



Commonwealth of Virginia
 Department of General Services
 Division of Consolidated Laboratory Services
BUREAU OF FORENSIC SCIENCE

COPY

CERTIFICATE OF ANALYSIS

September 18, 1989

Western Laboratory
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 Room #219
 Roanoke, Virginia 24016

Tel. No. (703) 857-7192

TO: Bedford County Sheriff's Department
 ATTN: R. W. Gardner
 P.O. Box 507
 Bedford, VA 24523

Your Case # 11538

FS Lab # W89-02207

Victim(s): [REDACTED]

Examiner: Elmer Gist, Jr.

Suspect(s): RODRIGUEZ, Hector

Evidence Submitted By: R. W. Gardner

Date Received 4/26/89

Items 1A-1E	Substances from scene
Item 1F	Piece of carpet from scene
Item 1G	Substance from scene
Item 1H	Piece of carpet from scene
Item 1I	Substance from scene
Item 1J	Plastic bag from scene
Item 1K	"Floor mat runner" from scene
Item 1L	"Floor mat runner" from scene
Items 1M-1O	Substances from scene
Items 2A and 2B	Substances from scene
Item 2C	"Floor mat runner" from scene
Item 2D-2G	Substances from scene
Items 3A and 3B	Substances from scene
Item 4A	Watch from scene
Items 4B and 4C	Substances from scene
Item 4D	Bedsprad from scene
Item 6B	Butcher knife from scene
Item 6C	Butcher knife from scene
Item 6D	Pair of shoes from scene
Item 6E	Sock from scene
Item 6F	Wine bottle from scene
Item 6G	Plastic bag from scene
Item 6H	Pair of shoes from scene
Item 6I	Blue jeans from scene
Item 6J	Telephone from scene

Handwritten initials or mark.

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Evidence Submitted (cont'd):

Items 6L and 6M	Substances from scene
Item 6N	Cigarette lighter from scene
Items 6 O-6 Q	Substances from scene
Item 6R	Pillowcase from scene
Item 6S	Sheet from scene
Item 6A1	One (1) hair from [REDACTED] right hand

Evidence Submitted By: R. W. Gardner Date Received: 4/28/89

Item 4D1	Six (6) curtains from scene
Item 6T	Shirt and undershirt from scene
Item 2H	Refrigerator door from scene

Evidence Submitted By: David W. Oxley, M.D. Date Received: 5/03/89

Item CME-1	Blood sample from [REDACTED]
Item CME-2	Clothing from [REDACTED]

Evidence Submitted By: R. W. Gardner Date Received: 5/11/89

Item 7	Blood sample from Hector Rodriguez
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Evidence Submitted By: R. W. Gardner Date Received: 6/14/89

Item 10	Blood sample from Hector Rodriguez
Item 11	Head hair sample from Hector Rodriguez

RESULTS:

Items 1A-1D	Each of the substances from the scene consisted of human blood type ABO A.
Item 1E	The substance from the scene consisted of human blood which was too limited in amount for blood type determination.
Items 1F and 1G	Human blood type ABO A was identified on the piece of carpet and in the substance from scene.
Items 1H and 1I	Human blood which was too limited in amount for blood type determination was identified in the carpet and in the substance from the scene.
Items 1J-1O	Human blood type ABO A was identified on the plastic bag, "floor mat runners" and in the substances from the scene.
Items 2A-2F	Human blood type ABO A was identified on the "floor mat runners" and in the substances from the scene.

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RESULTS CONT...

Item 2G The substance from the scene consisted of human blood which was too limited in amount for blood type determination.

Items 3A, 3B and 4A Human blood type ABO A was identified on the watch and in the substances from the scene.

Items 4B and 4C Human blood which was too limited in amount for blood type determination was identified in the substances from the scene.

Items 4D and 6B-6J Human blood type ABO A was identified on the bedspread, butcher knives, shoes, sock, wine bottle, plastic bag and telephone from the scene.

Item 6L Human blood which was too limited in amount for blood type determination was identified in the substance from the scene.

Item 6M Human blood type ABO A was identified in the substance from the scene.

Item 6N Human blood which was too limited in amount for blood type determination was identified on the cigarette lighter.

Item 6O Human blood type ABO A was identified in the substance from the scene.

Item 6P Human blood type ABO O was identified in the substance from the scene.

