

No. 20-317

IN THE
SUPREME COURT OF THE UNITED STATES

=====

DAKAI CHAVIS,

Petitioner

v.

STATE OF DELAWARE,

Respondent

=====

On Petition for Writ of Certiorari
to the Delaware Supreme Court

=====

APPENDIX TO BRIEF IN OPPOSITION

=====

KATHLEEN JENNINGS
Attorney General of Delaware

MARIA T. KNOLL
Chief of Appeals
Maria.Knoll@delaware.gov
Counsel of Record

BRIAN ARBAN
Deputy Attorney General

DELAWARE DEPARTMENT OF JUSTICE
820 North French Street, 7th floor
Wilmington, DE 19801
(302) 577-8500

October 28, 2020

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(as of 10/27/2020)

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State of Delaware v. DAKAI D CHAVIS
State's Atty: KELLY H SHERIDAN , Esq.
Defense Atty: ROBERT M GOFF , Esq.

AKA: DAKAI CHAVIS
DAKAI CHAVIS

DOB: 1991

Co-Defendants: DAKAI CHAVIS , DAKAI CHAVIS

Assigned Judge: BUTLER CHARLES E

Charges:

Count	DUC#	Crim.Action#	Description	Dispo.	Dispo. Date
001	1701001697	N17010538	BURGLARY 2ND	DISM	04/21/2017
002	1701001697	N17010539	BURGLARY 2ND	DISM	04/21/2017
003	1701001697	IN17010540	BURGLARY 2ND	NG	06/22/2018
004	1701001697	N17010541	BURGLARY 2ND	DISM	04/21/2017
005	1701001697	IN17010542	THEFT O/FIREARM	NG	06/22/2018
006	1701001697	IN17011405	ATT BURGLARY 2N	NG	06/22/2018
007	1701001697	IN17011406	ATT BURGLARY 2N	NG	06/22/2018
008	1701001697	IN17011407	ATT BURGLARY 2N	NG	06/22/2018
009	1701001697	IN17011408	BURGLARY 2ND	GLTY	06/22/2018

No.	Event Date Event	Docket Add Date	Judge
1	01/18/2017 CASE ACCEPTED IN SUPERIOR COURT. ARREST DATE: 01/04/2017 PRELIMINARY HEARING DATE: 011717 BAIL: SECURED BAIL-HELD CONDITION OF BAIL: NO CONTACT WITH VICTIMS DIRECT OR INDIRECT MAKE NO ATTEMPTS TO LOCATE THE ALLEGED VICTIM ALL TIMES STAY 100 OR MORE YARDS AWAY FROM THE ALLEGED VICTIM CURFEW OF HOME CONFINEMENT AFTER DARK	01/18/2017	
2	03/07/2017 BAIL POSTED IN THE AMOUNT OF \$50,000 SEC POSTED BY ABOVE & BEYOND	03/07/2017	
3	03/07/2017 RELEASE FAXED TO CENTRAL RECORDS	03/07/2017	
4	03/13/2017 STATE'S MOTION TO INCREASE BAIL FILED. BY KELLY SHERIDAN, DAG. SCHED FOR 03/21/17 @9:30	03/15/2017	
5	03/21/2017 MOTION TO INCREASE BAIL GRANTED AS TO CONDITIONS OF BAIL. BAIL INCREASED TO SECURED BAIL-RELEASED CONDITIONS OF BAIL: 1. PRETRIAL SUPERVISION WITH HOME CONFINEMENT OR GPS MONITORING - HOLD LEVEL 3	03/21/2017	MANNING BRADLEY V

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State of Delaware v. DAKAI D CHAVIS
State's Atty: KELLY H SHERIDAN , Esq.
Defense Atty: ROBERT M GOFF , Esq.

