

1 Q. But the other numbers you have on there, I believe you
2 said that it was a mixture that involved DNA from at least
3 four other people, is that right?

4 A. That's correct.

5 Q. It could have been five other people?

6 A. Possible, yes.

7 Q. Now, what you're saying as far as the fact that, as you
8 said, that Mr. Kirkland was the major contributor, that says
9 that his DNA obviously is on that particular piece of
10 evidence, correct, or so it would appear?

11 A. The profile obtained from the item of evidence -- the
12 major profile obtained from the item of evidence matched his
13 DNA profile.

14 Q. Do you know how long it had been on there?

15 A. No, I do not.

16 Q. Do you know how it got there?

17 A. I do not, no.

18 Q. The important thing, though, is that that doesn't mean
19 that just because he was the major contributor, that does
20 not mean he was the last contributor, does it?

21 A. No, it doesn't.

22 Q. So, for example, if I were to wear a sweatshirt for
23 five days in a row and then I let a friend of mine borrow it
24 for a couple of hours, I -- my DNA would turn out to be,
25 based on your calculations, it would be fair to say that I

1 would -- my DNA would indicate that I was the major
2 contributor to whatever DNA that was found on that
3 sweatshirt?

4 A. It's possible, yes.

5 Q. Okay. But that does not account for the fact that I'm
6 not the last person to wear it?

7 A. No.

8 Q. So, one of these other minor DNA profiles could belong
9 to the person who last wore the sweatshirt, isn't that
10 right?

11 A. That's correct.

12 Q. Your numbers don't say how many times the sweatshirt
13 was worn by Mr. Kirkland, does it?

14 A. No.

15 Q. It doesn't say how long he wore the sweatshirt?

16 A. No.

17 Q. And as far as these other people, it doesn't say how
18 long they wore the sweatshirt either, does it?

19 A. No.

20 Q. So just because he was the major contributor, again,
21 doesn't mean he was the last person to wear it, isn't that
22 right?

23 A. That's correct.

24 Q. Now, in reaching the statistics that you cited, are you
25 familiar with something called the -- if you can just bear

1 Q. And in regards to wearer DNA or DNA found on clothing,
2 do you talk about extraneous DNA in your report?

3 A. Yes, we do.

4 Q. Can you explain extraneous DNA and what you say about
5 extraneous DNA found on articles of clothing such as the
6 items that we have here?

7 A. Extraneous DNA may be present on common articles such
8 as clothing, shoes. This extraneous DNA often manifests
9 itself as a low level minor contributor in a DNA result.
10 Therefore, only the major contributor may be interpreted.

11 Q. And the profile that you obtained that matched
12 Mr. Kirkland's profile would not be clarified as extraneous
13 DNA?

14 A. No.

15 Q. Thank you.

16 MS. BELL: I have no further questions.

17 **RE-CROSS EXAMINATION BY MR. KLYMAN:**

18 Q. You just were asked about extraneous DNA. That still
19 doesn't rule out the possibility that there were other
20 people who wore the items of clothing, the sweatshirt and
21 the gloves?

22 A. No.

23 Q. Is that correct?

24 A. That's correct. We see -- we generally see extraneous
25 DNA on common articles of clothing.

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1 Q. So articles that are going to be shared by other
2 people, correct?

3 A. Correct.

4 Q. That doesn't mean that the DNA is like free-floating
5 throughout -- in the air or anything like that?

6 A. No.

7 Q. It definitely could be from somebody who wore the
8 clothing, correct?

9 A. Correct.

10 MR. KLYMAN: No further questions.

11 MS. BELL: Nothing further.

12 THE COURT: Thank you very much. You may step down and
13 be excused.

14 (The witness stepped down.)

15 MS. BELL: Your Honor, the Commonwealth will call John
16 Biello.

17 (John Biello, sworn)

18 THE CLERK: Step forward and be seated.

19 (John Biello)

20 **DIRECT EXAMINATION BY MS. BELL:**

21 Q. Could you please introduce yourself to Her Honor and to
22 the ladies and gentlemen of the jury.

23 A. My name is John Biello, B-I-E-L-L-O.

24 Q. And how are you currently employed?

25 A. I'm a forensic scientist at the Massachusetts State