

State of Texas
v.
Ronald Gene Taylor

April 28, 1995

Testimony of Maurita Carrejo
Serologist with Houston Police Department

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(At this time the witness
is excused from the
courtroom.)

MAURITA CARREJO

was called as a witness by the State and,
having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MS. VELASQUEZ:

Q Ma'am, would you state your name for the
record?

A Maurita Carrejo.

Q How are you employed?

A By the Houston Police Department.

Q What do you do for them?

A I work in the Crime Laboratory in the
serology section.

Q What do you?

A We analyze evidence from criminal cases
to look for blood and other bodily
fluids, and then we test them to
determine whose bodily fluids it may or
may not come from.

1 Q Are you an officer, or what is your
2 title?

3 A My title is a Criminalist.

4 Q Would you give us your educational
5 background, please?

6 A Yes, I will. I have a Bachelor's in
7 chemistry and a Master's Degree.

8 Q Have you had any specialized training in
9 serology?

10 A Well, I've been working in the field for
11 almost nine years. During that time I
12 have had in-house training with the
13 Texas Department of Public Safety where
14 I used to work and then with the Houston
15 Police Department. I've attended
16 numerous schools put on by the Federal
17 Bureau of Investigation as well as the
18 manufacturer's of instruments and
19 products that we use.

20 MR. SPARKS: We would
21 stipulate that she's an expert
22 witness.

23 MS. VELASQUEZ: I'd object
24 to that since the jury doesn't
25 know her.

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THE COURT: Sustained.

I'll let her answer.

BY MS. VELASQUEZ:

Q Please continue where you left off.

A After I completed my Master's Degree I worked in the field for awhile. I was geared towards the field of forensics.

Q You indicated that you analyze various types of evidence at the lab, correct?

A Yes.

Q Including bodily fluids?

A Yes.

Q What does serology mean?

A It means analyzing blood and other bodily fluids.

Q Have you had occasion to examine sexual assault kits?

A Yes.

Q Do you actually take the sexual assault kits yourself?

A I do not.

Q Where is that done?

A It's done in hospitals by medical staff, nurses or doctors in a hospital.

1 Q First of all, what is a sexual assault
2 kit?
3 A It's a package that can be used to
4 collect evidence in a sexual assault
5 case. It's got all the components in
6 there from the exam to be analyzed by
7 the laboratory.
8 Q Does it contain such things as seminal
9 swabs?
10 A Yes.
11 Q Vaginal and anal swabs?
12 A Yes.
13 Q Does it contain hair?
14 A Yes.
15 Q What about fingernail scrapings?
16 A Yes.
17 Q Nails?
18 A Yes.
19 Q When you get things of that nature, do
20 you have to do something to be able to
21 compare them?
22 A The first thing you do is determine
23 whether or not there is evidence of
24 semen or blood stains or whatever it is
25 that we refer to as trace evidence.

1 Trace evidence can be anything from hair
2 to dirt to fibers to pieces of plastic,
3 for example. Once we determine what it
4 is, then you determine whether or not it
5 can be compared to something.

6 Q Do you recall having received a sexual
7 assault kit in the Houston Police
8 Department in Case No. 55114693?

9 A Yes.

10 Q When you receive a sexual assault kit,
11 do you give it a particular offense
12 report number?

13 A Yes.

14 Q Does it also have the complainant's
15 name?

16 A It does.

17 Q The complainant is the person who the
18 swabs and the hair and blood were taken
19 from?

20 A Yes.

21 Q Is that a known sample?

22 A Yes.

23 Q In a sexual assault kit, basically what
24 do you receive?

25 A We typically do receive a known blood

1 sample from the complainant. We receive
2 vaginal swabs, vaginal smears, anal
3 swabs, anal smears, oral swabs and
4 smears, fingernail scrapings, pubic hair
5 combings, pulled pubic hair, pulled head
6 hair, and then depending upon which kit
7 this particular hospital is using, it
8 may or may not contain some other
9 components to it.

