

**Witness for the Prosecution**

**January 28, 1994**

**LISA SAKEVICIUS having been first duly sworn to speak the truth, the whole truth and nothing but the truth, then testified as follows:**

**DIRECT EXAMINATION BY MR. FOGLEMAN:**

**Q:** Will you please state your name and occupation?

**A:** Lisa Sakevicius and I'm a criminalist at the Arkansas State Crime Lab.

**Q:** What education, experience and training have you had to qualify you as a criminalist at the Crime Lab?

**A:** I have a degree in chemistry from the University of Central Arkansas. I worked as a chemist for a year at the Arkansas Plant Board where I learned to use several instruments. Then I started working at the lab about five and a half years ago. I have been to the accelerant detection course from the FBI. I've had polarized light microscopy courses from the McKrohn Institute and manmade fiber identifications from McKrohn Institute. I've had a hair comparison course from the Association of Forensic Sciences in Selma, Alabama. I have been to various workshops involving trace evidence.

**MR. FOGLEMAN:** Your Honor, we would submit Miss Sakevicius as an expert in the field as a criminalist.

**THE COURT:** Do you want to question her further?

**MR. STIDHAM:** No, your Honor.

**THE COURT:** All right. You may proceed.

**BY MR. FOGLEMAN:**

**Q:** In the course of your duties did you come into contact with items from the West Memphis Police Department in their investigation of the murders of Michael Moore, Steve Branch and Chris Byers?

**A:** Yes, I did.

**Q:** I want to show you what I have marked and introduced as State's Exhibits 82, 81 and 80 and ask if you can identify those items? (HANDING)

**A:** (EXAMINING) Yes. These are my initials and the date that I sealed this package and this is the ligature from Michael Moore. (EXAMINING) Again my initials are on here. This is the

ligature from Chris Byers. (EXAMINING) Here are my initials again. This is the ligature from Steve Branch.

**Q:** In regard to those ligatures -- and I assume the ligatures are the knots in the shoestrings that we're referring to?

**A:** Yes.

**Q:** What examinations did you make of those items?

**A:** I looked at the types of knots present and examined them for hairs and fibers.

**Q:** Referring first to Exhibit 80 -- on Exhibit 80 those were the knots on which --

**A:** Michael Moore.

**Q:** What were your findings as to the knots on Michael Moore?

**A:** Two pieces of black shoestring, one each tied between the wrist and leg on the right and left side. The knots on the wrist and leg on the left side were both square knots. The knot on the wrist on the right side was a series of three half hitches. The knot on the left side of the right side was a series of four half hitches.

**Q:** On the left side what kind of knots did you have?

**A:** Square knots.

**Q:** And on the right side what kind of knots?

**A:** You had a series of three half hitches and then a series of four half hitches.

**Q:** On Exhibit 81 -- if you would refer to that exhibit.

**A:** That is from Steve Branch.

**Q:** What were your findings as to the knots on Exhibit 81?

**A:** Examination of the ligatures revealed a black shoestring on the right side tied in three half hitches with an extra loop around the leg to a single half hitch with a figure eight around the right wrist. The left side consisted of a white shoestring tied in three half hitches around the wrist to three half hitches around the leg.

**Q:** So on the left side on the wrist you had three half hitches?

**A:** Correct.

**Q:** And on the ankle you had three half hitches?

**A:** Correct.

**Q:** On the right side on the leg you had three half hitches with what?

**A:** An extra loop around the right leg.

**Q:** On the wrist you had?

**A:** A figure eight.

**Q:** With one half hitch. Is that right?

**A:** Yes, sir.

**Q:** Refer to Exhibit 82.

**A:** That would be from Chris Byers. Examination of ligatures revealed one black shoestring tied in a double half hitch around the right wrist to a double half hitch around the right leg. The ligature on the left side consisted of a double half hitch around the wrist and leg but was tied with a white shoestring.

**Q:** When you say, "a double half hitch," is that the same as two half hitches?

**A:** Yes.

**Q:** So on Exhibit 82 all of the knots on both wrists and both legs are the same?

**A:** Yes.

**Q:** And on Exhibit 80, which was Michael Moore, on the left side you had the same kind of knots both on the leg and wrist which were square knots?

**A:** Yes, sir.

**Q:** Tell me one more time what those were on the right side, please.

**A:** On the right side a series of three half hitches on -- I called it the wrist -- and then on the left side four half hitches.

