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Local/State

DNA results correct despite taint, scientist says

Defense contends that contaminated sample should have been excluded

BY AMY HEISEN
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CHILTON — DNA expert Sherry Culhane spent nearly all of Monday defending her results that show the origin of blood and DNA found in Teresa Halbach's sport utility vehicle in 2005.

Her testimony nearly doubled the trial day after next Friday detailing the only piece of DNA evidence that directly connects Halbach to Steven Avery's property.

Avery is accused of killing Halbach, 25, on Halloween 2005 and burning her body to hide the crime Monday was the 11th day of testimony in what is expected to be a six-week homicide trial. Avery's 17-year-old nephew, Brendan Dassey, also charged in Halbach's death and is scheduled for trial in April.

At the core of the issue Monday was a test that revealed Halbach as the lone contributor of genetic material found on a bullet fragment recovered in Avery's garage four months after the investigation began in early November 2005.

Culhane's own DNA was found in a negative control sample processed along with the bullet fragment. The control sample is supposed to be a mix of any DNA and is used to validate the accuracy of the testing process. She also testified that she contaminated the sample while talking to trainees during the DNA extraction process.

Defense lawyer Jerome Buting pointed that standard lab protocol dictates the results should have been deemed inconclusive and the sample reanalyzed. However, that couldn't be done because the entire sample was used during the initial test.

Culhane testified that she was able to make a ruling on the DNA found on the bullet after discussing it with her supervisor.

"I did this was prohibitive evidence," Culhane said. "I did it was appropriate because I could not go back and re-tract. I was stuck with what I had. I couldn't redo anything to remedy the situation."

Culhane admitted it was the only time in her 25-year career that she has deviated from protocol to make a conclusive ruling.

The deviation I requested was appropriate for this situation because the results reported were correct," Culhane said.

Buting entangled Culhane made her results fit a request by prosecutors to find DNA evidence that connected Halbach to Avery's property.

"In this case, Mr. Tom Fassbender (a lead detective) asked you to try to get Teresa Halbach (in lead) identified as a suspect in the crime scene or home," Buting said.

"My request was that the fingerprint had no bearing whatsoever on my examination or my results," Culhane said.

"No bearing whatsoever?"

The State Crime Lab trial

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State Crime Lab scientist Sherry Culhane takes to jury about the integrity of tests packaging while testifying Monday at the Calumet County Courthouse in Calumet.

■ Dan Powers/Gannett Wisconsin Newspapers



State Crime Lab scientist Sherry Culhane takes to jury about the integrity of tests packaging while testifying Monday at the Calumet County Courthouse in Calumet.

Buting challenged. "And yet, Salisbury snuck" Buting said after Monday's hearing. "Most of us aren't going to find contamination in one area, you're going to find it in the entire test and that's why the protocol says three or four."

"To me... this is indicative of objection from prosecutors, who said it was argumentative, and Manitowish County Circuit Judge Patrick Willis sustained the objection."

After Monday's hearing, Buting said prosecutors cannot pick and choose which results they like. The contamination test should have been excluded and is a sign of a big problem.

"It's like if you open up a microwave dinner and you see a fly in the little peach cobbler, are you going to eat the rest of it?"

"This is a classic example of bloody hair transferring to an unstained surface," Stahlike testified.

Stahlike said the pattern was consistent with a body with bloody hair being in the cargo area. Culhane testified on Friday that blood in the back of the SUV belonged to Halbach.

just how much effort has gone into trying to nail this man."

Above all, Monday was the plausibility that Avery's DNA was planted inside Halbach's SUV. Culhane was the analyst who found and sampled a handful of blood spots inside the vehicle.

"In fact, where you found those six stains in November 2005... the ones that were later identified as Avery's DNA, one could have planted singly by opening the door on that vehicle?" Buting asked.

"I really can't comment on that," Culhane said.

"If someone can plant Mr. Avery's blood in that vehicle... to get those six stains, they would need to open the driver's door, right?" Buting asked.

"Well," Culhane said. Buting's cross-examination continued to work the angle that Avery's DNA was planted on the Toyota key recovered in Avery's bedroom could have been rubbed with another person, allowing the transfer of DNA. Buting's questions suggested a toothbrush or a towel used to collect a DNA standard.