Items 6Q-6S Human blood type ABO A was identified on the pillowcase, sheet and in the substance from the scene.

Item 6A1 The hair from [REDACTED] right hand was consistent with the head hairs from Hector Rodriguez (Item 11).

Item 4D1 Human blood type ABO A was identified on three (3) of the curtains from the scene. No blood was identified on the other three (3) curtains.

Item 6T Human blood type ABO A was identified on the shirt and undershirt from the scene.

Item 2H Human blood which was too limited in amount for blood type determination was identified on the refrigerator door from the scene.

Item CME-1 The blood sample from [REDACTED] was type ABO A.

Item CME-2 Not examined.

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RESULTS (cont'd.):

Items 7 and 10 The blood samples from Hector Rodriguez were type ABO O.

CONCLUSION:

The blood stains which have been identified as type ABO A could have originated from [redacted] and could not have originated from Hector Rodriguez.

The single blood stain which has been identified as type ABO O (Item 6P) could have originated from Hector Rodriguez and could not have originated from [redacted].

The hair from the right hand of [redacted] could have originated from Hector Rodriguez.

The results of the other requested examinations were previously reported.

The evidence is being retained for personal pick up.

cc: David W. Oxley, M.D.
Deputy Chief Medical Examiner

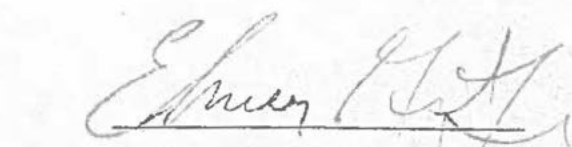
STATE OF VIRGINIA
CITY/COUNTY OF Roanoke, to-wit:

EG/sk

THIS day personally appeared before me, M. Diane Lord, a notary public, in and for said city/county in the

Commonwealth of Virginia, Elmer Gist, Jr., who signed the foregoing Certificate of Analysis, before me, and after being duly sworn, made oath (1) that he performed the analysis and/or examination the results of which are herein contained, (2) that said analysis and/or examination was performed in a laboratory operated by the Division of Consolidated Laboratory Services of the Commonwealth or authorized by such Division to conduct such analysis and/or examination and (3) that this Certificate of Analysis is true and correct.

Given under my hand this 18 day of September, 19 89



M. Diane Lord Notary Public

My commission expires January 17, 19 90

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A Yes.

MR. UPDIKE: All right, Mr. Grimm. If you'd answer any questions then counsel may have.

MR. KURTIN: Obviously we have no questions.

THE COURT: Thank you, Mr. Grimm.

MR. UPDIKE: We wish to call Elmer Guist next, please.

The witness, ELMER GUIST, JR., having first been duly sworn, testifies as follows:

DIRECT EXAMINATION

BY MR. UPDIKE:

Q State your name, please, sir.

A My name is Elmer Guist, Jr.

Q Your profession is what?

A I'm a forensic serologist specializing in identification and typing of blood and body fluid stains and identification and comparison of hairs and natural fibers.

MR. KURTIN: We will stipulate to his expertise.

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MR. UPDIKE: All right, sir.

THE COURT: So ruled.

BY MR. UPDIKE:

Q Mr. Gulst, I'd like to ask you about a number of items that you had the occasion to analyze. I'm going to ask Captain Laughlin here to help me so that we can kind of move them along very quickly, and ask you if you had the occasion to analyze them and what, if any, findings that you made concerning those.

What I'd like to start with, first of all, before we go in order of the things, I would like to take the blood samples themselves, which would be Commonwealth's Exhibits One Twenty-five and One Twenty-six, just the blood samples, I think they are right here. Excuse me, Commonwealth's Exhibits One Thirty-four and One Twenty-six, which were submitted to you as Items Seven and Ten, okay, and ask you if you had the occasion to analyze those?

A Yes, I did.

Q After analyzing both of those, what if any determination did you make?

A I determined that the blood type was ABO Type O.

Q And both of these are marked and identified

1 as blood samples of the defendant, Hector Rodriguez?

