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NO. 87-08-C

THE STATE OF TEXAS * IN THE DISTRICT COURT
VS. * 54TH JUDICIAL DISTRICT
CALVIN EDWARD WASHINGTON * McLENNAN COUNTY, TEXAS

STATEMENT OF FACTS

A P P E A R A N C E S

FOR THE STATE: McLennan County District Attorney
McLennan County Courthouse
Waco, Texas 76701
By: Hon. Karen Amos, and
Hon. Scott Peterson
Assistant District Attorneys

FOR THE DEFENDANT: Hon. Douglas Henager,
Hon. Ken Ables, and
Hon. Ken Crow
Attorneys at law
Waco, Texas 76701

JOE JOHNSON
DISTRICT CLERK
McLENNAN COUNTY, TEXAS
DEPUTY
JUN 21 3 39 PM '88

FILED

BE IT REMEMBERED that on this the 30th day
of November, A.D., 1987, the above and foregoing entitled and
numbered cause came on for Hearing before said Honorable Court,
Hon. George Allen, Judge presiding, whereupon the following
proceedings were had, to-wit:

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1 THE COURT: All right. Ladies and gentlemen of
2 the jury, let's take a recess. We'll stand recessed until
3 ten minutes of 11:00.

4 (Whereupon a short recess was had.

5 THE COURT: Call your next witness.

6 MS. AMOS: Homer Campbell.

7 THE COURT: If you will come right around here,
8 sir. Raise your right hand.

9 (Whereupon the witness was sworn.

10 Have a seat.

11 HOMER RICHARDSON CAMPBELL,
12 the witness hereinbefore named, being first duly cautioned and
13 sworn to testify the truth, the whole truth and nothing but the
14 truth, testified as follows, to-wit:

15 DIRECT EXAMINATION

16 BY MS. AMOS:

17 Q Could you tell us your name, please?

18 A Yes. My name is Homer Richardson Campbell.

19 Q And where do you live?

20 A I live in the little village of Tejaras, which is just
21 about, oh, 18 miles due east of Albuquerque.

22 Q And what is your profession?

23 A I'm a forensic odontologist.

24 Q And how long have you been in that field of area?

25 A Well, exclusively that for about two and a half years prior

1 to that I had a private practice also.

2 Q And could you tell the jury if you would your educational
3 background and your training?

4 A Yes. I attended Baylor University here in Waco for my
5 undergraduate work. Baylor University College of Dentistry
6 in Dallas, Texas where I received my D.D.S. degree. And
7 subsequent to that, multiple courses in all phases of
8 dentistry, including forensic dentistry or forensic
9 odontology.

10 Q Could you tell the jury what is forensic odontology?

11 A Forensic odontology is essentially gathering, preservation
12 and analysis of dental evidence of one type or another
13 depending upon the types of things that we look at, such as
14 identification of skeletal remains of aircraft accident
15 victims. In the civil area, malpractice -- dental
16 malpractice. And also personal injury. And then the
17 identification in bite mark analysis.

18 Q Are you board certified in any fields?

19 A Yes, I am. I am a Diplomate of the Forensic Board of
20 Odontology.

21 Q And have you ever had any teaching appointments?

22 A Yes. I've had several, both in undergraduate school in the
23 Department of Chemistry, in the dental hygiene school there
24 in Albuquerque, and I am currently clinical associate
25 professor in the Department of Pathology at the University

1 of New Mexico School of Medicine.

2 Q Could you tell the jury about your professional experience?

3 A As far as dentistry goes, of course I graduated in 1956,
4 practiced, went into the Navy as a dentist. I stayed in
5 the Navy three years on active duty. Came out and went
6 into private practice as a dentist in 1973. I became
7 involved in forensics with the State office, Medical Legal
8 Office in New Mexico, and have been involved in forensics
9 since 1973. And as I said, about two and a half years ago
10 I quit my private practice and just went with my wife into
11 a private practice of forensic consulting.

