

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN DIEGO

DEPARTMENT 12 BEFORE HONORABLE RICHARD M. MURPHY, JUDGE

THE PEOPLE OF THE STATE  
OF CALIFORNIA,  
  
PLAINTIFF,  
  
VS.  
  
JOHN IVAN KOCAK,  
  
DEFENDANT.

NO. SCD110465

REPORTER'S PARTIAL TRANSCRIPT  
NOVEMBER 17, 1995

APPEARANCES:

FOR THE PLAINTIFF(S):

MICHAEL CARMENTER  
DEPUTY DISTRICT ATTORNEY  
220 WEST BROADWAY  
SAN DIEGO, CA 92101

FOR THE DEFENDANT(S):

RAYMOND ARAGON  
DEPUTY PUBLIC DEFENDER  
233 A STREET  
SUITE 400  
SAN DIEGO, CA 92101

COPY

ROBIN SUNKEES, CSI NO. 8824  
COURT REPORTER, SUPERIOR COURT  
SAN DIEGO, CALIFORNIA

I-N-D-E-X

PG LN

11-17-95, 2:25 P.M. \*

2 1

CHARLOTTE WORD, +  
REDIRECT EXAMINATION +  
RECROSS-EXAMINATION +.

CALLED AS A WITNESS  
BY MR. CARPENTER:  
BY MR. ARAGON:

3 8  
3 12  
6 7

2  
3 ---00---

4  
5 (WHEREUPON, THE FOLLOWING PROCEEDINGS TOOK PLACE IN  
6 OPEN COURT.)

7 THE COURT: THE RECORD WILL REFLECT THAT BOTH COUNSEL  
8 AND DEFENDANT ARE PRESENT.

9 WE HAVE HAD A 30-MINUTE RECESS. I AM -- FEEL THAT  
10 WE NEED TO FINISH WITH DR. WORD'S TESTIMONY TODAY NO MATTER HOW  
11 LATE IT TAKES SO THAT SHE DOES NOT NEED TO COME BACK ON MONDAY  
12 AND NOT GO ON VACATION TOMORROW, SO -- I MEAN, IF YOU CAN FINISH  
13 IN A HALF AN HOUR, GREAT. IF NOT, I'M STAYING.

14 MR. CARPENTER: GOOD.

15 THE COURT: SO IF YOU WANT TO INCUR THE WRATH OF MY  
16 STAFF, FEEL FREE.

17 MR. CARPENTER: WELL, I WOULD INDICATE TO THE COURT AND  
18 COUNSEL THAT IN ANALYZING THE FILM IN PRESENTATION BEFORE THE  
19 BREAK AND IN CONJUNCTION WITH THE NOTES THAT WERE PREPARED, DR.  
20 WORD HAS FOUND AN ERROR, AND WE'D LIKE TO INDICATE THAT TO THE  
21 COURT IN REGARD TO THIS. AND I BELIEVE THAT THE ERROR INDICATES  
22 THAT THE LANES WERE MISLABELED BY THE STAFF MOLECULAR BIOLOGIST  
23 SO THAT THE LANE --

24 DR. WORD: THAT'S NOT CORRECT.

25 MR. CARPENTER: WELL, THE REPORT THAT REFLECTS THE  
26 LANES --

27 DR. WORD: THAT'S CORRECT.

28 MR. CARPENTER: SO I'LL JUST ASK DR. WORD TO, YOU KNOW,

1 INDICATE WHAT SHE HAS FOUND IN REGARD TO THIS BASED ON SEEING IT  
2 AND PRESENTING IT TO YOU BEFORE THE BREAK.

3 AND I APOLOGIZE FOR THE LENGTH OF OUR DELAY IN  
4 COMING BACK, BUT WE WERE TRYING TO MAKE SURE THAT WHAT WE HAVE  
5 FOUND, NOW, IS ACCURATE SO THAT WE CAN REPORT THAT TO YOU, THAT  
6 THERE WAS AN ERROR IN REPORT WRITING.