2 A That's correct. That's what's written on
3 the plastic bag.

4 Q And the CME sample pertaining to the blood
5 of [REDACTED], CME 1, if I could ask you --

6 MR. KURTIN: Mr. Updike, you can ask him
7 without finding it.

8 MR. UPDIKE: Okay. Thank you very much.

9
10 BY MR. UPDIKE:

11 Q You had the occasion to analyze CME 1, a
12 blood sample from [REDACTED], for blood-typing, is that
13 correct?

14 A Yes, sir, that's correct.

15 Q And after doing that, your determination as
16 to the blood type of [REDACTED] blood was what?

17 A It was type ABO Type A.

18 Q So [REDACTED] blood is Type A, the
19 defendant's was Type O?

20 A That's correct.

21 Q If we could go through these items. First
22 of all, beginning with substance 1-A. We'll just start
23 with the different rooms and I think that we've got them
24 grouped there so that we can move them. I think once I
25 get these here, Mr. Guist, that I will be able to move

1 through them much more quickly.

2 First of all showing you Commonwealth's
3 Exhibit Number Fifty and ask you if you had the occasion
4 to analyze that?

5 A Yes, sir, I did.

6 Q And what was the determination?

7 A I determined the presence of human blood,
8 Type ABO A on the swabs.

9 Q And that's 1-A?

10 A That's correct.

11 MR. UPDIKE: Now, Your Honor, to try to
12 help organize this, what I would like to ask of
13 Mr. Guist, on the diagram that we've used on the
14 screen and that the ladies and gentlemen have
15 seen, where we have, for example, 1-A, I would
16 like for him to just write on this sheet, which
17 is not the one introduced but is the same thing,
18 just to write on there A. so that we know that's
19 Type A.

20 THE COURT: I don't see any problem with
21 that.

22

23 BY MR. UPDIKE:

24 Q Would you mind doing that, Mr. Guist?

25 A That's fine.

1 Q And we'll just continue with that procedure
2 throughout. And proceeding to 1-B, if I can ask you if
3 you had the occasion to analyze that?

4 MR. KURTIN: We will waive all the
5 preparatory questions. Of course he's examined
6 them all and he can just go right ahead and
7 write down or give his results. That's fine.

8 MR. UPDIKE: Okay. So without showing
9 them to him, is that okay?

10 MR. KURTIN: Sure. If he has the results,
11 fine.

12 MR. UPDIKE: So I wouldn't have to find
13 each particular item?

14 MR. KURTIN: No, sir.

15 MR. UPDIKE: Okay. That will be fine and
16 that will help speed things up.

17
18 BY MR. UPDIKE:

19 Q It's stipulated that you've seen these
20 items and maybe we'll just use your report without me
21 having to find each and every one of them. First of all,
22 Item 1-B, which is identified as a swab taken from Room
23 One. did you have the occasion to analyze that?

24 A Yes, I did.

25 Q And your finding concerning that?

1 A Human blood Type ABO A was identified on
2 that item.

3 Q And Mr. Gulst, if you wouldn't mind, on 1-B
4 there, just writing Type A. Proceeding to Item 1-C,
5 please, your findings concerning that?

6 A I identified human blood Type ABO A on that
7 sample also.

8 Q And if you would write that on 1-C, please.
9 Item 1-D, sir?

10 A Same findings, ABO, human blood, Type A.

11 Q If you would write that, please.

12 Proceeding to Item 1-E, again a swab from the scene, your
13 finding, please?

14 A I identified human blood, but it was too
15 limited an amount for ABO blood type determination on that
16 particular specimen.

17 Q And I won't ask you to write anything. If
18 you don't write anything, you weren't able to make a
19 finding as to that. Proceeding to Item 1-F, a piece of
20 carpet from the living room?

21 A There was human blood Type ABO A on the
22 piece of carpet.

23 Q If you could write that on the chart,
24 please, at 1-F. Item 1-G, a substance from the scene?

25 A I found human blood, Type ABO A on the

1 substance from the scene.

2 Q Item 1-H, a piece of -- Well, first of all,
3 1-G, you found that as Type A?

4 A That is correct.

5 Q And if you'd write that on the sheet at
6 1-G?

7 A I did.

8 Q Okay. Item 1-H, please, identified as a
9 piece of carpet from the living room?

10 A I found human blood which was too limited
11 an amount for a blood type determination on the piece of
12 carpet.

13 Q Item 1-I, a swab taken from the living room
14 area?

15 A I found human blood which was too limited
16 an amount for blood type determination on the substance
17 from the scene.

