

1 Q. Mrs. Mayhan, would you please state your name and your
2 place of employment?

3 A. My name is Sheryl Mayhan. I'm employed with the Ohio
4 Bureau of Criminal Identification and Investigation
5 commonly known as BCI.

6 THE COURT: Ladies and gentlemen of the jury, do you think
7 you'll be able to hear her voice all right? All
8 right. Continue, please, Mr. Plummer.

9 BY MR. PLUMMER:

10 Q. Can you tell us your duties at BCI?

11 A. As a latent fingerprint examiner my duties consist of
12 processing physical evidence that's submitted into the
13 laboratory for the purpose of making visible latent
14 prints or unseen prints.

15 Q. Can you describe for the jury your educational
16 background?

17 A. I received my initial training in Washington D.C.
18 where I was employed by the Federal Bureau of
19 Investigations. I remained in their employ for about
20 eight years. I received a two month on-the-job
21 training at BCI laboratory in London, Ohio, in
22 addition to two months on-the-job training in latent
23 fingerprints in Richfield, Ohio. I have completed the
24 Advanced Latent Fingerprints School at the Ohio Peace
25 Officers Training Academy in London, Ohio, instructed

RHONDA K. BONEY
Official Court Reporter
801 E. Wheeling Ave., RM E
Cambridge, OH 43725

1 by the F.B.I. I have completed the Administrative
 2 Advanced Latent Fingerprint School at the F.B.I.
 3 Academy at Quantico, Virginia. I have completed the
 4 Identification Photography School at the F.B.I.
 5 Academy in Quantico, Virginia; also the Crime
 6 Laboratory Forensic Photography School at the F.B.I.
 7 Academy in Quantico, Virginia. I also attended the
 8 Ninth Educational Training Conference of the
 9 Fingerprint Society of Scotland Yard held in
 10 Hertfordshire, England.

11 Q. How long have you been working with fingerprints and
 12 testifying regarding fingerprints?

13 A. I've been working with fingerprints for around 27
 14 years. I've been testifying on fingerprints for the
 15 last 19 years.

16 Q. And have you been qualified in courts of law in Ohio
 17 and other jurisdictions regarding giving opinions as
 18 to the existence of latent fingerprints?

19 A. Yes, I have.

20 Q. How many fingerprints have you examined?

21 A. I would say in the thousands.

22 Q. Have you ever found, in the course of your experience,
 23 two fingerprints made by different persons which were
 24 the same?

25 A. No, I have not.

RHONDA K. BONEY
 Official Court Reporter
 801 E. Wheeling Ave., RM E
 Cambridge, OH 43725

- 1 Q. Can you tell us what a fingerprint is?
- 2 A. A fingerprint is a reproduction of the friction skin
- 3 or the raised portion of skin found on the palm sides
- 4 of your hands.
- 5 Q. What is a latent fingerprint?
- 6 A. A latent fingerprint is a hidden or unseen impression
- 7 present on the top of the friction skin or minute
- 8 sweat pores which are constantly exuding perspiration.
- 9 When an object is exuding this perspiration adheres to
- 10 the friction skin and an impression is left.
- 11 Q. Can you tell us what you base an identification on?
- 12 A. By comparing two different impressions to determine if
- 13 they occupy the same relative area and position. An
- 14 identification is made when the systematic
- 15 arrangements of the characteristics bear a unit
- 16 relationship to each other.
- 17 Q. And, again, the significance of a print being on a
- 18 particular item would be what?
- 19 A. That a person has touched that item and that it can be
- 20 identified.
- 21 Q. When a person touches an item -- in other words, if I
- 22 were to touch this cardboard box could I always leave
- 23 a latent fingerprint?
- 24 A. No.
- 25 Q. Can you tell us why not?