12 Q And I think you said you had military experience. Are you
13 still active at all in the military?

14 A No, not anymore. I was until about a month ago. And after
15 34 years I retired.

16 Q All right. Do you work as a consultant for any states?

17 A Yes. I'm the chief consultant in forensic odontology for
18 the State of New Mexico.

19 Q Do you only work as a consultant for the State of New
20 Mexico?

21 A No. I've worked as a consultant for many people in many
22 different states. And besides being a consultant there, I
23 am an advisor to the Department of Army at the present
24 time. And this concerns the identification of the people
25 both in the World War II, Korean War, and of course the

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Viet Nam war that are now being -- the remains are being repatriated. And I am involved in that.

Q Dr. Campbell, do you ever present lectures or scientific papers and such?

A Yes. I do quite frequently.

Q And have your papers ever been published?

A I had one paper published. This has been several years ago. As far as -- well, I've had more than that. I should take that back. I believe there is three or four of them that have been published as far as papers go.

Q And for I think you said approximately two years now or a little over two years you've been working exclusively in the field of forensic odontology?

A Yes.

Q Do you know how many other people there are in the country who work exclusively in the field of forensic odontology?

A There is only one other that works full time. Everybody else, it's a part time in conjunction with private practice.

Q All right. Who would that other person be? Do you know him?

A Dr. Lowell Levine in New York City.

Q Have you ever been qualified as an expert witness in the field of forensic odontology?

A Yes, I have.

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Q Where would that be in?

A In the states of Washington, Oregon, California, Arizona, Nevada, New Mexico, Colorado, Oklahoma, Texas, Missouri, Virginia, Florida, Pennsylvania, New York, Connecticut, and I believe that's all. I may be leaving out some.

Q Have you testified in areas other than bite injury patterns?

A Yes, I have.

Q What would that be?

A Here again, this is in pattern type evidence, both injury pattern type evidence, tool mark type evidence, and this type of thing.

Q Now, can you tell the jury what a bite injury pattern is?

A Yeah. A bite injury pattern is analogous to a tool mark, if you will, because your teeth are essentially tools. It's what you use to eat with or bite through things with. So it's essentially the same thing as a tool mark. And this is an injury produced on skin, number one. Sometimes you find it in food stuffs -- cheese, cookies, what have you. Essentially it's an impression or a pattern left by the teeth.

Q When you're analyzing a bite injury pattern, what are the first kinds of things that you look for?

A Well, the first thing that you look for -- when I look as far as bite type injury is determine whether it was made by

1 human or animal. That's the very first thing that I do,
2 because animals do bite, and you have animal bites as well
3 as human bites.

4
5 Q Once you determine that a bite is in fact a human bite,
6 what do you then look for?

7 A Then the first thing I do is look at the injury and look
8 for what I call the class or general characteristics of
9 that injury. And these are several in nature. The shape
10 of the injury. In other words, is it ovoid or semi-ovoid.
11 By looking at the injury itself, is there any definition
12 within the injury that allows me to tell which was made by
13 the upper teeth and which was made by the lower teeth.
14 These are class characteristics. And that's the very
15 first thing I do.

16 Q Dr. Campbell, if you would, using this board back behind
17 you, could you show the jury what you are talking about
18 when you speak of arch size and shape?

19 A Yes. May I, Your Honor.

20 THE COURT: Yes.

21 Q And the general and class characteristics that you look to.

22 A The injury produced by the human dentition is going to
23 produce an injury that is ovoid or semi-ovoid in shape.
24 And this may be a total ovoid, or a partial one. And
25 essentially what I mean is you look for something that is
shaped similar to this. In other words, egg shaped to the

1 round side. So this is the first thing. It's shape. Is
2 it consistent with a human mouth. That's the first thing
3 and the first general characteristic.

4 The second one that I look for is can I tell which
5 was made by the upper teeth and which was made by the
6 lower teeth. And this really isn't that difficult. If
7 you just think of your own teeth and think of the top
8 teeth or your upper teeth, the two teeth in the center are
9 rather wide teeth. So we'll just represent that like this.
10 The teeth immediately adjacent to those, as you go back in
11 the arch, are somewhat smaller teeth. So that's another
12 class characteristic on both sides.