18 Q Item 1-J, identified as a plastic bag on
19 the living room couch, your findings as to that?

20 A I found human blood, Type ABO A on the
21 plastic bag.

22 Q If you would write that, please, on Item
23 1-J. Item 1-K which was the floor mat in the living room
24 area, your findings as to that?

25 A Human blood, Type ABO A was identified on

1 that item.

2 Q If you would write that on the chart,
3 please, sir. Item 1-L, the floor mat?

4 A Human blood, Type ABO was identified on
5 that item.

6 Q Excuse me, Type ABO?

7 A ABO Type A was identified on that item.

8 Q All right, sir. And that was 1-L, I think?

9 A That's correct, 1-L.

10 Q And Item 1-M which was a substance, a swab,
11 in the living room area?

12 A Human blood, Type ABO A was identified on
13 that item.

14 Q If you would mark that on the chart,
15 please. Item 1-N, a substance which was swabbed from the
16 living room area of the home?

17 A That was also human blood, Type ABO A.

18 Q If you would write that on the chart,
19 please. Item 1-O, a substance that was swabbed from the
20 living room area?

21 A Human blood, Type ABO A was identified on
22 that staining as well.

23 Q Again, if you would write that on the chart
24 for us. Mr. Gulst, if we could proceed to the items from
25 Room Two. And what I've been trying to do is to find the

1 transparency just to have that on the screen identifying
2 the items as we're talking about them. Okay. Proceeding
3 with Item 2-A, a substance swabbed from the kitchen area?

4 A Human blood, Type ABO A was identified on
5 that substance.

6 Q Item 2-B?

7 A Human blood, Type ABO A also on that
8 substance as well.

9 Q From the door there. So if you would write
10 Type A on both of those, please. Item 2-C, identified as
11 the floor mat in this area of the dining room and kitchen
12 area?

13 A Human blood, Type ABO Type A was identified
14 on the floor mat.

15 Q And if you would write that, please. Item
16 2-D, a swab from this area around the door, rear door?

17 A Human blood, Type ABO A was identified in
18 that stain.

19 Q If you would write that, please. Item 2-E,
20 which is identified as a swab from this area of the wall
21 near the door?

22 A Human blood, Type ABO A was identified on
23 the swab, sir.

24 Q If you would write that, please. Item 2-F,
25 again a swab from this area of the wall near the rear

1 door?

2 A Human blood, Type ABO A was identified on
3 that swab as well.

4 Q If you would write that on the chart,
5 please. Item 2-G, identified as a swab from the
6 refrigerator door?

7 A Human blood which was too limited in amount
8 for blood type determination was identified on that item.

9 Q Item 2-H, which is the refrigerator door
10 itself, your findings as to that, please?

11 A Human blood which was too limited in amount
12 for blood type determination was identified on the
13 refrigerator door.

14 Q Next I'd like to ask you about Item 3 and
15 if I could quickly put this on the overhead projector.
16 Item 3-A, which was at the far end of the hallway near the
17 other bedroom, if you would state your findings as to
18 that, a swab from that area?

19 A Human blood, Type ABO A was identified on
20 that staining.

21 Q If you could write that, please. Item 3-B
22 at the entranceway to the other bedroom?

23 A Human blood, Type ABO Type A was identified
24 on that staining as well.

25 Q And if you could write that on our chart,

1 please. Sir, proceeding to the items from Area Four, this
2 being the front bedroom, and asking you about Item 4-A
3 which was the watch found behind the bedroom door in this
4 area, your findings as to that, please?

5 A Human blood, Type ABO Type A was identified
6 on the watch.

7 Q If you could write that, please. Item 4-B
8 which is a swab from this area around the door of the
9 bedroom, inside door of the bedroom?

10 A Human blood which was too limited an amount
11 for blood type determination was identified in that
12 particular stain.

13 Q Item 4-C which is a swabbing from the
14 carpet floor in front of the doorway inside the bedroom?

15 A I identified human blood which was too
16 limited an amount for blood type determinations on those
17 swabs.

18 Q Item 4-D which is the bedspread which was
19 on the bed inside the bedroom?

20 A Human blood, Type ABO A was identified on
21 the bedspread.

22 Q If you would write that, please. Item
23 4-D-1 which was the curtains lying on the bed there in the
24 bedroom?

25 A I identified human blood, Type ABO A on the

1 curtains.

