She inserted other photographs into
16 her bench notes.

17 17 So whether that's classified as an error is
18 argumentative.

19 19 MR. KRUGLICK: Your Honor, if I may, that
20 explained one of the numberings, but it didn't explain
21 the others.

22 22 THE COURT: Well, I'm not going to -- I can
23 hear the testimony and I'll draw my own conclusions.
24 I'm not going to quibble with Counsel over the way he
25 phrases the question, at least not this instance.

26 26 MR. KRUGLICK: Q. So on Bates page 4332 it
27 appears that there's a Xerox copy of a product gel at
28 the top of that page, doesn't it?

18 Page 769

19 1 A. Yes.

20 2 Q. And you make note of an error that you made
3 there right of that Xerox copy of the product gelling,
4 don't you?

21 5 A. Yes.

22 6 Q. And in that instance I guess you're supposed
7 to have taken two photographs of the product gel.

23 8 A. Right. It had material from two cases on it
9 and I should have taken two photographs so each file had
10 an original, but I neglected to do that. So one just
11 got a Xerox in its file and there's a note saying which
12 file the original is in.

24 13 MR. KRUGLICK: The next exhibit I'd like to
25 have marked is page 4324, counsel.

26 15 THE CLERK: Defendants' L marked for
27 identification.

28 17 (Whereupon, the document referred to was

1 marked as Defendant's Exhibit L for
2 18 identification.)

3 19 MR. KRUGLICK: Q. Ms. Dowden, do you have
4 20 4324 before you there?

5 21 A. Yes, I do.

6 22 Q. And this is a list indicating your
7 23 preparation of samples for the PCR amplification
8 24 process, correct?

9 25 A. That's correct. It's a series of dilutions
10 26 that I made.

11 27 Q. And these dilutions have to be known to you
12 28 so they give you information about the accuracy of the

Page 770

13 1 test results, correct?

14 2 A. Well, it's mainly done to obtain an easy
15 3 amount to work with DNA.

16 4 Q. Well, the amount of DNA as you've told us
17 5 can affect the results of the test ultimately?

18 6 A. That's correct.

19 7 Q. All right. So you need to know how much DNA
20 8 you're using, don't you?

21 9 A. Oh, yes.

22 10 Q. Now, with respect to the first RSIC
23 11 epithelial tube, you note that there's three nanograms
24 12 of DNA per microliter, correct?

25 13 A. Correct.

26 14 Q. But then you made an error in the sample
27 15 amount, didn't you?

28 16 A. It wasn't so much an error as I changed my
17 17 mind about how much of the sample I was going to dilute.
18 18 If you only diluted two microliters, I would only have
19 19 had a total of 6 which might not have given me enough to
20 20 do all the things I wanted to do with solution.

21 21 Q. So this is evidence of your changing your
22 22 mind where you crossed out a certain amount of
23 23 microliters of sample and changed the number?

24 24 A. That's correct.

25 25 Q. And with respect to Exhibit 134, epithelial
26 26 fraction, there again you wrote in that you were going
27 27 to use 10 microliters for the sample and crossed it out
28 28 and changed it to 2, didn't you?

Page 771

1 A. Yes. That looks like just a clerical error.

2 Q. You filed a report in this case evidencing
3 your results on June 12th, 1995, didn't you?

4 A. That's correct.

Page 6

5 Q. Now, after that, you found that you had to
6 file an amended report?
7 A. That's correct.
8 Q. And that was because of errors that were
9 made in the original reporting, correct?
10 A. That's correct, they were clerical errors in
11 the types of some of the DQ-Alphas that were not caught
12 before the report was sent out.
13 Q. Well, essentially, in that first report you
14 indicated that a fellow named Stockridge was a 1.2,
15 comma, 2, correct?
16 A. In one place, yes.
17 Q. And in another place on the same report you
18 indicated that the same fellow was actually a 1.2,
19 comma, 3?
20 A. That's correct. Obviously, they both can't
21 be right.
22 Q. They both can't be right. In addition,
23 however, you misreported on the same report the results
24 for a fellow named Atkins, didn't you?
25 A. That's correct.
26 Q. And on both the first and second pages of
27 that report you reported Mr. Atkins as a 1.2, comma, 2?
28 A. That's correct.