13 And then finally the eye teeth or the stomach teeth
14 or the canines, the pointed teeth themselves, and these
15 will leave -- that's the next thing you look at, and they
16 will leave a mark. Any time you can recognize a pattern
17 that's got two wide teeth and immediately adjacent two
18 smaller teeth, the first thing you think about in all
19 probability, that was left by the upper teeth.

20 By the same token, think of the lower teeth now. And
21 the four lower teeth in the very front are all relatively
22 the same size. And then the eye teeth. So when that
23 pattern is seen, then you're looking at the lower
24 dentition. In other words, four marks that are all
25 relatively the same size will indicate the lower dentition.

1 Q And you take a suspect's models or casts or wax bites and
2 compare it to either a photograph of the bite injury or to
3 the bite injury itself?

4 A That's one of the things. Yes. You take -- if you have a
5 set of models to compare this to, you compare it to the
6 injury. And you do that by actually -- or the way I do it
7 is by pressing this in a wax compound that is used in
8 dentistry. It's called Aluwax. And register how the
9 biting edges of the teeth will mark. And then by using the
10 models and the wax, it's going from the models to the wax
11 to the injury. And seeing if these are compatible or not.

12 Q And so I take it, one of the first things you do then is
13 orient yourself as to the bite mark as to what is upper and
14 what is the lower?

15 A That's the first thing you have to be able to do.

16 Q And the upper four teeth and the lower four teeth, what
17 kind of an impression would they make?

18 A Well, hear again, what we're looking at -- again, to think
19 of your own mouth. The incisors, the four front teeth on
20 the top and the bottom, leave marks similar to little small
21 rectangles. That's what we're looking at. This is a class
22 characteristic of an incisor too. Sometimes it will leave
23 rectangles. Sometimes depending upon the wear, it may only
24 leave a line. Or if there is no wear, it may leave other
25 things.

1
2 For instance, if the tooth doesn't have a whole lot
3 of wear on it, you will even see the edges or the sides of
4 the tooth. Maybe the tooth makes a mark that looks like
5 this. That can happen. So it varies.

6 But here again, it's a rectangle -- generally
7 rectangular shaped mark of this type as opposed to the eye
8 teeth, which depending upon the wear -- this again is
9 something else -- they will leave anything -- if they are
10 really sharp pointed, you may only see a dot here and here.
11 They may leave rectangular marks similar to what I have
12 drawn. If they are worn down relatively flat, they may
13 leave rather broad marks. So they will vary somewhat.

14 Here again, these are class characteristics of
15 dentition itself.

16 Q Dr. Campbell, how does tooth position come into play when
17 you're making an opinion determining --

18 A When you get to tooth position in this sort of thing,
19 you're getting into the area of what we call individual
20 characteristics at that point. And individual
21 characteristics is what makes people's teeth individual to
22 them. In other words, the position of the tooth in the
23 arch, is everything nice and straight, is one tooth
24 rotated and turned out, are the two front ones -- I can
25 give you a lot of variations -- tipped in. Is one tooth
back towards the tongue or out towards the lip as opposed

1 to the others. These are all individual characteristics
2 in the general arch form. So you can see many different
3 variations depending upon what made the injury.

4 Q So relationship of one tooth to another?

5 A Yes.

6 Q All right. You can have a seat. Dr. Campbell, what
7 different opinions are you able to give after comparing a
8 suspect's models to a bite injury pattern?

9 A Of the opinions -- here again, and this is my belief in it,
10 I can say one of three things. I can say that I can
11 totally exclude the individual. And this is done very
12 easily. Because if something in the bite injury that's
13 present does not correspond to the dentition of whichever
14 model I may be looking at, then that individual is
15 automatically excluded.

16 And just to give you an instance, it's not that the
17 absence of a mark means anything. But if we had a mark
18 where the individual had no teeth or no tooth, then that
19 would automatically exclude that individual. That's an
20 instance. So that's number one.

21 The second thing you can say is it's consistent with.
22 In other words, as far as the class characteristics of the
23 injury, they are the same. There are what we call no
24 discrepancies. In other words, there is nothing out of
25 place. Everything generally is the same. Then it's

1
2 consistent with.