7  
8 CHARLOTTE WORD, +  
9 CALLED AS A WITNESS HEREIN, HAVING BEEN PREVIOUSLY DULY SWORN,  
10 WAS EXAMINED AND TESTIFIED AS FOLLOWS:

11  
12 REDIRECT EXAMINATION \*

13 BY MR. CARPENTER:

14 Q. GO AHEAD.

15 THE COURT: THIS REFERS TO THE REPORT WHICH IS ATTACHED  
16 TO THE DEFENSE MOTION AS ATTACHMENT ONE; IS THAT CORRECT?

17 MR. CARPENTER: YES.

18 THE COURT: IT'S A TWO-PAGE REPORT. IT SAYS "CELLMARK  
19 DIAGNOSTICS" AT THE TOP, "JUNE 20TH, 1995."

20 THE WITNESS: THAT'S CORRECT.

21 THE COURT: THIS REPORT HAS AN ERROR IN IT; NOT THE FILM?

22 THE WITNESS: I THINK SO.

23 I'M A LITTLE HYSTERICAL RIGHT NOW, BUT I THINK  
24 THE -- ACCORDING TO OUR EVIDENCE LOG SHEET, OUR SAMPLE 02 WOULD  
25 BE THE KNOWN SAMPLE FOR MR. KOCAK. THE -- OUR SAMPLE 03 IS THE  
26 KNOWN SAMPLE FROM MISS FRANK.

27 AND IN EXPLAINING THE GEL EARLIER, IT -- I REALIZED  
28 THAT THE ANALYSIS THAT WE HAD BEEN -- WE HAD DONE, WHICH SHOWS

1 THAT THE SAMPLE 03 IS CONSISTENT WITH THE TYPES FROM SAMPLE 01A,  
2 IS CORRECT, BUT WHAT WE INCORRECTLY REPORTED IS THAT 03 WAS MR.  
3 KOCAK'S SAMPLE.

4 ACCORDING TO MY NOTES -- AND I HOPE I'M READING  
5 THEM RIGHT, BUT I CERTAINLY WILL, IN A CALMER STATE, RECONFIRM  
6 THIS -- 03 IS MR. KOCAK -- I'M SORRY -- 03 IS MISS FRANK, AND 02  
7 IS MR. KOCAK.

8 SO IF YOU GO TO OUR REPORT PAGE 2, THE TYPES  
9 DETECTED RESULTS CHART, THE TYPES ARE ALL CORRECT, BUT THE TWO  
10 NAMES SHOULD BE SWITCHED.

11 AND THEN THE CONCLUSIONS WOULD BE INCORRECT, THAT  
12 THE DATA -- THE PRIMARY DATA THAT WE HAVE OBTAINED ARE  
13 CONSISTENT WITH THE TYPES FROM MISS FRANK, AND WE CAN MAKE NO  
14 CONCLUSION REGARDING THE FAINT BANDS, WHICH MAY OR MAY NOT  
15 INCLUDE MR. KOCAK. I HAVE NOT REVIEWED IT FROM THAT  
16 PERSPECTIVE.

17 THE COURT: OKAY.

18 THE WITNESS: OUR REPORT WOULD BE, IN TERMS OF THIS CASE,  
19 IF I'M ANALYZING THIS CORRECTLY, INCONCLUSIVE IN TERMS OF ANY  
20 SPERM DONOR, AND I'M EXTREMELY SORRY AND APOLOGIZE TO THE COURT  
21 FOR THIS ERROR.

22 THE COURT: WELL, I'M NOT -- I'M NOT SURE -- I'M NOT SURE  
23 WHAT I'M SUPPOSED TO MAKE OF THIS.

24 MR. CARPENTER, PERHAPS YOU CAN CLARIFY. ARE WE  
25 SUPPOSED TO NOW THROW OUT THE CELLMARK REPORT?

26 MR. CARPENTER: WELL, WHAT -- WHAT WE WOULD BE DOING IS  
27 NOT PRESENTING THE CELLMARK RESULTS, BECAUSE THEY'RE  
28 NONCONCLUSIVE. ALL THAT THEY SHOW IS THAT THE VICTIM'S DNA WAS

1 PRESENT IN THE SAMPLE THAT THEY ANALYZED.

2 AND SO THE CELLMARK RESULTS WERE OBTAINED THROUGH  
3 THE STR SYSTEM. I WOULD AT LEAST ASK THE COURT TO CONSIDER WHAT  
4 DR. WORD HAS TESTIFIED REGARDING THE PCR SYSTEM, BECAUSE WE WILL  
5 BE PRESENTING THE RESULTS OBTAINED BY THE SAN DIEGO POLICE  
6 DEPARTMENT LAB.

7 THE COURT: OKAY. SO YOU'RE -- AT THIS POINT, YOU'RE  
8 TELLING ME THAT THE PEOPLE DO NOT INTEND TO OFFER CELLMARK'S  
9 RESULTS?