Page 772

1 Q. And, in fact, Mr. Atkins is not a 1.2,
2 comma, 2, is he?
3 A. It's not correct. He's a 1.1, comma, 1.2.
4 Q. Will you turn to Bates page 4333, please.
5 I presume that it is from that Bates page,
6 ma'am, the list of individuals and alleles in the typing
7 summary that is reflected on that page from which you
8 got your information in which you made the errors in
9 your report?
10 A. I believe that's correct.
11 Q. But in addition to there being an error in
12 the report, there's an error on this page as well, isn't
13 there?
14 A. Yes. There was a typographical error on Mr.
15 Atkins' type.
16 Q. Well, ma'am, you have Mr. Atkins originally
17 listed as a 1.1, comma, 2, and then you cross that out
18 later on and change it to a 1.1, comma, 1.2?
19 A. That's correct.
20 Q. And are you calling that mistyping a
21 typographical error?
22 A. Yes. If you look at the slips, he's a 1.1
23 1.2.
24 Q. So it's your testimony that the error was in
25 reading the strip?

1 26 A. No, it was not in reading the strips. It
27 was in transferring the information to this particular
2 28 page from the strip or from the typing sheet. The

3 Page 773

4 1 corresponding typing sheet is Bates page 04330.

5 2 MR. KRUGLICK: Thank you. Will you take a
6 3 look at Bates page 4366, please.

7 4 Your Honor I have another exhibit I'd like
8 5 to have marked.

9 6 MR. BERBERIAN: I'm sorry. The Bates page
10 7 again?

11 8 MR. KRUGLICK: 4366.

12 9 THE CLERK: Defendant's M marked for
13 10 identification.

14 11 (Whereupon, the document referred to was
15 12 marked as Defendant's Exhibit M for
16 13 identification.)

17 14 MR. KRUGLICK: Q. Ma'am, if I recall your
18 15 testimony on direct when Mr. Berberian was asking you
19 16 questions, you were explaining to the Judge and to
20 17 counsel about the presence of a ladder on the analytical
21 18 gels. Do you recall that?

22 19 A. On the D1S80 gels?

23 20 Q. Yes.

24 21 A. Yes.

25 22 Q. And specifically you were stating that the
26 23 presence of a ladder was important for the purpose of
27 24 sizing?

28 25 A. For an RFLP, yes.

29 26 Q. Now, on Bates page 4366, you evidence that
30 27 you made a mistake there, too, don't you?

31 28 A. Yes.

32 29 Q. And that is that there should have been a

33 Page 774

34 1 sample placed next to the ladder and it was not,
35 2 correct?

36 3 A. That's correct.

37 4 Q. And the sample that was not placed next to
38 5 the ladder was 94b?

39 6 A. That's correct.

40 7 Q. And is 94b about what you testified on
41 8 direct when Mr. Berberian was asking you questions, do
42 9 you recall that?

43 10 A. I don't believe so.

44 11 Q. I may stand corrected here.

45 12 MR. BERBERIAN: 94a.

46 13 MR. KRUGLICK: I stand corrected and

47 Page 8

1 14 apologize.

15 THE COURT: All right.

2 16 MR. KRUGLICK: Q. So, again, no ladder
17 here, correct?

3 18 A. Well, the sample was repeated on a later gel
19 so that it was next to a ladder, but it was not
4 20 obviously next to a ladder in this run.

21 Q. And that's an error?

5 22 A. You could call it that.

23 Q. And, by the way, when you -- as is your
6 24 practice, you dated the notes that you put on your
25 comments here?

7 26 A. That's correct.

8 27 Q. And you made an error in the date as well,
28 didn't you?

9 Page 775

10 1 A. Yes, I did.

11 2 Q. Now, one of the important parts of
12 3 preserving the integrity of tests where you're placing
4 biological samples in gels is to make sure that the
5 samples don't get mixed up?

13 6 A. That's correct.

14 7 Q. And to make sure that there is no leakage, I
8 guess is the word, from any of the lanes, correct.

9 9 A. That's true.

15 10 Q. And because this is such a hypersensitive
11 process that you're employing, you also want to make
16 12 sure that the gels, for example, are in good condition?

17 13 A. Certainly.

18 14 THE COURT: It's just about 5:00 o'clock
15 now. That clock is slow.

16 16 MR. KRUGLICK: This seems to happen to me
17 when I get moving.

19 18 THE COURT: Do you want to finish up with
19 this?

20 20 MR. KRUGLICK: Just this one. If I could do
21 this and one more, I'd appreciate it.