AKA: DAKAI CHAVIS
DAKAI CHAVIS

DOB: 1991

No.	Event Date Event	Docket Add Date	Judge
6	04/03/2017 INDICTMENT, TRUE BILL FILED.NO 71 SCHEDULED FOR 04/21/2017 ARRAIGNMENT AT 8:30 CASE REVIEW 05/22/2017 AT 9:00	04/06/2017	
7	04/11/2017 SUMMONS MAILED TO THE DEFENDANT FOR ARRAIGNMENT HEARING ON 04/21/17 AT 8:30 AM	04/11/2017	
8	04/21/2017 ARRAIGNMENT CALENDAR - 10-C FILED_BY_DEAN DELCOLLO 04/21/2017 BAIL REDISTRIBUTED ALL PREVIOUS TERMS AND CONDITIONS REMAIN THE SAME	04/21/2017	MANNING BRADLEY V
9	04/24/2017 SCHEDULING ORDER ISSUED THE FOLLOWING COURT DATES ARE ESTABLISHED: (A) FIRST CASE REVIEW 05/22/2017 (B) FINAL CASE REVIEW 07/31/2017 (C) TRIAL 08/15/2017	04/24/2017	
10	05/09/2017 PRETRIAL PROGRESS REPORT FROM PROBATION AND PAROLE FILED. FILED BY OFFICER KATE EDWARDS RECOMMENDATIONS: RESPECTFULLY REQUEST THAT NO ACTION IS TAKEN AT THIS TIME IN REGARDS TO THE NEW MOTOR VEHICLE CHARGES FROM 4/14/17. (SEE FULL REPORT IN FILE) 05/22/2017 CASE REVIEW CALENDAR: SET FOR FINAL CASE REVIEW. 07/21/2017 SUBPOENA(S) ISSUED(1).	05/09/2017	
11	07/27/2017 LETTER FROM: KELLY SHERIDAN, DAG TO: DEAN DELCOLLO, ESQ. LETTER DATED: 7/25/17 RE: PURSUANT TO SUPERIOR COURT CRIMINAL RULE 16, THE FOLLOWING INFORMATION CONCERNING THE ABOVE-CAPTIONED CASE IS BEING SUPPLIED. ANY SUPPLEMENTS REQUIRED BY RULE 16 WILL BE PROVIDED AS STATED BELOW. AS YOU ARE AWARE, POLICE REPORTS ARE NOT GENERALLY SUBJECT TO DISCOVERY AND ARE PROVIDED IN THIS MATTER AS A CONVENIENCE TO YOU IN ASSESSING THIS CASE. YOU MAY FIND CERTAIN REDACTIONS IN THE REPORTS RELATING TO NAMES, ADDRESSES OR OTHER IDENTIFYING INFORMATION OF... ***SEE FULL LETTER IN FILE.	08/01/2017	
12	07/27/2017 LETTER FROM: KELLY SHERIDAN, DAG TO: DEAN DELCOLLO, ESQ. LETTER DATED: 7/26/17	08/01/2017	

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State of Delaware v. DAKAI D CHAVIS
State's Atty: KELLY H SHERIDAN , Esq.
Defense Atty: ROBERT M GOFF , Esq.

AKA: DAKAI CHAVIS
DAKAI CHAVIS

DOB: 1991

No.	Event Date Event	Docket Add Date	Judge
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RE: SUPPLEMENTAL DISCOVERY IS BEING PROVIDED IN THE FORM OF THE
FOLLOWING FOR THE AFOREMENTIONED MATTERS:

(1) ONE DISC CONTAINING THE CELL TOWER RECORDS OF DEFENDANT'S PHONE AT
THE TIME OF THE BURGLARIES OCCURRING ON OR BETWEEN 10/20/16-10/21/16.
PURSUANT TO RULES 702 THROUGH 705 OF THE DELAWARE UNIFORM RULES OF
EVIDENCE, PLEASE TAKE NOTICE THAT THE STATE INTENDS TO CALL SPECIAL
INVESTIGATOR BRIAN DALY OF THE ATTORNEY GENERAL'S OFFICE AS AN...

***SEE FULL LETTER IN FILE.

07/31/2017	07/31/2017	JURDEN JAN R
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CASE REVIEW CALENDAR FINAL CASE REVIEW CONTINUED.
DEFENDANT'S REQUEST-CR-DEFENDANT NEEDS MORE TIME.

13	08/01/2017	08/04/2017	
	SUBPOENA(S) SERVED BY SHERIFF ON PERSONALLY		

14	08/01/2017	08/04/2017	
	SUBPOENA(S) SERVED BY SHERIFF ON PERSONALLY		

15	08/01/2017	08/04/2017	
	SUBPOENA(S) SERVED BY SHERIFF ON LEFT COPIES WITH		

16	08/01/2017	08/04/2017	
	SUBPOENA(S) SERVED BY SHERIFF ON LEFT COPIES WITH		

17	08/01/2017	08/04/2017	
	SUBPOENA(S) SERVED BY SHERIFF ON PERSONALLY		

18	08/01/2017	08/04/2017	
	SUBPOENA(S) SERVED BY SHERIFF ON PERSONALLY		

19	08/01/2017	08/04/2017	
	SUBPOENA(S) SERVED BY SHERIFF ON PERSONALLY		

20	08/03/2017	08/07/2017	
	LETTER FROM: DEAN DELCOLLO, ESQ.; TO: KELLY SHERIDAN, DAG DATED 8/1/17		

RE: PURSUANT TO SUPERIOR COURT RULE 16(A)(1)(C) AND 16(A)(1)(D) AND
RULE 16(A)(1)(E) AND 11 DEL. C. 3515(B)(2) THE FOLLOWING SPECIFIC
INFORMATION RELATING TO DNA TESTING OF EVIDENCE CONCERNING THE ABOVE
CAPTIONED CASE IS BEING REQUESTED.