10 MR. CARPENTER: THE STR SYSTEM OBTAINED BY -- STR SYSTEM  
11 RESULTS OBTAINED BY CELLMARK; THAT IS CORRECT.

12 THE COURT: OKAY. AND THAT THE PEOPLE STILL INTEND TO  
13 OFFER THE SAN DIEGO POLICE DEPARTMENT'S PCR DQ ALPHA-PM RESULTS?

14 MR. CARPENTER: THAT IS CORRECT, AND WE HAVE DR.  
15 O'DONNELL SCHEDULED TO TESTIFY MONDAY WHEN WE RESUME.

16 THE COURT: OKAY. AND SO DOES THIS MEAN THAT THIS IS THE  
17 END OF DR. WORD'S TESTIMONY, OR DO WE STILL WANT -- DO YOU STILL  
18 WANT TO ASK MORE QUESTIONS?

19 MR. CARPENTER: WELL, NO. I WAS FINISHED WITH MY  
20 REDIRECT. I THINK THAT I HAD TALKED -- OR ASKED HER QUESTIONS  
21 REGARDING PCR, AS WELL AS DATA BASES, AND I THINK THAT THAT  
22 EVIDENCE OBVIOUSLY IS -- OR THAT TESTIMONY IS VERY IMPORTANT FOR  
23 THE COURT TO CONSIDER ON THE ADMISSIBILITY OF THE PCR RESULTS  
24 OBTAINED BY THE SAN DIEGO POLICE DEPARTMENT. I WOULD ASK THE  
25 COURT TO CONSIDER IT FROM THAT STANDPOINT.

26 BUT IF I UNDERSTAND SOME OF THE DEFENSES CORRECTLY,  
27 I THINK THAT THEY WERE MOST OBJECTION- -- OBJECTIONABLE TO THE  
28 STR RESULTS, BECAUSE THEY WERE SO NEW AND HAD NOT BEEN

1 INTRODUCED INTO COURT PREVIOUSLY, AT LEAST IN THIS STATE.

2 THE COURT: OKAY. SO LET ME ASK, THEN, OF THE DEFENSE:  
3 DO YOU WISH TO ASK ANY ADDITIONAL QUESTIONS OF DR. WORD?

4 MR. ARAGON: YES.

5 THE COURT: OKAY.

6  
7 RECROSS-EXAMINATION

8 BY MR. ARAGON:

9 Q. DR. WORD, YOU CAME TO THIS CONCLUSION TODAY OR  
10 YESTERDAY?

11 A. RIGHT NOW IN THIS COURTROOM -- OR WHEN I WAS  
12 LOOKING AT THE FILM, IT OCCURRED TO ME, YES.

13 Q. AND IS THIS ESSENTIALLY, THEN, THE FIRST TIME THAT  
14 YOU'VE HAD A CHANCE TO LOOK AT THIS AREA AND DECIDE FOR YOURSELF  
15 WHETHER SUCH AN ERROR WAS POSSIBLE?

16 A. I HAD REVIEWED THE CASE FOLDER AND NOTES. I HAD  
17 NOT REVIEWED THE LABELING OF THE SAMPLES, SO IF YOU'RE ASKING ME  
18 ABOUT THE ERROR I JUST RECOGNIZED, THIS IS THE FIRST THAT I  
19 RECOGNIZED IT AND HAVE HAD A CHANCE TO LOOK AT IT AND REVIEW IT.

20 I HAD REVIEWED ALL THE DATA, THE FILM I HADN'T  
21 REVIEWED THE ACTUAL LABELING OF THE SAMPLES, AND I WAS IN ERROR  
22 FOR THAT.

23 Q. DO YOU HAVE ANY OPINION AS TO WHERE THE ERROR  
24 OCCURRED, AT WHAT PART OF THE PROCESSING OF THE DNA THIS ERROR  
25 MOST LIKELY OCCURRED?

26 A. IT CERTAINLY LOOKS THAT THE ERROR WAS SIMPLY IN THE  
27 LABELING OF THE SAMPLES ON THE FINAL REPORT.

28 THE DOCUMENTATION THROUGH THE CASE IS HOW WE DO IT

1 IN EVERY CASE. SIMPLY WHAT OCCURRED IS THAT IN THE LABELING OF  
2 THE SAMPLES ON THE FINAL REPORT, THE DEFENDANT'S NUMBER AND THE  
3 VICTIM'S NUMBER GOT EXCHANGED, SUPERIMPOSED AND, THEREFORE,  
4 REPORTED BACKWARDS.