10 Q When you get those kits, do you put your
11 lab number or some identifying mark on
12 them so you're always able to trace the
13 case number to the complainant?

14 A Right.

15 Q Sometimes do you receive other evidence
16 by clothing?

17 A Yes.

18 Q In this particular case where the
19 complainant was [REDACTED] can you
20 tel us what you received?

21 A I received a sexual assault kit. I also
22 received a cardboard box that contained
23 a gown, a bra, a fitted bedsheet
24 and --

25 Q On that fitted bedsheet, do you know if

1 that's where the alleged offense took
2 place?
3 A Yes.
4 Q Did that fitted bedsheet have an offense
5 report number on it or on the plastic
6 bag?
7 A I don't recall.
8 Q How do you know the bedsheet corresponds
9 to this case number and this
10 complainant?
11 A It was in the property.
12 Q So the numbers would have corresponded?
13 A I got it from the property room. It had
14 the correct incident number on it.
15 Q When you got the sheet, did you know why
16 it was submitted to you?
17 A I make assumptions.
18 Q So you get the bedsheet, for instance,
19 and you've already got the sexual
20 assault kit, correct?
21 A Yes.
22 Q Did you perform any tests on that sheet?
23 A Yes.
24 Q Did you perform any tests on the
25 garments of clothing?

1 A Yes.

2 Q Do you do that right away or wait until
3 it's requested?

4 A We wait until it's requested.

5 Q Did you ever have occasion to -- Strike
6 that. The bedsheet -- I'm sorry.
7 Strike that.

8 Were you ever requested to test
9 the clothing, specifically the panties
10 and bra or the bedsheet?

11 A I was requested to perform an analysis
12 in this case. Once we get a request for
13 a specific incident number, we request
14 all of the evidence in that incident
15 number from the property room.

16 Q You cannot make a comparison -- strike
17 that -- I guess what I'm asking you is
18 do you have to analyze the bedsheet and
19 the articles of clothing and get your
20 results before you would be able to
21 compare that or those samples submitted
22 to you from the suspect?

23 A Well, I had to have something to compare
24 it to, yes.

25 Q Do you recall analyzing the bedsheet and

1 bra and underwear for semen?

2 A Yes, I do.

3 Q Did you find any semen?

4 A I did not.

5 Q Now, is semen the equivalent -- strike
6 that. Does semen come out of a man when
7 he ejaculates?

8 A Yes.

9 Q In seminal fluid, is there going to be
10 semen in it?

11 A There is something called pre-ejaculate
12 which is sometimes referred to as semen
13 but it is not accurate. Semen is the
14 large volume of ejaculate which comes
15 from certain parts of the reproductive
16 track. Pre-ejaculate is made further
17 along the reproductive track and is
18 ejaculated earlier than the actual
19 ejaculate of semen.

20 Q So if a male was to have that
21 pre-ejaculate stuff come out, is that
22 necessarily going to test for semen?

23 A No.

24 Q What is in semen? Does it have some
25 kind of property that, you know, is like

1 an identifier?

2 A Yes, there are several different ways to
3 go about identifying semen. One is to
4 identify sperm cells. Semen is the
5 liquid. Most men's liquid ejaculate
6 contains sperm cells. We test the semen
7 to look for sperm cells. If they are
8 absent, it's either because there are
9 none or because they're from a male who
10 does not have sperm cells.

11 Let me go back. We look for
12 sperm cells under the microscope. We
13 use a microscopic slide. We use a
14 procedure that helps us see the
15 structures of the cells better. We look
16 at it under a microscope at four hundred
17 power magnification.

18 Another thing we do is when we
19 have a vaginal swab or a stain from a
20 pair of panties or a bedsheet is to test
21 for a protein called P-30. That protein
22 is found in semen. There is a test that
23 can be done on stains such as swabs and
24 clothing.