RHONDA K. BONEY
Official Court Reporter
801 E. Wheeling Ave., RM E
Cambridge, OH 43725

- 1 A. Latent prints are sometimes called chance impressions
- 2 and it simply means there's a chance that you will
- 3 leave an identifiable print and there's a chance that
- 4 you won't. They're very fragile and it can be
- 5 destroyed very easily.
- 6 Q. Can you describe what you mean by sufficient detail in
- 7 a print to render an opinion on it?
- 8 A. It has to possess or contain certain amount of
- 9 characteristics and those characteristics would depend
- 10 on -- the amount of characteristics would depend on
- 11 the clarity of the print and what the examiner feels
- 12 comfortable with. Characteristics are -- there will
- 13 maybe about 25 or 30, maybe more, and everyone
- 14 contains the same types of characteristics but the
- 15 systematic arrangements that make it unique to each
- 16 individual. One characteristic might be a ridge,
- 17 where a ridge will enter at one point and stop.
- 18 Another characteristics might by a bifurcation where a
- 19 ridge will enter at one point and split into two and
- 20 it would appear to be that of a fork.
- 21 Q. Were certain items of physical evidence submitted to
- 22 BCI in case number 97-40266 that were brought to your
- 23 attention?
- 24 A. Yes.
- 25 Q. And I believe there were three submissions brought to

RHONDA K. BONEY
 Official Court Reporter
 801 E. Wheeling Ave., RM E
 Cambridge, OH 43725

- 1 your attention, is that correct?
- 2 A. That's correct.
- 3 Q. Can you describe for the jury what items of physical
- 4 evidence were directed to your attention for
- 5 fingerprint analysis?
- 6 A. On the original submission items number 6 and 7 was
- 7 one plastic bag containing palm prints and
- 8 fingerprints of victim.
- 9 Q. That would be Leo Sinnett?
- 10 A. That's correct. Item number 7, one plastic bag
- 11 containing one print of Clarence D. Roberts. On the a
- 12 submission item number 2, one paper bag containing
- 13 light switch cover from bathroom; and item number 13,
- 14 one white wooden bathroom door molding.
- 15 On the B submission, item B-1, paper bag
- 16 containing telephone. It says from living room. Item
- 17 B-7, one Busch beer, light beer box containing seven
- 18 loose bottles of beer; and item number B-9, one brown
- 19 metal lock box wrapped in brown paper.
- 20 Q. And did you conduct an examination on all of these
- 21 items, particularly items submitted A and B, and
- 22 compare them with items submitted 6 and 7, which were
- 23 the known prints of Leo Sinnett and the known prints
- 24 of Clarence D. Roberts?
- 25 A. I examined the items and processed them. No

RHONDA K. BONEY
 Official Court Reporter
 801 E. Wheeling Ave., RM E
 Cambridge, OH 43725

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

comparisons were made because the examinations revealed insufficient ridge detail from the items.

Q. Am I correct in saying you didn't do a comparison because after examining these five items you could not find sufficient ridge detail to perform a comparison?

A. That's correct.

Q. And, again, is that unusual?

A. No, it isn't.

Q. Can you again tell the jury why it would not be unusual to find fingerprints on these five items - the light switch cover from the bathroom, the white wooden bathroom door molding, a paper bag containing the telephone, I'm assuming you examined the telephone not the bag, and the Busch light beer box containing seven loose bottles of beer and one loose bottle of beer in a brown paper bag, and then, finally, one brown metal lock box wrapped in a paper bag?

A. Again, latent prints are very fragile and just because a person handles an item it doesn't mean they will leave an identifiable latent print.

Q. Did there exist on any of these items partial, what I would call partial, prints? That may not be the same term that you would use. Do you understand what I mean by that?

A. Yes. The items did contain some ridge detail but

RHONDA K. BONEY
Official Court Reporter
801 E. Wheeling Ave., RM E
Cambridge, OH 43725

1 again it was insufficient.

2 Q. So you were not able to perform the comparison, is
3 that correct?

4 A. Yes, that's correct.

5 MR. PLUMMER: Thank you, Agent Mayhan.

6 THE COURT: Cross-examination on behalf of the defendant
7 Clarence "Skippy" Roberts by Attorney Tingle.

8 CROSS-EXAMINATION

9 BY MR. TINGLE:

10 Q. Ms. Mayhan, I think a lot of us our knowledge of
11 fingerprints comes from TV, TV shows. You hear the
12 term in movies and on TV of dusting for prints. Is
13 that a process that's actually used in the field?