**Q:** You lost me there.

**A:** I think what I mean is the wrist and the leg.

**Q:** You had three half hitches and four half hitches?

**A:** Yes.

**Q:** And then on Exhibit 81 on the left side you had both the wrist and ankle with three half hitches?

**A:** Three half hitches around the wrist and leg.

**Q:** You had some half hitches with some differences on the right side, some extra --

**A:** Correct.

**Q:** You said there is a loop and then a figure eight. What do you mean?

**A:** Instead of just being once around, it had been wrapped around twice and then the knot was tied.

**Q:** Also in your examination of these ligatures did you find any tissue or what you thought to be tissue?

**A:** Yes.

**Q:** Where was that found?

**A:** I remember some of it was found from the Byers ligature. On Exhibit 718 that would be Byers. There were skin particlas removed on the left wrist.

**Q:** What did you do with those skin particles?

**A:** I gave them to Kermit Channel in our serology section.

**Q:** I want to show you what I have introduced as Exhibit 45 and ask if you can identify that?  
(HANDING)

**A:** (EXAMING) Yes, I can. My laboratory case number, item number and my initials. That is my seal.

**Q:** In the course of your duties did you come into contact with that item in the Crime Lab?

**A:** Yes, I did.

**Q:** I also want to show you State's Exhibits 8 and 44 and ask if you can identify these?  
(HANDING)

**A:** (EXAMINING) Yes. Here's my lab case number, item number and initials and my seal. And here it is on this one.

**Q:** What examinations did you make of those items?

**A:** I looked at them for hairs and fibers.

**Q:** On or about June third, late June third or early June fourth, were you requested to come to West Memphis to participate in a search?

**A:** Yes.

**Q:** Did you go to a residence in West Memphis identified to you as Damien Echols' residence?

**A:** Yes.

**Q:** I want to show you Exhibits 85 and 86 and ask if you can identify those two items?  
(HANDING)

**A:** (EXAMINING) Here is our lab case number and my initials. (EXAMINING) Here they are in this item.

**Q:** And did you -- where did you come into contact with those items?

**A:** E80, which would be State's Exhibit 86, is a blue shirt taken from Damien Echols' residence. Exhibit 85 -- my E79 -- that is a blue shirt taken from Damien's residence.

**Q:** In the course of your search, were you looking for anything in particular?

**A:** Yes. I had a number of fibers that I had seen on the tapes from the clothing of the victims, and I was looking for things to match those.

**Q:** Did you also go to a residence identified to you as Jason Baldwin's?

**A:** Yes, I did.

**Q:** I want to show you what is marked for identification as State's Exhibit 88 and ask if you can identify that? (HANDING)

**A:** (EXAMINING) Yes. Here's my case number and my initials.

**Q:** Where did you come into contact with that item?

**A:** Jason Baldwin's residence.

**Q:** In regard to State's Exhibits 45, 44 and 8, did you recover any fibers from those items? If you could, take them one at a time and tell what the item is and what was recovered.

**A:** Okay. E2 is a black and white shirt with a square pattern on it.

**Q:** Is that Exhibit 44?

**A:** Yes.

**Q:** What did you recover from that item?

**A:** Single red rayon fiber microscopically similar to those used in the construction of E99 was recovered from E2 being Exhibit 88.

**Q:** Exhibit 88?

**A:** Yes, sir.

**Q:** So from Exhibit 44 you recovered a red rayon fiber microscopically similar to Exhibit 88 which is an item from Jason Baldwin's house?

**A:** Correct.

**Q:** In regard to Exhibit 8, what, if anything, did you recover?

**A:** That is my E5. That is a blue and yellow Cub Scout cap. A green polyester fiber microscopically similar to those used in the construction of E79, which is Exhibit 85, was recovered from E5.

**Q:** So from the Cub Scout hat you got a fiber that was microscopically similar to Exhibit 85 which was a shirt from Damien Echols?

**A:** Correct.

**Q:** In regard to Exhibit 44 what did you find?

**A:** We have done 44. That is this one.

**Q:** Okay, 45.

**A:** That's E3. A single green cotton fiber microscopically similar to those used in the construction of E79, again the same Exhibit 85, was recovered from E3 and also a green polyester fiber microscopically similar to those used in the construct of E79 was recovered from E3.

**Q:** From Exhibit 45 you found a cotton fiber and a polyester fiber that were microscopically similar to the fibers in Exhibit 85?