3 And finally you can say to a reasonable degree of
4 dental certainty that those teeth did in fact make that
5 mark. And to get that then, not only must you have class
6 characteristics, or the general characteristics all being
7 total, then individual characteristics of individual teeth
8 need to be present to make that statement.

9 Q All right. Now, if you would render an opinion that a
10 dentition was consistent with, would you also include in
11 that tooth position?

12 A Oh, yes. In other words, here again, that's an individual
13 characteristic. But a low grade individual characteristic.
14 In other words, tooth position is individual to each of us.
15 But especially in this day of good dental care,
16 orthodontics is performed quite frequently, there is a lot
17 of fairly regular arches where the teeth are all nice and
18 straight. So that doesn't carry quite as much weight as
19 more distinct individual characteristics would.

20 Q And, Dr. Campbell, what would you require to be present
21 before you rendered an opinion which would be to a
22 reasonable certainty?

23 A I would want to see individual characteristics that were
24 very distinct in my mind. These are things that would
25 happen such as one tooth was broken, for instance, so only
a portion of it would mark, and that would correspond to an

1 injury. Or you had a particular kind of filling that would
2 alter what the injury would look like. This type of thing.
3 The wear patterns.
4

5 In other words, as you chew, the teeth wear, even the
6 front teeth do. And sometimes you get some very distinct
7 wear patterns, depending upon the relationship of the lower
8 jaw to the upper jaw and how they function. And it's an
9 accumulative type of thing as you evaluate this and build
10 up. And that's what I would need to have to say to a
11 reasonable degree of certainty.

12 Q Okay. Dr. Campbell, when you render an opinion that is one
13 of being consistent with, does that mean that there might
14 be someone else out there in the world that might have that
15 same tooth position and general class characteristics?

16 A It's possible. Of all the research that's been done -- of
17 course, we have not examined everybody's teeth. There are
18 research papers that have been done that say based upon
19 tooth position alone that you can say to -- given enough
20 adjacent teeth and their position and relative position to
21 one another, that it would be virtually impossible to find
22 somebody else.

23 But here again, these -- they are not huge studies by
24 any means. I think the largest one deals with 350 some odd
25 people across the United States. And there are two or
three of these that have been done that show that there

1 are, you know, there is no similarity between two different
2 individuals. And there is even another one that was done
3 on identical twins to show that those people do not have
4 the same identical tooth positioning or patterning.

5
6 Q Do you consider yourself cautious then in rendering your
7 opinion?

8 A I do.

9 Q All right. But so consistent with in your opinion would
10 mean that there is a possibility that someone in the rest
11 of the world, the whole world, might have that same general
12 class characteristic and tooth position?

13 A There is that possibility.

14 Q That possibility. All right. And, Dr. Campbell, do you
15 ever utilize the art of photograph photogrammetry in making
16 comparisons?

17 A Yes. I do. Quite frequently.

18 Q Can you tell the jury how that came about?

19 A It all came about years and years ago as a result of an
20 injury I was asked to evaluate. It was a healing type of
21 injury. And I was somewhat disappointed with the
22 photograph in that it was very, very difficult for me to be
23 sure exactly what I was looking at as far as what was the
24 upper and what was the lower, and this type of thing. And
25 at that time another associate of mine in the field of
anthropology said, well, you ought to contact Dr. James

1 Ebert, he's at the university, you know, and see if he can
2 help you. So I did. And that's how I got started using
3 photogrammetry.
4

5 Since that time I have used it rather extensively,
6 not only in the field of bite injury analysis, but in a
7 lot of different fields. Probably the most well known, if
8 you will, of the ones was during the New Mexico State
9 Prison riot. I was in charge of the medical legal
10 investigation in that particular situation where we had
11 many people died at the time, and they died of different
12 injury patterns. And we evaluated those injury patterns on
13 all those individuals. So just over the years it's just
14 multiplied. And I have used it I don't even have any idea
15 how many times, but a lot.

16 Q Dr. Campbell, did you have occasion to make comparisons in
17 this particular case?

18 A Yes, I did.

19 Q Do you recall -- did you have occasion to make comparison
20 to a man known as Joe Sidney Williams, Jr., and another,
21 Calvin Washington?