"In my experience, toothbrushes are not a real good source of DNA," Culhane said.

but added that a transfer might be possible. "It's very difficult to get a print from a toothbrush."

"There are many ways, in fact, many personal items someone might rub on against a key that might also shed a deposit, a low amount of DNA, like such as what you found on this key?" Buting pressed.

"Yes, it's possible," Culhane said.

Buting cut off her response and followed with "You cannot tell whether the DNA that was found on that key was planted there by somebody or not, can you?"

"No," Culhane said.

Buting also emphasized that Culhane did not find Halbach's DNA in a key she reportedly used daily. It was the first in a litany of places Halbach's DNA was not found and became issues in Buting's cross-examination.

Halbach's DNA was not present on handcrafts, leg trousers, handboard and carpeting from Avery's bedroom, Culhane said. A mixture of DNA was found on the handcrafts and leg trousers from Avery's bedroom. It was Avery's own DNA and a sample from another unidentified person, Culhane said.

Blood spatter expert backs up state findings

BY AMY HEISEN
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CHILTON — Nick Stahlike is the State Crime Lab's blood spatter expert and his technical testimony Monday focused on the story to be read in blood evidence found at crime scenes.

Stahlike's testimony Monday came on the heels of nearly 10 hours of testimony from Sherry Culhane, a DNA analyst from the State Crime Lab, in the Steven Avery homicide trial.

Prosecutors alleged that Avery killed Teresa Halbach, 25, burned her body and scattered the remains on his town of Calumet property.

While Culhane's testimony focused on the origin of the blood found in Halbach's sport utility vehicle, Stahlike's analysis detailed how that blood got there.

Stahlike said he identified three contact transfer-type stains in the SUV's cabin.

Some of the stains were thicker, indicating that there may have been drops of blood on the surface before contact was made, Stahlike said.

Analyzing blood and how it stains things after it leaves the body has been part of Stahlike's job for the last 15 years.

"I know that sooner or later that moment in time when blood is shed," Stahlike said, noting that blood evidence can reveal the movement of victims and assailants and the number of blows in a given attack.

Stahlike testified that there were possible blood drops on the door's threshold, which the blood was gravity as it fell from the door.

Culhane on Friday testified that DNA traces revealed the blood on the doormat was Avery's. Bloodstains revealed in narrow-like patterns in the cargo area of the SUV belonged to Halbach.

Snowed/Hospitals see accident, chest-pain cases

► From A-1

Department responded to 17 crashes and assisted with 27 at least three of which involved minor injuries, said Chief Deputy John Goussage.

The department was also called at about noon to an incident involving a school bus stuck in slush or deep snow. Goussage said. The bus was partially in traffic, but none of the children on the bus were injured.

Admission Public Safety had responded to two accidents, one weather-related, by about 3:30 p.m., and assisted with a few cars in ditches on Wisconsin 172.

A Shawano woman died Sunday in Outagamie County after suffering neck and severe head injuries in a snowmobile crash, said Medical Examiner Al Killam.

St. Vincent Hospital and St. Mary's Hospital Medical Center saw a slight spike in patients because of the snowstorm.

Kyle Nyström, spokeswoman for St. Mary's, said two were admitted Sunday. One was hit in the hand with a shovel, the other had skeletal pain after shoveling snow.

Nyström said the hospital didn't see as many chest pain complaints as it typically does in these weather conditions. Hospital staff heard many complaints, however, of skeletal or muscle pain, she said.

St. Vincent saw car accident victims along with those with

The forecast
Today: Mostly cloudy with scattered snow. Highs in the lower 30s, north wind 5 to 10 mph.
Tonight: Mostly cloudy during the evening. Low in the upper 20s. Light northeast wind.

Wednesday: Mostly cloudy A chance of light snow during the afternoon. Highs in the lower 30s, east wind 10 to 15 mph. Chance of snow 50 percent.

Wednesday night: Snow likely Several inches expected. Lows in the mid 20s, east wind 10 to 20 mph. Chance of snow 75 percent. —WPM, Channel 3

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