22 22 THE CLERK: Defendant's N marked for
23 identification.

24 24 (Whereupon, the document referred to was
23 marked as Defendant's Exhibit N for
25 identification.)

26 26 MR. KRUGLICK: Q. That's Bates stamped page
27 4369, Defendant's N. Do you have it in front of you.

28 28 A. Oh, yes. I knew just where you were going.

Page 776

1 Q. I thought you might. You loaded some

1 2 evidence samples on an analytical gel for a D1S80
3 amplification, didn't you?
2 4 A. Yes.
5 Q. But before you even loaded them, you noticed
3 6 that there was a bubble in the gel, true?
7 A. Yes, that's correct.
4 8 Q. But notwithstanding the bubble being in the
9 gel, an imperfection in the gel, you went ahead and
5 10 chose to run the test in any event, correct?
11 A. That's correct. The bubble was not in a
6 12 location where I thought it would cause any problems.
13 Q. But in fact while you were running the test
7 14 right where the bubble was, the gel ruptured completely,
15 didn't it?
8 16 A. Between those two wells, yes.
9 17 Q. Now, the first time that I asked you about
18 the ladder and the D1S80 analytical gel where you forgot
10 19 to put in the ladder, 4366 --
20 20 A. It was a sample that should have been next
11 21 to a ladder that wasn't.
22 Q. Correct. The date on that is 9-21-96, is
12 23 that true?
24 A. That's correct.
13 25 Q. The date on the rupture of the analytical
26 gel is 9-25-95?
14 27 A. That's correct.
15 28 Q. And then you performed yet another

Page 777

16 1 analytical gel for D1S80 amplification on 9-28-95,
17 2 didn't you?
3 A. Which page is that?
18 4 Q. 4372.
5 A. 9-28, yes.
19 6 Q. And notwithstanding the earlier failure to
7 put a sample next to a ladder, you once again note that
20 8 you failed to put a sample in this later test next to a
9 ladder as well?
21 10 A. That's correct.
22 11 THE CLERK: Defendant's O marked for
12 identification.
23 13 (Whereupon, the document referred to was
24 14 marked as Defendant's Exhibit O for
identification.)
25 15 MR. KRUGLICK: Which is Bates page 4372.
16 Your Honor, I think this would be the time.
26 17 I could go on forever.
18 THE COURT: Thank you for at least being
27 19 honest in that respect. But you can continue tomorrow
20 morning at 10:00 o'clock.

Page 10

1 We'll be in recess until then.
2 MR. KRUGLICK: Thank you, sir.

3
4 1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
5 2 MARIN COUNTY JUDICIAL DISTRICT
6 3 HON. JOHN A. SUTRO, JR., JUDGE
DEPARTMENT G

7 4
8 5 ---o0o--
9 6

10 7 THE PEOPLE OF THE STATE OF)
11 CALIFORNIA,)
12 8)
Plaintiff,)
13 9)
vs.) No. SC078796A
14 10)
NOAH ISAIAH WRIGHT,)
15 11)
Defendant.)
16 12 _____)

17 13
18 14 REPORTER'S TRANSCRIPT OF PRELIMINARY HEARING
19 15 Wednesday, September 18, 1996
20 16 VOLUME XII, PAGES 780 THROUGH 835
21 17

22 804

23 1 Q. And the second is the number of nanograms per
2 milliliter of DNA; is that correct?

24 3 A. No. The second column is the microliters that
the
25 4 volume of DNA extract it will take to attain the number of
5 nanograms listed.

26 6 Yesterday we talked about some samples that had
27 7 been diluted for PCR testing. When I do that procedure
what

1 8 I'm doing is diluting samples so that they are one
nanogram
2 9 per microliter and then that makes it very easy for me to
10 work with.
3 11 If I have samples that are too diluted already,
12 then there will be, as in the case here, different volumes
4 to
13 acquire the number of nanograms that I want to amplify.
5 14 Q. With the -- at lane six, the reagent plank for
15 epithelial cells, you made an error there that you had to
6 16 correct; didn't you?
17 A. Yes.
7 18 Q. Now, in addition, you made another error with
19 respect to the amplification in this particular product
8 gel
20 run; didn't you?
9 21 A. You're referring to the quantitation error?
10 22 Q. Yes, ma'am.
11 23 A. Yes.
12 24 Q. And in that regard, you actually thought that
you
13 25 had 2.6 nanograms of nuclear DNA to amplify; didn't you?
14 26 A. That's correct.
15 27 Q. But, in fact, you didn't. You only had 0.26 --
16 28 A. That's correct.