14 A. Yes, it is.

15 Q. Would you explain what that is?

16 A. By applying a fiberglass brush to fingerprint powder
17 using the very tips of the brush and I twirl the
18 brush, some examiners stroke the items, but just
19 applying just a light stroke over the evidence you can
20 obtain fingerprints from items that have been touched.

21 Q. Initially is that what you do with an item that is
22 submitted to you for analysis or for fingerprint
23 identification?

24 A. It depends on the item and the condition of the item.
25 These items were processed, the beer bottles, with

RHONDA K. BONEY
Official Court Reporter
801 E. Wheeling Ave., RM E
Cambridge, OH 43725

1 super glue fuming, and that's a process that's used
 2 with super glue that contains a component called
 3 cyanoacrylate. I placed the beer bottles in a super
 4 glue tank and used as a light source -- a heating
 5 source, I'm sorry, a light bulb; placed the small
 6 container of super glue in -- a small amount of super
 7 glue in foil over the light bulb and it will give off
 8 a fume or it appears to be smoke but it will etch
 9 itself to any foreign materiality it comes in contact
 10 with. After I process the items with super glue I
 11 then apply the black powder or powder.

12 Q. Is it possible to obtain fingerprints, latent prints,
 13 from human skin?

14 A. Yes, it's possible.

15 Q. Have you ever engaged in that process successfully?

16 A. Under control circumstances, yes.

17 Q. Were you requested to go out in the field in this case
 18 or was all of your analysis done at BCI in London?

19 A. All of my examinations were done in the laboratory.

20 Q. This was based on evidence that was selected by
 21 somebody else and brought to you for your examination?

22 A. That's correct. No, I was not requested to go out.

23 Q. The items that were submitted to you included the
 24 light switch cover, which is indicated from a
 25 bathroom?

RHONDA K. BONEY
 Official Court Reporter
 801 E. Wheeling Ave., RM E
 Cambridge, OH 43725

- 1 A. That's correct.
- 2 Q. A white wooden bathroom door molding?
- 3 A. Yes.
- 4 Q. A telephone?
- 5 A. Yes.
- 6 Q. A Busch light beer box containing bottles?
- 7 A. Yes.
- 8 Q. A brown metal lock box?
- 9 A. Yes.
- 10 Q. Were there any other items that were submitted to you
- 11 other than those you've reported?
- 12 A. The fingerprint card of the victim and prints of
- 13 Clarence Roberts.
- 14 Q. And that was to assist in the identification if you
- 15 were able to recover any identifiable prints on these
- 16 objects, is that correct?
- 17 A. Yes, it is.
- 18 Q. Were any prints of a John LaFollete submitted to you?
- 19 A. Only the two subjects that I mentioned, Mr. Sinnett
- 20 and Mr. Roberts.
- 21 Q. John LaFollete was not submitted?
- 22 A. No.
- 23 Q. You've indicated that sometimes prints will remain and
- 24 that they are fragile on an object. Does it depend on
- 25 the surface of the object whether it will, first of

RHONDA K. BONEY
 Official Court Reporter
 801 E. Wheeling Ave., RM E
 Cambridge, OH 43725

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

all, accept a print and then retain it for a period of time?

A. The surface does have a lot to do with obtaining identifiable prints.

Q. Is it possible that in a viscous liquid, a thicker liquid, a print could be placed down and it would remain more readily observable than without anything on that surface? I'm speaking in terms of blood. Is it possible to identify a print in blood?

A. Yes, it is possible.

Q. Was there any object, anything of that nature, that was submitted to you for your examination that contained blood for print identification?

A. All the ridge detail that I saw on the items contained insufficient ridge detail. I did not make any notations concerning whether the insufficient ridge detail contained blood or any foreign material surface.

Q. There were no drawers such as in a cabinet or in a dresser submitted to you?

A. Only the items that I mentioned.

Q. Is it fair to say that a wooden surface such as in front of you would accept a print more readily than say paper would?

A. Than paper?

RHONDA K. BONEY
Official Court Reporter
801 E. Wheeling Ave., RM E
Cambridge, OH 43725

1 Q. Yes.

2 A. No. Paper is a good surface to receive prints. Of
3 course, with paper it's a porous surface so another
4 type of process would be used, a process called
5 ninhydrin.