22 A Yes, I did.

23 Q And do you recall approximately when you made those
24 comparisons?

25 A It was in March of 1986 that Mr. J.L. Crawford came to
Albuquerque and brought with him -- I previously I had

1 received some photographs of the injury to look at, and Mr.
2 Crawford brought some more photographs as well the models
3 of Mr. Washington for me to evaluate.
4

5 Q All right. And did he later on bring you models of Joe
6 Sidney Williams?

7 A Yes, he did. And that was in July of 1986.

8 Q Okay. Now, sometime in August or September of this year
9 just a few months ago in 1987 did you also have occasion to
10 make a comparison of the wax bite impressions of a man
11 named Waymond Dotson?

12 A Yes, I did.

13 MS. AMOS: May I approach the witness, Your
14 Honor?

15 THE COURT: Yes.

16 Q This is State's Exhibit number 96 and its contents. Do you
17 recognize that?

18 A Yes.

19 Q What is that?

20 A The contents consist of two dental models. One of the
21 upper teeth, one of the lower teeth, two wax bite
22 registrations of Mr. Williams.

23 Q And were those the impressions that you received from J.L.
24 Crawford?

25 A Yes, they are.

Q And State's Exhibit No. 95, do you recognize the contents?

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A Yes, I do.

Q And what is that?

A There are six models in this. Three of the upper arch, and three of the lower arch, as well as two wax registrations.

Q And those would be?

A They are marked C.E.W.

Q The initials of Calvin Washington?

A Calvin Washington.

Q These are also the ones that were given to you by J.L. Crawford?

A Yes.

Q State's Exhibit No. 94. I ask you if you recognize this.

A Yes, I do.

Q What is that?

A Those are the bite impressions of Waymond Dotson.

Q All right. And did you yourself take these?

A I myself took those. And I myself am probably responsible for the breakage of them.

Q Why do these particular ones, why are they fragile like that?

A In Aluwax there is two different kinds there is just the plain Aluwax. In other words, plain wax and that's all. Another kind has a cloth insert in it which makes it much stronger. The ones that are just pure wax, if they get the least bit cool they become very hard and extremely brittle

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and are very easily broken.

Q The day you took that, is that the only wax that we had available?

A That's the only wax that we had.

Q This is dated August 26th, 1987?

A Yes, it is.

Q All right. Now, I would like to show you State's Exhibit No. 57 and ask you if you recognize that?

A Yes, I do.

Q Is that the photograph you used for comparison that was sent to you?

A This one or -- I was sent many, many photographs -- one exactly like this one.

Q All right. Now, in the comparison that you made, were you able to exclude any individuals?

A Yes. Rather easily.

Q Who is that?

A Waymond Dotson was automatically excluded. And Mr. Washington was automatically excluded.

Q All right. Dr. Campbell, if you could come around here please and take a look at this exhibit. And this exhibit has been marked State's Exhibit No. 97. If you would first explain to the jury what all the photographs represent?

A On Exhibit 97 there is a series of photographs. Beginning on your right-hand side is the dental cast that was taken

1 of Mr. Williams. Immediately below that is the wax
2 registration that I made of or from those teeth. Below
3 that is enhanced photograph of the injury itself of which
4 is represented in the very bottom photograph. In the
5 center is the decedent as was found showing the area of the
6 injury. Immediately below that is an upper and lower wax
7 impression of Mr. Washington. And then on the extreme
8 left-hand side, here again the injury is in the top most
9 photograph. The next photograph down is an enhanced
10 version of that photograph. Then the wax bite registration
11 produced by the model that I received from Mr. Williams.

12 Q Do all those photographs that you just identified fairly
13 and accurately represent the models that you used for
14 comparing?

15 A Yes, they do.

16 MS. AMOS: Your Honor, at this time State will
17 go ahead and offer this into evidence.

18 MR. ABLES: No objection.

19 MS. AMOS: State's Exhibit No. 97.

20 THE COURT: States 97 is admitted.

21 BY MS. AMOS:

22 Q All right. Dr. Campbell, how were you able to exclude
23 those two individuals?

24 Q Well, the best way to show you is how I included Mr.
25 Williams. And then you can see why we excluded the others

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real easy.