15 805
16 1 Q. -- nanograms of nuclear DNA. You only had a
10th
17 2 of what you thought you had?
18 3 A. That's correct. Yes. The error goes back to
the
19 4 slot blot run sheet. When I did the math, calculating the
20 5 nanograms per microliters, I made a decimal point error in
21 6 recording that. That's Bates page 04342. And so that
22 7 mistake then followed into the next step, which was this
23 8 amplification.
24 9 Q. So the error at an earlier stage caused a
problem
25 10 at a later stage?
26 11 A. That's correct. It ended up with too little DNA
27 12 for amplification to occur.
28 13 Q. And that's on page 4354 that you discovered
that;
14 isn't it?
15 A. I'm sorry. 4354?
16 Q. Yes.
17 A. Well, where I discovered there was too little
DNA
18 was when the product gel did not have a product band and I
19 went back to try to figure out why, when there should have

1 20 been plenty of DNA. I don't believe -- well, there is
21 another note about that on 4354.
2 22 Q. You're right. I believe you testified earlier
23 on -- maybe it was even during voir dire when I was asking
3 24 you questions, that you received -- you took a number of
25 proficiency tests?
4 26 A. That's correct.
5 27 Q. And, as I recall your testimony, the proficiency
28 tests are to determine the quality of your work; correct?

6 -----
7
8 807

9 1 trying to decide whether to fight a case or negotiate some
10 2 type of a settlement, a plea bargain, I guess we'd call it
in

11 3 its rankest form. You're aware of that?

12 4 A. That's correct.

13 5 Q. So you're aware that precision is of
14 significance?

15 6 A. Yes, I am.

16 7 Q. You also testified, as I recall, that you
17 performed

18 8 satisfactorily on all of the proficiency tests that you
19 had
20 9 been given?

21 10 A. That's correct.

22 11 MR. KRUGLICK: Your Honor, I have a six-page
23 12 document that I would like to have marked. It's titled
24 Seri,

25 13 S-e-r-i, DQ-Alpha Basic Panel Set 1A?

26 14 THE COURT: All right.

27 15 THE CLERK: Defendant's Q is marked for
28 16 identification.

29 17 (Defendant's Exhibit No. Q, Proficiency Test,
30 18 was marked for identification.)

31 19 MR. KRUGLICK: May I provide this to the
32 witness,
33 20 your Honor?

34 21 THE COURT: Yes.

35 22 MR. KRUGLICK: Thank you.

36 23 Q. Ms. Dowden, will you tell the Court and counsel
37 24 what the group of documents before you is, if you know?

38 25 A. This is a copy of one of my proficiency tests,
39 the

40 26 Seri Panel 1A. It includes my bench notes and report and
41 27 then a supplemental report.

42 28 Q. Now, directing your attention to page two of the

1 1 six-page document --
2 2 A. Yes.
3 3 Q. -- that is your report of the results that you
4 4 obtained during the course of performing that proficiency
5 5 test; correct?
6 6 A. That's correct.
7 7 Q. Now, specifically, you reported out sample three
8 8 as
9 9 a 1.1 comma 2; did you not?
10 10 A. Yes.
11 11 Q. That's the same alleles that you report out for
12 12 the
13 13 victim in this case?
14 14 A. I believe so, yes.
15 15 Q. In addition, you reported out sample four as a
16 16 1.1
17 17 comma 2?
18 18 A. That's correct.
19 19 Q. And based upon that, you concluded in this
20 20 report
21 21 that samples three and four could have had a common
22 22 origin;
23 23 18 correct?
24 24 A. Yes, I did.
25 25 Q. That means that samples three and four in this
26 26 proficiency test in your report in your opinion could have
27 27 come from the same person?
28 28 A. That's correct.
29 29 Q. Now, that test was reported out on July 9th of
30 30 1993; wasn't it (sic)?
31 31 A. Internally, yes. That was not an external test.
32 32 Q. Once you reported out these results internally
33 33 on
34 34 July 9th of '93, to whom did you provide them (sic)? That
35 35 is
36 36
37 37
38 38
39 39
40 40 809
41 41 1 to say internally to whom?
42 42 2 A. I'm not actually sure whether it went directly
43 43 to
44 44 3 Ken or directly to Jan.
45 45 4 Q. Your signature is over the name of Ken Konzak;
46 46 5 isn't it?
47 47 6 A. That's correct.
48 48 7 Q. And Ken Konzak is the same individual who you
49 49 8 testified was your supervisor on the reports that we
50 50 9 discussed that you published in this case, the Wright
51 51 case?
52 52 10 A. That's correct.
53 53 11 Q. And then, Ms. Dowden, some six months later you
54 54 had