2 Q Sir, if you would write that down, please.
3 And then proceeding to the bedroom where [REDACTED] body
4 was, Area Six, beginning with Item 6-B the butcher knife
5 from the right hand of [REDACTED]?

6 A I found human blood, Type ABO A on the
7 knife.

8 Q Type A?

9 A That's right, ABO Type A.

10 Q If you would write that please. Item 6-C,
11 the butcher knife from the area where Hector Rodriguez's
12 body was?

13 A Human blood, Type ABO A was identified on
14 the butcher knife.

15 Q There was Type A on that butcher knife as
16 well?

17 A On 6-C?

18 Q Yes.

19 A That's correct.

20 Q Item 6-D which were the items identified as
21 [REDACTED] tennis shoes inside the closet?

22 A Human blood, Type ABO A was identified on
23 the tennis shoes.

24 Q If you would that, it's there in two
25 places. Right here and here (indicating). Item 6-E,

1 Identified as a small sock inside the closet?

2 A Human blood, Type ABO Type A was identified
3 on the sock.

4 Q If you would write that, please. Item 6-F,
5 identified as the wine bottle inside the closet?

6 A Human blood, Type ABO A was identified on
7 the wine bottle.

8 Q If you would write that. Item 6-G, the
9 plastic bag inside the closet?

10 A Human blood, Type ABO A was identified on
11 the plastic bag.

12 Q If you would write that. Item 6-H
13 identified as the defendant's shoes?

14 A Human blood, Type ABO A was identified on
15 the shoes.

16 Q So the blood consistent with [REDACTED]
17 [REDACTED] blood was on the defendant's shoes?

18 A That's correct.

19 Q If you would write that.

20 A Yes, sir.

21 Q Item 6-I which would be the blue jeans worn
22 by the defendant?

23 A Human blood, Type ABO A was identified on
24 the blue jeans.

25 Q His blue jeans?

1 A That's correct.

2 Q All right. I don't think that 6-I -- Yes,
3 it is designated. I'm sorry. Right here (indicating).
4 Item 6-J which is identified as the telephone over here?

5 A I identified human blood, Type ABO A on the
6 telephone.

7 Q If you would write that, please. Item 6-L
8 -- 6-K was not submitted -- Item 6-L identified as a
9 swabbing from the closet door where the writing appeared?

10 A Human blood which was too limited an amount
11 for blood type determination was identified on those
12 swabs.

13 Q Item 6-N, the cigarette lighter found in
14 this area in front of the closet door?

15 A Human blood which was too limited in amount
16 for blood type determination was identified on the
17 cigarette lighter.

18 Q Item 6-O, a swabbing of the substance found
19 on the dresser in this area?

20 A Human blood, Type ABO was identified on
21 those swabs.

22 Q That was ABO Type A?

23 A Type A.

24 Q Thank you. If you would write that,
25 please. And Item 6-P, a small table, a swabbing from the

1 substance on that small table?

2 A Human blood, Type ABO Type O was identified
3 in that sample.

4 Q So that particular finding was Type O
5 blood?

6 A That's correct.

7 Q Item 6-Q which is a swabbing from the
8 carpet area in front of the bed, in this area, 6-Q?

9 A Human blood, Type ABO A was identified on
10 those swabs.

11 Q If you would mark that, please. Item 6-R,
12 identified as the pillow case on the bed?

13 A Human blood, Type ABO A was identified on
14 the pillow case.

15 Q Designate that please. Item 6-S identified
16 as the sheet on the bed itself?

17 A Human blood, Type ABO A was identified on
18 the sheet.

19 Q And Item 6-T identified as the defendant's
20 shirt and undershirt?

21 A Human blood, Type ABO A was identified on
22 the shirt and the undershirt.

23 Q Type A there?

24 A Type A.

25 Q So that the findings that you were able to

1 make, in summary, Mr. Guist, is it correct that the only
2 place that you found Type O blood, that was consistent
3 with the defendant's, was 6-P, the little table identified
4 here?

5 A That's correct, yes.

6 Q Everything else was Type O, that was in
7 sufficient amounts to categorize?

8 A Everything else was Type A.

9 Q Type A, excuse me. Type A. Now, in
10 addition to those items, I'd like to ask you about item
11 6-A-1 which was identified as a hair taken from [REDACTED]
12 [REDACTED] right hand at the morgue in Roanoke. Did you
13 have the occasion to compare that with Item 11, a sample
14 of the defendant's hair?