Q All right.

A Not hard at all. As far as including Mr. Williams, it's a matter of comparing from the models to the wax to the enhanced picture of the injury.

MR. PETERSON: Excuse me, Dr. Campbell. I believe there are some jurors who can't see. If I can move this.

A You can move it any way you want to, and I will stand -- I tell you what. Here's a pointer right there. I'll use that.

But going from the model -- and in this injury I was able to determine that this portion of the injury represented on exhibit -- State's Exhibit 97 was made by the lower teeth. The injury part more superior towards the top of the photograph was made by the upper teeth.

In this particular case it was very, very difficult to see where the upper teeth were, number one, what the upper teeth were, which ones marked. And in my opinion only two of them marked to where I could really say anything about them. And these were the two centrals which are represented by these two marks on Exhibit 97. The marks of the two centrals, and particularly the one -- the central to your right which shows it having a little tail on it. This was -- and then the relationship of the

1 two centrals to each other. You notice they are not
2 perfectly straight at all. There is just a little
3 variation. And this again you can see in the enhanced
4 view. One central marked in this position. The other
5 central marked in this position with the little tail on
6 it. Right here.

7
8 And that's really all that I could determine with any
9 degree of accuracy of the upper dentition. So these two
10 are definitely included.

11 Now, in comparison, if we would go to Mr. Washington,
12 he has to be excluded automatically real fast. And the
13 reason for that -- and you might not be able to see it from
14 where you're sitting. But if you look at the two central
15 incisors -- and if I can use the models, I can even show
16 you better. Because I don't have a photograph of the
17 models up here.

18 MS. AMOS: That's from exhibit 95?

19 A In State's Exhibit 95, Mr. Washington, if you look at his
20 two front teeth, you will notice that there is a large
21 space in between the two very front teeth. It's really a
22 significant space. And on the injury there is no space at
23 all. These teeth, you know, pretty much set together.

24 And so Mr. Washington couldn't have made that, could
25 not have done it from nothing more than that. Now, there
was more than that, and I can show you even further here in

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a minute. Likewise -- oh, boy --

Q And then in State's Exhibit 94, the casts of Waymond Dotson, we also have some molds?

A Here again, in what exhibit number?

Q That's exhibit 94.

A In exhibit 94 of Mr. Dotson's teeth, look again at the two central incisors, and you will notice that they fit together like this. They are inverted in towards the middle with the middle part being back towards the tongue. Again, that's not so in the photograph, in the enhanced photographs at all. And so that alone on the upper would exclude him also.

And there is more on the bottom. So go to the bottom. And here again in State's Exhibit 97 shows the bottom. And what does that show? It shows the lower canine, the lower lateral, two of the both of the centrals, and the other lower lateral. And it shows these very distinctly, and it shows the position of these teeth very distinctly. And it shows that the centrals are sitting out towards the lip. One lateral is sitting back a little way towards the tongue. And the other one is sitting a long way back towards the tongue.

And in State's Exhibit 96, if I would show the lower model you can see that that's exactly what I see on this model. In other words, two centrals are sitting out

1 towards the left. This lateral is sitting slightly back
2 towards the tongue. And the other lateral is sitting way
3 back. So they are very distinct.

4 Likewise, going to the enhanced photograph, that's
5 what we see. One lateral sitting back; two sitting out.
6 And then one sitting back very distinctly. And
7 interestingly enough comparing this to the wax bite
8 registration made from the models, it duplicates this
9 patterning.

10 Also the canine pattern, this particular canine is
11 rotated in. And if you look, it's sitting almost
12 horizontal across. And that's exactly the pattern that's
13 left in this position. So that all the tooth positions
14 that I can see on the bottom correspond exactly to Mr.
15 Williams.

16 Now, if we go to Mr. Washington's teeth, here again,
17 very, very distinctive. And he could not possibly have
18 left the mark because he's got two together, a big space
19 and then two teeth together. And they are all fairly
20 straight. So Mr. Washington could not have made the bite
21 on the lower. So if there was any question in my mind from
22 the upper, there was no question in my mind anymore from
23 the lower.