6 Q. But a wood surface is a surface that would accept a
7 print that you could then analyze to see if sufficient
8 ridge detail is present for identification?

9 A. Yes, I have identified prints from wood surface of
10 this type.

11 Q. What about formica or synthetic materials that are
12 used in furniture?

13 A. You could probably get a decent print from formica,
14 yes.

15 MR. TINGLE: No further questions.

16 THE COURT: Thank you, Mr. Tingle. Redirect examination
17 requested?

18 MR. PLUMMER: Yes, Your Honor.

19 THE COURT: You may inquire on redirect examination of the
20 witness.

21 REDIRECT EXAMINATION

22 BY MR. PLUMMER:

23 Q. Mr. Tingle asked you about the possibility of
24 obtaining prints from human skin and you testified
25 that you had -- that it was possible and that you had

RHONDA K. BONEY
Official Court Reporter
801 E. Wheeling Ave., RM E
Cambridge, OH 43725

1 done that or participated in that process under
2 controlled circumstances. Is that a correct recant of
3 the question and answer?

4 A. Yes. We have obtained actual fingerprints from skin
5 but, again, it was under controlled circumstances.
6 Also we've obtained prints from fingers, just the
7 fingers, that were submitted and I wasn't sure if
8 that's what he was asking me. But we have obtained
9 prints under controlled circumstances from an arm.

10 Q. Can you tell us what you mean by "under controlled
11 circumstances"?

12 A. The correct amount of pressure was applied to -- we
13 were just running tests on each other in the lab. The
14 correct amount of pressure was applied to the skin, we
15 used a silver plate transfer method by placing, after
16 putting the prints on the skin, we could fume it with
17 iodine fuming and then apply a silver plate over the
18 skin and the print would transfer to the silver plate
19 and we would photograph it.

20 Q. Have you ever been able to accomplish that in a real
21 case?

22 A. No. We've not been called out to actually perform
23 that particular test. We were just getting ourselves
24 ready just in case.

25 Q. That was something you did in the lab as part of your

RHONDA K. BONEY
Official Court Reporter
801 E. Wheeling Ave., RM E
Cambridge, OH 43725

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

duties to attempt to see if it was possible it could be done?

A. That's correct. That method is available.

Q. Mr. Tingle asked you if you examined the prints of a John LaFollete in this case and I believe you answered no. Is that correct?

A. That's correct. No comparisons were made.

Q. So it wouldn't have done any good for me to submit my prints to you because of the items that you examined you weren't able to find sufficient detail to do a comparison, is that correct?

A. Yes, that's correct.

Q. Would you agree that a telephone might be a good type of object to obtain prints from?

A. The surface. A telephone a lot of times is handled by a lot of different people and possibly an identifiable print was put on the telephone but if another person comes behind that person and handles the telephone in the general area the prints can be destroyed very easily.

Q. And a metal lock box, would that typically be an item that prints could be obtained from if there was sufficient detail?

A. Yes, they could be on there, yes.

Q. And what about a cardboard box of beer?

RHONDA K. BONEY
Official Court Reporter
801 E. Wheeling Ave., RM E
Cambridge, OH 43725

1 A. Yes, prints could be on the box.
2 Q. But that would all again depend upon whether there's
3 sufficient detail found, is that correct?
4 A. That's correct.
5 Q. In this case there was not?
6 A. That's correct.
7 MR. PLUMMER: Thank you.
8 THE COURT: Anything further?
9 MR. TINGLE: No.
10 THE COURT: Can this witness now be excused?
11 MR. PLUMMER: Yes, Your Honor.
12 THE COURT: Thank you very much for your testimony. You may
13 step down. You're free to leave.
14 Will you approach the bench regarding the next
15 witness, please, and the length of time?
16 (Whereupon, counsel for the
17 respective parties approached
18 the bench and conferred with the
19 Court out of the presence of
20 Court Reporter.)
21 (Whereupon, Counsel returned to
22 their tables and the following
23 proceedings were had before the
24 Court and Jury.)
25 THE COURT: Ladies and gentlemen of the jury, I'm checking to

RHONDA K. BONEY
Official Court Reporter
801 E. Wheeling Ave., RM E
Cambridge, OH 43725