15 A Yes, sir, I did.

16 Q And your findings in that regard, please?

17 A I found that the hair from [REDACTED]
18 right hand was consistent with the head hairs from the
19 defendant.

20 Q And I'm checking, Mr. Guist, but at least
21 according to my checklist, I believe that would be the
22 extent of your evaluations and findings in this regard.
23 There are quite a number of items. If I could just check
24 here and make sure. And do you have that chart there that
25 you very kindly agreed to write on for us?

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A Yes. (Witness hands chart to Mr. Updike.)
MR. UPDIKE: Thank you very much,
Mr. Guist. If you'd answer any questions
counsel may have. And Your Honor, we'll ask
that this particular chart be introduced.

(Commonwealth's Exhibit Number One Hundred Forty-two
was marked and introduced into evidence.)

MR. KURTIN: Can I have Exhibit One-O-Eight
please?

CROSS EXAMINATION

BY MR. KURTIN:

Q Mr. Guist, while the Deputy and Clerk are
trying to find Exhibit One-O-Eight for me, let me tell you
that Exhibit One-O-Eight is 6-C, located right here, okay?

A Yes, sir.

Q I'm going to give you back what is now
Exhibit One Forty-two, the diagram you wrote all over --

A Yes.

Q And you have your original report in your
hand, I believe, do you not?

A That's correct, yes.

1 Q Would you double check your report, because
2 I believe just a minute ago you testified that you found
3 Type A blood on that 6-C right here. Did you double check
4 your report?

5 A Yes, sir. I've double checked it and it's
6 Type A.

7 Q Type A on 6-C. Would you take a look at
8 this for us and make sure that's what you checked?

9 A Yes, sir. That's the case number, item
10 number and my initials on it.

11 Q Let me ask you a question about this.
12 You're sure that Mr. Rodriguez's blood was Type O?

13 A That's correct, yes.

14 Q And [REDACTED] blood was Type A?

15 A That's correct.

16 Q Are you aware that this knife was found by
17 the police sticking two inches into Mr. Rodriguez and
18 you're saying that it didn't have his blood on it but had
19 somebody else's blood on it?

20 A I found no indication in the stain I typed
21 of any Type O. It's quite possible to put a knife into a
22 wound and pull it out and leave very little blood
23 remaining. The blood that's on there, that you see there,
24 that I typed, is Type A. It's Type A. I found no
25 indication of Type O, regardless of whether it was taken

1 out of his body or not makes no difference.

2 Q Well, have you ever seen the wound that it
3 was taken out of? Have you ever seen the wound?

4 A No, I have not.

5 Q Because it wasn't just stuck in like that,
6 as you have indicated might be the answer. This is
7 Exhibit Thirty-seven which I'm going to show you in a
8 second, if we can find the slide number that goes with
9 Exhibit Thirty-seven.

10 Just so you can see what we're talking
11 about, this is the actual Exhibit Number Thirty-seven?

12 A Yes. I can see it.

13 Q And that slide was taken from the exhibit,
14 okay?

15 A Yes, sir.

16 Q Now, the knife was -- As you can see, it's
17 not just a stabbing of the point in, it's a slash wound
18 that Dr. Keeley was here and testified about as fourteen
19 centimeters. That is approximately five inches long and
20 it was deep enough that it sliced through the muscle and
21 through the exterior jugular vein. And so the knife being
22 found in that position in Mr. Rodriguez's body, found by
23 the police, as I've said, in that position, you're saying
24 you found somebody else's blood on it and not any of his?

25 A That's correct, yes, sir.

1 MR. KURTIN: I have no further questions.

2
3 REDIRECT EXAMINATION

4
5 BY MR. UPDIKE:

6 Q Mr. Gulst, I neglected to do you one thing
7 and this is ask you, is this the original of your report?

8 A Yes, it is.

9 Q With the findings that you've already gone
10 over with us?

11 A Yes, sir.

12 MR. UPDIKE: We'd just like to go ahead and
13 introduce that, please. And we have no further
14 questions of Mr. Gulst.

15
16 (Commonwealth's Exhibit Number One Hundred Forty-three
17 was marked and introduced into evidence.)

18
19 THE COURT: All right. Thank you. You're
20 excused, sir.

21 MR. UPDIKE: Geoff Brown would be our next
22 witness, Your Honor.