**A:** Correct.

**Q:** What is the fiber content of Exhibit 85?

**A:** Cotton polyester blend.

**Q:** So it's a polycotton?

**A:** Yes.

**Q:** Describe what secondary transfer is.

**A:** Primary transfer would be if I were to touch you and you touch me, and fibers from our items were found cross transferred. If I were you touch you and you were to touch someone else and I were to find fibers from my item on the other person you touched, that would be considered secondary transfer.

**Q:** What types of cases do you get secondary transfers? Is that like clothes laying next to each other or coming into contact with each other and then being transferred again?

**A:** Correct.

**Q:** So we are not saying anybody was wearing a red housecoat out at the scene.

**MR. CROW:** Object to leading.

**THE COURT:** Avoid leading.

**MR. FOGLEMAN:** I'll rephrase the question, your Honor. Your Honor, we would offer Exhibits 85, 86 and 88.

**MR. CROW:** Subject to our previous objections, your Honor.

**THE COURT:** I don't remember what they were. You'll have to approach the bench.

(THE FOLLOWING CONFERENCE WAS HELD AT THE BENCH OUT OF THE HEARING OF THE JURY)

**MR. CROW:** We object to evidence linking only the other two defendants.

**THE COURT:** Overruled.

(RETURN TO OPEN COURT)

**THE COURT:** They may be received.

(STATE'S EXHIBITS 85, 86 AND 88 ARE RECEIVED IN 24 EVIDENCE)

**BY MR. FOGLEMAN:**

**Q:** Just so we're real clear on all this, on the Cub Scout cap, which is State's Exhibit 8, you found a fiber microscopically similar to the fibers in State's Exhibit 85 which is a shirt from Damien Echols' residence?

**A:** Correct.

**Q:** And then you found a fiber on the white polka-dot shirt, State's Exhibit 44, which was consistent with the fiber from the red housecoat from Jason Baldwin's house?

**A:** That's correct.

**Q:** And then you found a green polyester fiber on the pair of blue pants labeled State's Exhibit 45 that was microscopically similar to the same shirt from Damien Echols?

**A:** Polyester and cotton.

**Q:** Two fibers. One cotton, one polyester?

**A:** Correct.

**Q:** I noted the fibers were what color?

**A:** Green.

**Q:** And the shirt is blue. Explain that to me.

**A:** The color that I see under the microscope isn't necessarily the overall color that it might appear to you. If I have a glass of water, it appears clear but if you look at the ocean, it appears blue. That's the difference in my terminology from what I'm seeing.

**Q:** So what exactly are you looking at when you are looking at -- when you're making a fiber comparison?

**A:** I look at both the fibers side by side in a comparison microscope. I examine the color. I look at a property called birefringence. I look at delustrants. I take them to another instrument called a microspectrophotometer. I examine to make sure the dyes are similar. I take them if they are synthetic to another instrument called a fourier transform infrared microscope and examine them there to make sure the polymers are the same.

**Q:** So it is not just a matter of looking at them under the microscope and saying they are similar?

**A:** Correct.

**Q:** In regard to the fiber on the housecoat or fibers in the housecoat that match the housecoat from Jason Baldwin's house and the fiber found on Exhibit 44, which was the black and white shirt, is that a common type fiber that you see in the lab?

**A:** I don't see it as often as I do a lot of the other types.

**CROSS EXAMINATION BY MR. STIDHAM:**

**Q:** Can you tell the jury what microscopically similar means?

**A:** That I cannot distinguish the two. They look the same to me.

**Q:** Does that mean it is a definite match or just similar?

**A:** That means there are no distinguishable differences between the two fibers.

**Q:** Are you able to exclude all other possibilities between the two? In other words does it definitely come from that source because it's similar?

**A:** It does not necessarily mean it comes from that source. There could be a number of items containing that same fiber type so we can never say it came from a particular source.

**Q:** So we are not talking about exactness then, are we.

**A:** It can be exactness in that the fibers are alike, but you cannot say that it came from a particular source.

**Q:** You cannot exclude all other sources?

**A:** Correct.

**Q:** Were any of these fibers you just mentioned -- were they similar to anything else that you looked into or compared?