1 12 to file a corrected report --
2 13 A. That's correct.
3 14 Q. -- of this proficiency test because there had
4 been
5 15 errors in the original report that you reported out; is
6 that
7 16 correct?
8 17 A. That's correct. And, in fact, there is an
9 18 incorrect statement in the supplemental report, as well.
10 19 Q. We'll talk about it.
11 20 A. I'm sure we will.
12 21 Q. In that regard, what you had to do is you had to
13 22 correct sample four that you had previously reported out
14 as a
15 23 1.1 comma 2, the same as the victim in this case, and
16 found
17 24 that indeed it wasn't a 1.1 comma 2; it was a 1.1 comma
18 1.2?
19 25 A. That's correct.
20 26 Q. An entirely different DNA genotype?
21 27 A. That's correct.
22 28 Q. And this report was approved by a supervisor;
23 810
24 1 wasn't it?
25 2 A. I don't see any initials that the supervisor did
26 3 ever actually review this and approve it.
27 4 Q. The --
28 5 A. Jan Bachinski (sic) at that time was the
29 laboratory
30 6 director and she was also the -- I don't remember what the
31 7 title was, but some sort of QC manager. And so she did
32 the
33 8 final approval on all of the proficiencies at that time
34 and
35 9 kept updated the records periodically.
36 10 Q. Jan is now the director of the lab just under
37 Lance
38 11 Gima; right?
39 12 A. Jan is now the director of the Bureau of
40 Forensic
41 13 Science.
42 14 Q. Just above Lance Gima?
43 15 A. Actually two spots above Lance.
44 16 Q. So she was the head of the quality control
45 portion
46 17 of the lab at the time that this supplemental report was
47 18 reported out because of errors you had made in previous
48 19 reports in this proficiency test?
49 20 A. Yes. Because of a typographical error, yes.
50 21 Q. And even after making the corrections six months
51 22 later in this proficiency test, it's still wrong; isn't
52 it?

1 23 A. The table is now correct, but I did not
apparently
2 24 read it when I corrected the table because the follow-up
25 statement is then not a true statement.
3 26 Q. So that even though now we have sample three a
1.1
4 27 comma 2, and sample four a 1.1 comma 1.2, you have still
28 concluded in this test that they could have had a common

811

6 1 origin?

7 2 A. Well, the follow up paragraph still says that
8 they
3 are still both a 1.1 comma 2, so, therefore, they could
9 have
4 had the same origin.

10 5 Q. That's wrong, isn't it?

11 6 A. That's correct. It's wrong.

12 7 Q. And it's your testimony that you have performed
8 satisfactorily on all of your proficiency tests?

13 9 A. The analytical results are correct. The written
10 report had some problems, which Jan didn't catch when she
11 reviewed it the last time.

14 12 Q. So your supervisor didn't correct the error
either?

15 13 A. That's correct. Unfortunately, we're all not
14 perfect.

16 15 Q. Now is D1S80 PCR more sensitive than DQ-Alpha
PCR?

17 16 A. Less sensitive, in general.

18 17 Q. It's your testimony, I recall, that because
there's

19 18 a C dot, a control dot on the PCR strip, that you know
20 whether there exists sufficient DNA to test using the
21 DQ-Alpha test system?

22 22 A. Or more technically that sufficient product was
generated, yes, because I know typically how much DNA I

23 23 put
24 in and whether or not that should amplify. There may be
25 inhibitors that may prevent amplification. The C dots are
26 actually a measure of the sufficiency of the product or
the
27 amplified DNA.

28 27 Q. Okay. And the amplified DNA is contained in
some
28 kind of a suspension or dilution, but you know how much
DNA

1 827

1 E3?

2 2 A. Yes.

3 3 Q. There is a place there for you to include the
4 amount of nuclear DNA per microliter that you learned
5 existed

4 5 from your slot blot run procedure; correct?

5 6 A. That's correct.