25 Q But if a man does not ejaculate, there's

1 not going to be any semen?

2 A Right.

3 Q I believe you said that an ejaculate --
4 strike that. Is there ever an exception
5 where there would be no sperm cells in
6 the ejaculate?

7 A Yes, there are a number of ways that a
8 male would not have sperm cells in the
9 ejaculate. One would be if they had had
10 a vasectomy and it had worked right.
11 Another would be if they had taken
12 certain drugs which have a tendency to
13 either decrease the sperm count or
14 completely eliminate sperm cells.
15 Another exception would be if he had
16 ejaculated many times over a short
17 period of time, say during one day. The
18 sperm count could be depleted almost to
19 nothing. Also, there are medical
20 conditions which would cause the sperm
21 count to be greatly lowered.

22 Q Let me give you a hypothetical. Let's
23 say a man had ejaculated several times
24 during the course of one day. Then they
25 committed a sexual assault and

1 ejaculated. Do you feel that you would
2 find some kind of evidence of
3 ejaculation?

4 A If they ejaculated, there should still
5 be some evidence of the protein which is
6 independent of sperm cells.

7 Q So what you're looking for is protein?

8 A Right.

9 Q Let me ask you this. If a man is
10 impotent or let's say he's hard, soft,
11 hard, soft, erect, not erect, could that
12 perhaps be a reason why there is no
13 ejaculation and the reason you wouldn't
14 find evidence of ejaculate in some of
15 the items you analyzed?

16 A Yes.

17 Q About how many sexual assault kits in
18 cases where the allegations are sexual
19 assault do you actually find semen?
20 Would it be a hundred percent? Eighty
21 percent? Forty percent?

22 MR. SPARKS: I'd object to
23 the compound nature of the
24 question, Judge.

25 THE COURT: Overruled.

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You can answer.

A I would say overall probably somewhat less than fifty percent or somewhere around fifty percent. Oftentimes in juvenile cases there's allegations of sexual assault but the sexual assault was not vaginal penetration. It could be that a finger was used or whatever. That would make a difference.

Q So is it surprising to you, your findings in this case?

A No.

Q Why not?

A Because as I sort of alluded to a minute ago, it could be that there was no vaginal penetration. Something else may have been used. I still might get a sexual assault kit but maybe there was no ejaculation and we don't find semen.

Q So it's not unusual in a sexual assault case for there to be no semen?

A Right.

MS. VELASQUEZ: Pass the witness.

1 her leg from a sexual encounter, would
2 that cause you to think that it was more
3 than just pre-ejaculate that had been
4 ejaculated?

5 MS. VELASQUEZ: Counsel is
6 violating the Rule, Your Honor.

7 THE COURT: Overruled.

8 A Yes.

9 Q If you were informed that a bedsheet had
10 a wet spot on it, would that cause you
11 to think that the wet spot was more than
12 just pre-ejaculate?

13 A I don't have enough facts to state an
14 opinion about that.

15 Q Well, let me ask you this. Do you have
16 enough facts per the evidence that you
17 conducted your investigation on to say
18 whether or not there is anything to link
19 Ronald Gene Taylor with this evidence?

20 A I didn't have anything to link Ronald
21 Taylor or anyone else.

22 Q In your professional opinion, did you
23 have anything pertaining to Ronald
24 Taylor's genetic makeup to link it to
25 the vaginal swabs that were done from

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[REDACTED] body?

A That's correct.

MR. SPARKS: No further questions of this witness.

MS. VELASQUEZ: No further questions.

The State rests.

(At this time the witness is excused from the courtroom.)

THE COURT: Ladies and gentlemen, please step back to the jury room for just a moment.

(The following proceedings are held outside the presence of the jury.)

MR. SPARKS: I would make a Motion for an Instructed Verdict of acquittal for Mr. Ronald Gene Taylor in the matter in which the State has charged