5 Q. SO THAT ERROR OCCURRED IN PREPARATION FOR THIS JUNE  
6 20TH REPORT AT CELLMARK?

7 A. THAT'S CORRECT. I DON'T HAVE ANY INDICATION THAT  
8 THERE'S ANYTHING WRONG WITH THE DATA OR THE SCIENCE. IT'S  
9 SIMPLY IN OUR FINAL REPORT, WE ERRED.

10 MR. ARAGON: YOUR HONOR, BEFORE I LET MRS. WORD CATCH HER  
11 PLANE, COULD I TALK TO MR. TAYLOR FOR JUST ONE MINUTE?

12 THE COURT: SURE.

13 (WHEREUPON, AN OFF-THE-RECORD DISCUSSION WAS HAD.)

14 MR. ARAGON: YOUR HONOR, I HAVE NO MORE QUESTIONS.

15 THE COURT: ALL RIGHT. I JUST HAVE A COUPLE OF  
16 QUESTIONS.

17 FIRST OF ALL, MR. CARPENTER, DOES THIS MEAN THAT  
18 CELLMARK STILL GETS THEIR \$1200 A DAY?

19 MR. CARPENTER: I BELIEVE SO. I MEAN, SHE'S PUT A  
20 YEOMAN'S PERSON'S EFFORT INTO IT, AND --

21 THE COURT: WHAT I DON'T -- I DON'T MEAN TO BEAT A DEAD  
22 HORSE, BUT I NEED TO UNDERSTAND, ON PAGE 2 OF THE JUNE 23  
23 REPORT, HOW THIS WOULD BE CHANGED TO REFLECT WHAT YOU BELIEVE TO  
24 BE THE ACCURATE DATA. WHAT WOULD YOU MARK OUT AND CHANGE?

25 THE WITNESS: ON THE TOP OF THE PAGE UNDER TYPES  
26 DETECTED," UNDER "SAMPLE," WHERE IT SAYS "A. FRANK" THAT SHOULD  
27 BE SCRATCHED OUT AND LABELED JOHN KOCAK, AND UNDER "SAMPLE:  
28 JOHN KOCAK," THAT SHOULD BE SCRATCHED OUT AND LABELED A. FRANK.



1 THE COURT: OKAY. AND --

2 THE WITNESS: AND THEN IN THE MIDDLE OF THE PAGE UNDER  
3 "GENOTYPES," THE NAMES WOULD ALSO BE CHANGED.

4 THE COURT: SO THE -- LINE ONE WHERE IT SAYS "A. FRANK"  
5 SHOULD READ KOKAK?

6 THE WITNESS: THAT'S CORRECT.

7 THE COURT: AND WHERE IT SAYS "KOKAK," IT SHOULD SAY  
8 FRANK?

9 THE WITNESS: THAT'S CORRECT.

10 AND THEN, CERTAINLY, THE CONCLUSION SECTION IS  
11 ALL -- ALL THE NAMES SHOULD ALSO BE CHANGED. WHERE IT SAYS, "A.  
12 FRANK IS EXCLUDED AS THE SOURCE," THAT SHOULD SAY JOHN KOKAK IS  
13 EXCLUDED AS THE SOURCE. WHERE IT SAYS, "JOHN KOKAK CANNOT BE  
14 EXCLUDED," IT SHOULD BE -- IT SHOULD SAY A. FRANK CANNOT BE  
15 EXCLUDED.

16 AND THEN THE FREQUENCY CALCULATIONS WOULD ALL BE  
17 FOR A. FRANK, NOT FOR MR. KOKAK, AND THEN THE FREQUENCY  
18 CALCULATIONS --

19 THE COURT: SO DOWN THERE ON -- IN THAT LAST SENTENCE  
20 THAT STARTS "USING LOCI," INSTEAD OF JOHN KOKAK, IT SHOULD SAY  
21 A. FRANK?

22 THE WITNESS: THAT'S CORRECT.

23 AND THEN THE CUMULATIVE FREQUENCY CALCULATIONS THAT  
24 I DID EARLIER ARE HALF RIGHT AND HALF WRONG. THE SAN DIEGO  
25 POLICE DEPARTMENT TYPES WOULD BE CORRECT FOR THE EVIDENCE IN MR.  
26 KOKAK, AND THOSE FREQUENCIES WOULD STILL BE CORRECT, BUT ALL OF  
27 THE STR DATA WOULD BE INCORRECT FOR HIS TYPES.