24 Likewise Mr. Dotson, if you look at his dentition,
25 the two lower centrals, again similar to the top ones are

1 kicked back in in the middle. They form a little V shape.
2 It's very distinctive. You can't miss it. And that
3 rules him out. Plus the fact that the canines are all
4 sitting in line, not turned, and marking in a horizontal
5 manner.

6 So the exclusion of both Mr. Washington and Mr.
7 Dotson was relatively simple.

8 Q Dr. Campbell, what opinion were you able to render
9 concerning Joe Sidney Williams?

10 A My opinion is that Mr. -- the dentition of Mr. Williams is
11 consistent with the injury found on the decedent.

12 MS. AMOS: Thank you, Dr. Campbell. That's all
13 I have.

14 CROSS-EXAMINATION

15 BY MR. ABLES:

16 Q Good morning, Mr. Campbell.

17 A Good morning, Mr. Ables.

18 Q Just a few things I would like to touch on, Doctor. I
19 believe you likened the teeth prints that we have in this
20 sort of case to tool marks, or the teeth to tools that
21 would be used in a tool mark type situation; is that
22 correct?

23 A Yes, sir. I did.

24 Q Okay. Those same rules would apply, would it not, to other
25 types of evidence where there were traces of, for whatever

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better term I guess, traces left that leave ridges or leave marks or leave that sort of evidence behind?

A That's right. It's similar to tool mark, if you will. Even ballistic comparisons essentially are tool marks.

Q Sure.

A Because it's the same type thing.

Q Would shoe prints be included in that?

A They can be. Yes.

Q How about photogrammetric enhanced fingerprints marks?

A They certainly can. I've seen -- well, the current trend towards fingerprints is the computerization of fingerprints using an enhancement technique and the comparison of the two. I'm not really that familiar with it other than by reading about it.

Q But you have studied about it and the technology?

A I have read about the technology of it, yes.

Q Okay. Now, in this particular case have you seen any photographs of any shoe prints?

A Yes, sir.

Q All right. And in that relation, did you receive from someone, J.L. Crawford or otherwise, some pairs of shoes or single shoes?

A Yes, we did.

Q Did you attempt to use your techniques in looking at that evidence?

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A Yes, sir.

Q And can you tell me if in fact the shoe or shoes you may have received had tags on them marking them as evidence?

A I believe they did.

Q Do you remember the names on some of those tags?

A Williams' name was on -- I don't remember the numbers. Okay? But Williams and Washington.

Q So the defendant Calvin Washington, you received a shoe from the State that had or at least one or more that had his name on the tag on that shoe?

A Yes, sir.

Q And did you get a chance to compare that shoe and the tread of that shoe with certain photographs provided you by the State?

A That was asked to be done. The photographs provided totally inconclusive evidence that we could use to compare, number one. In one series of photographs -- and you're asking me to remember. Actually Dr. Ebert did -- looked at it more than I did.

I do remember one, and it was not the shoes, you know.

Q Now, these photographs we're talking about were taken of the floor of the woman's home, I think, if I recall correctly.

A Floor and door, I believe.

1 Q All right. And correct me if I'm wrong, but just to save a
2 little time, as I recall, you and I have discussed this
3 previously in another hearing possibly. And I think you
4 indicated that the photograph of the shoe print had like a
5 little trademark or something on it, and you said I can
6 look at that and tell you that Washington's shoe I was sent
7 don't match.

8 A That was the one on the floor.

9 Q Right.

10 A Yes. That's right.

11 Q Let me ask you, Doctor, if an attempt had been made to take
12 fingerprints from the body of Mrs. White, photograph those
13 fingerprints, and then Dr. Ebert had been able to use his
14 enhancement techniques to give you something to compare
15 with the fingerprints of other persons, could you have
16 looked at those and using your techniques have given us an
17 opinion as to whether or not there was a match from those
18 enhanced photographs and other fingerprints?