**A:** These that we have just talked about, no.

**Q:** Have you found any fibers at all that are similar to any fibers that are related to Mr. Misskelley?

**A:** No.

**Q:** How many fibers have you examined in this case?

**A:** Hundreds.

**Q:** You haven't found any fiber that was microscopically similar to Jessie Misskelley?

**A:** No items from his household, no.

**Q:** You also analyzed hairs in this case?

**A:** Yes, I have looked at hairs.

**Q:** How many hairs have you looked at, would you say?

**A:** I have no idea.

**Q:** Hundreds like the fibers?

**A:** If you include the standards, yes.

**Q:** Have you compared Jessie Misskelley's hairs to these known hairs?

**A:** Yes.

**Q:** Have you found any similarities?

**A:** No.

**Q:** None at all?

**A:** No.

**MR. STIDHAM:** Could we have a short recess?

**THE COURT:** Ladies and gentlemen, with the usual admonition not to discuss the case among yourselves or with anyone, you may stand in recess for about ten minutes.

(RECESS)

(RETURN TO OPEN COURT)

**CONTINUED CROSS EXAMINATION BY MR. CROW:**

**Q:** Ma'am, I'm Greg Crow. I'm Mr. Stidham's partner. I'm going to ask you a couple more questions. I believe you told Mr. Stidham before there were not any hair or fiber matches for Mr. Misskelley?

**A:** Correct.

**Q:** In covering the possibility of things coming from more than one source, I believe you told Mr. Stidham it is possible that fibers come from two different sources and you can't say that just because there's a match that the fiber comes from this particular source. Is that correct?

**A:** That's correct.

**Q:** In this particular case wasn't there three red fibers that came from three different sources that at one time were or -- were found to be a match with some of Mr. Echols' clothing but also turned out to be a match with Melissa Byers' clothing?

**A:** Correct.

**Q:** So were --

**A:** Excuse me. Let me refer to that report. (EXAMINING) I believe the red fibers came from the Moore household.

**Q:** Oh, the Moore. I'm sorry. In any event that were certain fibers that were initially -- or did match fibers -- fibers from the crime scene matched something found from Damien Echols' house but also ended up matching something from the Moore home?

**A:** That's correct.

**REDIRECT EXAMINATION BY MR. FOGLEMAN:**

**Q:** So those fibers could have come from either source?

**A:** That's correct.

**Q:** Those were cotton fibers?

**A:** Yes, they were.

**Q:** Are cotton fibers more common?

**A:** They are the most common type of fiber we work with.

**Q:** What is the effect as far as your ability to find hair and fibers on something being in water?

**A:** It is very detrimental.

**Q:** Mr. Stidham asked you a question about you had looked at hundreds of hairs. I think you said something about including -- what did you say?

**A:** Including standards. The known samples.

**Q:** When you say, "known samples," what do you mean by known samples?

**A:** The pulled samples from the different individuals labeled as having come from a specific person.

**Q:** A family member's hair or a potential suspect's hair?

**A:** Correct.

**Q:** Besides the known or standard samples and the hairs that you would associate with any of the three victims, approximately how many hairs did you have that you would call questioned hairs?

**A:** Very few.

**RECROSS EXAMINATION BY MR. STIDHAM:**

**Q:** What do you mean by a questioned hair?

**A:** A questioned hair is a hair that is recovered off of clothing that I have to determine its possible source.

**Q:** Isn't it true that there was a Negroid hair found on the victim Byers or was found on the body or something that was covering the body?

**A:** I think that was off of a sheet used to cover his body.

**Q:** To your knowledge, are any of the defendants black?

**A:** No.

**REDIRECT EXAMINATION BY MR. FOGLEMAN:**

**Q:** What was the nature of the hair you found?

**A:** A single Negroid hair fragment recovered from FP10, which is case number 571B, which belong to Byers.

**Q:** What was FP10?

**A:** I believe it was a sheet covering his body.

**Q:** Out of all the hairs you found, was that the only Negroid hair?

**A:** I believe so.

**Q:** That wasn't found on any of the kids' clothing or anything else. It was found on a sheet that had been placed on or over or under the victim?

**A:** Correct.

**Q:** You don't know whether any of the Negro --

**MR. CROW:** Objection to leading.

**BY MR. FOGLEMAN:**

**Q:** Do you know whether or not any of the black police officers of the City of West Memphis were involved with that?

**A:** I don't know.

**Q:** You're aware that West Memphis police officers --

**MR. STIDHAM:** That calls for speculation. The hair was found on the sheet that the body was wrapped in. That is pure speculation.

**THE COURT:** I'm not following your objection.

**MR. FOGLEMAN:** I will withdraw the question.

(WITNESS EXCUSED)