28 THE COURT: AND MY QUESTION IS WHY DOES THIS NOT

1 EXONERATE MR. KOCAK?

2 THE WITNESS: BASICALLY, THE ONLY DATA THAT WE OBTAINED  
3 MATCHES THE VICTIM. WE -- WE HAVE FAINT BANDS THAT I WOULD  
4 CERTAINLY NOT BE WILLING TO INTERPRET. THEY ARE POSSIBLY DUE TO  
5 ARTIFACT, AND WE HAVE NO GENETIC INFORMATION FOR AN INDIVIDUAL  
6 THAT WE CAN INTERPRET OTHER THAN FOR THE VICTIM IN THIS CASE, SO  
7 IT'S AN INCONCLUSIVE RESULT IN TERMS OF WHO A POSSIBLE SEMEN OR  
8 SPERM DONOR WAS IN THIS SAMPLE. WE HAVE NO DATA TO INTERPRET  
9 REGARDING THAT.

10 IF WE HAD A SECOND SET OF DATA, INFORMATION FROM  
11 ANOTHER INDIVIDUAL THAT DID NOT MATCH THE VICTIM AND THAT DID  
12 NOT MATCH MR. KOCAK, THEN THAT WOULD BE EVIDENCE OF A SECOND  
13 PERSON BEING THERE, AND HE WOULD BE EXCLUDED AS THAT DONOR. WE  
14 DON'T HAVE THAT INFORMATION HERE. WE SIMPLY HAVE DNA FROM ONE  
15 INDIVIDUAL, AND IT IS CONSISTENT WITH THE VICTIM.

16 THE COURT: SO I GUESS I DON'T UNDERSTAND WHY, ON SPERM  
17 FRACTION, YOU'RE SAYING THAT THAT IS -- YOU BELIEVE IS FROM MISS  
18 FRANK.

19 THE WITNESS: THAT'S CORRECT. IT'S SIMPLY CARRY OVER OF  
20 THAT DNA FROM THE FIRST FRACTION TO THE -- TO THE SPERM  
21 FRACTION. THAT CAN OCCUR. THE --.

22 AS I SAID YESTERDAY, THE DEFINITION OF NONSPERM AND  
23 SPERM ARE WORKING DEFINITIONS OF THE ABILITY OF THESE CELLS TO  
24 BREAK OPEN. THEY ARE NOT 100 PERCENT DISCREET SEPARATIONS OF  
25 THOSE TWO CELL TYPES, SO BY SAYING SPERM FRACTION, IT DOESN'T  
26 MEAN THAT IS DNA FROM SPERM AND ONLY SPERM. IT'S WHERE WE WOULD  
27 EXPECT TO SEE DNA FROM SPERM WHERE SPERM ARE PRESENT.

28 THE COURT: OKAY. ANY FURTHER QUESTIONS?

1           MR. CARPENTER: I HAVE NONE. THANK YOU.

2           MR. ARAGON: NO, YOUR HONOR.

3                           (WHEREUPON, THIS CONCLUDES THIS PARTIAL TRANSCRIPT

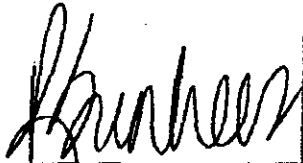
4 OF PROCEEDINGS.)

5

1 STATE OF CALIFORNIA )  
2 COUNTY OF SAN DIEGO ) SS:  
3

4 I, ROBIN K. SUNKEES, CSR, CERTIFICATE NO. 8824, A  
5 PRO TEM REPORTER OF THE SUPERIOR COURT OF THE STATE OF  
6 CALIFORNIA, IN AND FOR THE COUNTY OF SAN DIEGO, HEREBY CERTIFY  
7 THAT I REPORTED IN SHORTHAND THE PROCEEDINGS HAD IN THIS MATTER  
8 AND THAT THE FOREGOING TRANSCRIPT, CONSISTING OF PAGES NUMBERED  
9 FROM 1 THROUGH 10, INCLUSIVE, CONTAINS A FULL, TRUE AND CORRECT  
10 TRANSCRIPTION OF MY STENOGRAPHIC NOTES OF SAID PROCEEDINGS.