6 7 Q. Okay. And you made a mistake there, didn't you?

7 8 A. I think that's probably a rounding thing. It
8 was
9 probably .16 something and I decided to round it up to
10 seven

11 10 rather than carry the numbers out.

12 11 What is -- is that evidenced on this sheet
13 anywhere?

14 12 A. No.

15 13 Q. What this says is a .16 and the 6 is crossed out
16 and the 7 is there in its place?

17 14 A. That's correct.

18 15 Q. And you initialed that?

19 16 A. That's correct.

20 17 Q. Where can you show us that the rounding took
21 place,
22 ma'am?

23 18 A. I could check it on my calculator and see, but
24 that's what it would look like to me. I don't have any
25 independent recollection of doing it. It may have simply
26 been a recorded error.

27 19 Q. Okay. And similarly, if you take a look at Blot
28 C2, there you report out 0.67 nanograms per microliter of
DNA; correct?

1 A. That's correct.

828

2 Q. But, in fact, that's not correct, is it?

3 A. That's correct. It should have been .067.

4 Q. That's a substantial difference, isn't it?

5 A. Quite a bit, yes.

6 Q. And so that is another error that you made just
7 on
8 this one sheet?

9 A. Yes, it is.

10 MR. KRUGLICK: I have another exhibit, your
11 Honor.

12 THE COURT: All right.

13 MR. KRUGLICK: Bates page 4357.

14 THE CLERK: Defendant's U is marked for
15 identification.

16 (Defendant's Exhibit No. U, DQ-Alpha Typing
17 Sheet,
18

1 14 was marked for identification.)
 2 15 MR. KRUGLICK: Q. Now, Defendant's U is a DQ-
 3 Alpha
 4 16 typing sheet; is it not?
 5 17 A. Yes, it is.
 6 18 Q. And a DQ-Alpha typing sheet is sort of a list, a
 7 19 series of things that look like the test strips that we
 8 20 showed the Judge yesterday?
 9 21 A. Yes.
 10 22 Q. But they're blank; they don't have dots in them?
 11 23 A. Until I fill them.
 12 24 Q. So the purpose is to fill in the results of the
 13 25 test that you performed?
 14 26 A. That's correct.
 15 27 Q. All right. Now, with respect to item 98B, the
 16 28 epithelial fraction --

10 -----
 11 1 MUNICIPAL COURT OF THE STATE OF CALIFORNIA

12 2 MARIN COUNTY JUDICIAL DISTRICT

13 3 ----oOo----

14 4 HON. JOHN A. SUTRO, JR., JUDGE DEPARTMENT NO. G

15 5
 16 6 THE PEOPLE OF THE STATE OF CALIFORNIA,]
 17 7 Plaintiff,]
 18 8 vs.] No. SC-078796A
 19 9 NOAH ISAAH WRIGHT,]
 20 10 Defendant.]
 21 11 _____]

22 12
 23 13 PRELIMINARY HEARING
 24 14 REPORTER'S TRANSCRIPT OF PROCEEDINGS

25 15 Wednesday, September 18, 1996

26 16 Volume XIII

27 17 (Pages 836-917)

1 A. I don't believe the extraction process
2 failed. I believe there was just something
3 characteristic of that particular sample that made the
4 sperm membranes fragile.

5 Q. Isn't the purpose of the separation to
6 separate the epithelial and the sperm?

7 A. That's its purpose. Unfortunately, it's not
8 perfect.

9 Q. Directing your attention to Defense Exhibit
10 L, ma'am --

11 MR. BERBERIAN: Page number, please.

12 MR. KRUGLICK: Bates page No. 4324.

13 Q. This is something that we've already talked
14 about, the third sample down, 134ecII, does the 2
15 indicate that it is the second attempt at this
16 extraction and amplification?

17 A. Yes, it does, or the extraction, yes.

18 Q. And in the sample there you made another
19 error, didn't you?

20 A. Yes.

21 Q. That's not a typographical error, is it?

22 A. No, it's not.

23 For the record, I wrote 2010 and crossed it
24 out and changed it to 2.

25 Q. And that is an error unrelated to the other
26 mathematical error that we discovered here together,
27 isn't it?

28 A. Yes, it is.

Dated: Sunday 3-23-97

Respectfully submitted,

JOSEPH L. SPAETH,
PUBLIC DEFENDER OF MARIN COUNTY

by: _____

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