19 A No, sir. As far as fingerprints, I could not because I'm
20 not an a fingerprint expert at all. Dr. Ebert and I would
21 have been glad to enhance the fingerprints. But they are
22 going to a fingerprint expert to analyze, not to me.

23 Q To the best of your knowledge was Dr. Ebert ever provided
24 with any fingerprints that were attempted to be taken from
25 this body?

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A Not to my knowledge. No, sir.

Q I want to make sure the jury clearly understands what you so eloquently stated. And that is, as far as Calvin Washington is concerned and this bite mark on the body of [REDACTED], the one that you have enhanced here and compared to these different molds or models, you can definitely say that it's not Calvin Washington's bite mark?

A Absolutely.

Q Without question?

A Without question.

Q You can say that the by the there is consistent with Joe Sidney Williams?

A I can.

Q But consistent with does not reach the level of a reasonable degree of dental certainty?

A That's right.

Q So you can't say with a reasonable degree of dental certainty that that is Joe Sidney Williams' bite mark?

A No, sir. I cannot.

Q Now, as I understand it correctly -- by the way, you don't have any notes or anything with you?

A No.

Q I think you and I have discussed that previously.

A I wrote down some dates so that I could remember them, but that's all.

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Q Feel free to refresh your memory if you need to use your
notes for your dates there. I think there is another point
I want to go over with you. Now, correct me if I'm wrong.
In March of '86 you received the -- is dentition? Is that
what we call these things?

7
A You receive the dental models.

8
Q Let's call them models.

9
A That's the correct dental term.

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Q The models. You received the models of Calvin Washington
in March of 1986?

12
A Yes, sir. I did.

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Q All right. Then later in that year and I believe you said
it was July you received the models of Joe Sidney Williams?

15
A Yes, sir.

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Q All right. And then over a year later, over a year later
you were sent the models of Waymond Dotson?

18
A I got those then. Yes. That was in September '87.

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Q Now, let me ask you, Doctor, what is the reason the law
enforcement office, District Attorney's Office, Sheriff's
Department, whoever it might be, sends you these models and
these photographs for you to work on?

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MS. AMOS: Your Honor, I object. It calls for
speculation. And also we didn't send them to him. He did
it right there in the District Attorney's Office at my
request.

1 THE COURT: I sustain the objection.

2 BY MR. ABLES:

3 Q You were asked to look at the models of Waymond Dotson over
4 a year after you were provided the models of Joe Sidney
5 Williams?

6 A Yes, I was.

7 Q Were you provided models of a man named Larry Dotson?

8 A No, sir. I was not.

9 Q Booker T. Sterling?

10 A No, sir.

11 Q Anybody else?

12 A No, sir.

13 Q In this case or --

14 A No.

15 Q All right.

16 Q Have you received any evidence that you have enhanced and
17 compared, and been able to form an opinion about in this
18 case that in the least bit connects Calvin Washington to
19 this case?

20 A Not to the best of my knowledge. No, sir.

21 MR. ABLES: That's all, judge.

22 REDIRECT EXAMINATION

23 BY MS. AMOS:

24 Q But it did connect Joe Sidney Williams, didn't it?

25 A Yes, it did.

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MR. ABLES: Wait a minute. Go ahead.

BY MS. AMOS:

Q Now, Mr. Ables was asking you quite a few questions about some foot prints and things. Are you aware of the fact that these two individuals were not arrested immediately after the murder?

A I believe that's the case. I don't remember exactly.

Q All right.

MS. AMOS: Thank you. That's all I have.

THE COURT: You may step down, Doctor.

THE WITNESS: May I be excused?

THE COURT: Any -- is that agreeable with the State and the defense?

MR. ABLES: it's agreeable to the defense, Your Honor.

THE WITNESS: Thank you, Your Honor.

THE COURT: You're excused. Thank you, Doctor.

All right. Ladies and gentlemen of the jury, I think we'll go ahead and recess for lunch at this time. We'll stand recessed until 1:00 p.m. That gives everybody about an hour and ten minutes. You're excused until 1:00 p.m.

(Whereupon the noon recess was had.)

THE COURT: Call your next witness.

MS. AMOS: Alberta DeGrate.

THE COURT: Raise your right hand.