11 DATED DECEMBER 5, 1995, AT SAN DIEGO, CALIFORNIA.

12  
13   
14  
15 ROBIN K. SUNKEES, CSR NO. 8824

## AMENDED REPORT OF LABORATORY EXAMINATION

November 20, 1995

Ms. Aiko Lawson, Criminalist  
San Diego Police Department  
Forensic Science Section  
1401 Broadway, M.S. 725  
San Diego, CA 92101

**Cellmark Diagnostics**  
20271 Goldenrod Lane  
Germantown, MD 20876  
Telephone (301) 428-4980  
800-USA-LABS  
Fax (301) 428-4877

Re: Your Case No. 95-007092  
Cellmark Case No. F951078

### EXHIBITS:

Items of evidence were received for analysis on February 22, 1995. Polymerase chain reaction (PCR) testing was performed on the items listed below:

<u>ID#</u>	<u>DESCRIPTION</u>
2-A	White material in envelope labelled "... Item 2 sample A..."
2-B	White material in envelope labelled "...Item 2 sample B..."
	One of two blood swatches in envelope labelled "...John Kocak..."
	One of two swabs in envelope labelled " , AM..."

### RESULTS:

DNA was isolated from the items listed above. DNA from each of the items was amplified using the PCR and typed for the short tandem repeat (STR) loci HUMCSF1PO, HUMTPOX, and HUMTH01 using GenePrint™ STR Systems. The types detected for each sample are listed below:

TYPES DETECTED

<u>Sample</u>	<u>CSF1PO</u>	<u>TPOX</u>	<u>THO1</u>
combined material cuttings (non-sperm fraction)	11*	8,12*	6,7
combined material cuttings (sperm fraction)	11	8,12	6,7
John Kocak	10	8,10	7
A.	11	8,12	6,7

\* In addition to the types listed above, results were obtained that were faint. These results may be due to the presence of DNA from more than one individual or to technical artifacts.

GENOTYPES

<u>Samples</u>	<u>CSF1PO</u>	<u>TPOX</u>	<u>THO1</u>
John Kocak	10,10	8,10	7,7
A.	11,11	8,12	6,7

CONCLUSIONS:

A. cannot be excluded as the source of the DNA obtained from the combined material cuttings.

John Kocak is not the donor of the DNA obtained from the combined material cuttings. However, since the only types obtained from the combined material cuttings are consistent with the types obtained from the swab labelled A., no further conclusion can be made concerning the combined material cuttings.



Robin W. Cotton, Ph.D.  
Director of Laboratories



Charlotte J. Word, Ph.D.  
Molecular Geneticist

\*\* The bold type indicates changes made in the Amended Report of Laboratory Examination. The accompanying letter explains the changes made.

Report for Case No. F951078

November 20, 1995

Page Three

cc: Mr. Michael G. Carpenter  
Deputy District Attorney  
County of San Diego  
220 West Broadway  
San Diego, CA 92101

Mr. Raymond George Aragon  
Office of the Public Defender  
County of San Diego  
233 A Street  
Suite 400  
San Diego, CA 92101

# ZENECA

# CELLMARK DIAGNOSTICS

November 20, 1995

Mr. Michael G. Carpenter  
Deputy District Attorney  
County of San Diego  
220 West Broadway  
San Diego, CA 92101

**Cellmark Diagnostics**  
20271 Goldenrod Lane  
Germantown, MD 20876  
Telephone (301) 428-4980  
800-USA-LABS  
Fax (301) 428-4877

RE: People of California v. John Kocak  
Your Case No. P56538/SCD110465  
Cellmark Case No. F951078

Dear Mr. Carpenter:

Please find attached an **Amended Report of Laboratory Examination** dated November 20, 1995 which is provided as a replacement for the **Report of Laboratory Examination** dated June 20, 1995 previously provided in the above-referenced case. As you will recall, Dr. Word discovered in court on Friday, November 17, 1995 that the names of the two known individuals tested in this case, A. Franke and John Kocak, had been reversed in the **Report of Laboratory Examination** dated June 20, 1995. As a result of this error, the stated conclusions were also not correct. These errors have been corrected in the **Amended Report of Laboratory Examination** dated November 20, 1995.

Please note that there is no indication of any errors in the scientific procedures used or the data obtained in this case; the error was simply at the level of reporting where a transposition of the names occurred. We have requested that the two known samples be resubmitted for analysis to confirm the typing results.

Please accept our sincerest apologies for this error. We regret any inconvenience that this error may have caused.

Respectfully yours,



Robin W. Cotton, Ph.D.  
Director of Laboratories



Charlotte J. Word, Ph.D.  
Molecular Geneticist

cc: Mr. Raymond George Aragon  
Office of the Public Defender  
County of San Diego  
233 A Street  
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Criminalist  
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