*** SEE FULL LETTER IN FILE ***

21	08/09/2017	08/09/2017	
	CONTINUANCE REQUEST FILED BY DEAN DELCOLLO, ESQ.		

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State's Atty: KELLY H SHERIDAN , Esq.
Defense Atty: ROBERT M GOFF , Esq.

AKA: DAKAI CHAVIS
DAKAI CHAVIS

DOB: 1991

No.	Event Date Event	Docket Add Date	Judge
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REASON: THE STATE HAS RECENTLY SUPPLIED TO THE DEFENSE A LARGE AMOUNT OF SURVEILLANCE AND DNA DISCOVERY. THE DNA DISCOVERY ARRIVED LATE IN THE AFTERNOON ON AUGUST 4, 2017. THE DEFENSE HAS REQUESTED ADDITIONAL DNA DISCOVERY FROM THE STATE WHICH HAS YET TO BE PROVIDED. THE DEFENSE IS CURRENTLY HAVING THE DNA RESULTS REVIEWED BY OUR INTERNAL FORENSIC EXPERT TO DETERMINE IF ANY MOTIONS NEED TO BE FILED.

APPROVED BY JUDGE CARPENTER ON 8/9/17

22	08/09/2017	08/09/2017	
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SCHEDULING ORDER ISSUED

THE FOLLOWING COURT DATES ARE ESTABLISHED:

(A) FIRST CASE REVIEW

(B) FINAL CASE REVIEW 10/09/2017

(C) TRIAL 10/17/2017

23	08/09/2017	08/09/2017	
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SUBPOENA(S) MAILED FOR FINAL CASE REVIEW ON 10/9/17 AT 9:00AM.

	09/25/2017	09/28/2017	
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SUBPOENA(S) ISSUED.(10)

24	09/27/2017	09/28/2017	
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MOTION TO COMPEL DISCOVERY FILED.

BY DEAN DELCOLLO, ESQ

SCHED FOR 10/09/17 @1:30

25	09/28/2017	09/28/2017	
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CONTINUANCE REQUEST FILED BY DEAN DELCOLLO, ESQ.

REASON: MR. CHAVIS IS SCHEDULED TO GO TO TRIAL ON OCTOBER 17, 2017 IN CASE NUMBERS, 1701001697, 1701002608 AND 1701004379. THE DEFENSE ANTICIPATES A SIGNIFICANT DNA ISSUE THAT WILL NEED TO BE LITIGATED PRIOR TO TRIAL. PURSUANT TO A DISCOVERY REQUEST, THE DEFENSE WAS SUPPLIED WITH DNA RESULTS WHICH PURPORTED TO SHOW A DNA MATCH FOR THE DEFENDANT ON A WINDOW OF A RESIDENCE HE IS ALLEGED TO HAVE BURGLARIZED. BASED ON THE STATE'S DNA REPORT, THE DEFENSE HAD THE REPORT REVIEWED BY OUR INTERNAL FORENSIC EXPERT. AS A RESULT ADDITIONAL, DNA DISCOVERY WAS REQUESTED OF THE STATE ON AUGUST 1, 2017 TO DETERMINE IF TESTING PROTOCOL WAS ADHERED TO BY BODE CELL MARK LABS. THE ADDITIONAL DISCOVERY REQUEST HAS NOT BEEN ANSWERED BY THE STATE. EVEN IF THE STATE COMPLIES WITH THE DISCOVERY REQUEST, THERE IS NOT ENOUGH TIME FOR THE DEFENSE TO PROPERLY REVIEW THE RESULTS, POSSIBLY SEND OUT FOR RETESTING OR TO FILE MOTIONS TO HAVE THEM HEARD PRIOR TO THE 10-17-17 TRIAL DATE. DEFENSE IS REQUESTING THE CASE BE ASSIGNED TO A JUDGE AND AN OFFICE CONFERENCE SCHEDULED.

APPROVED BY JUDGE CARPENTER ON 10/2/17

26	10/02/2017	10/02/2017	
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SCHEDULING ORDER ISSUED

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State's Atty: KELLY H SHERIDAN , Esq.
Defense Atty: ROBERT M GOFF , Esq.

AKA: DAKAI CHAVIS
DAKAI CHAVIS

DOB: 1991

No.	Event Date Event	Docket Add Date	Judge
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THE FOLLOWING COURT DATES ARE ESTABLISHED:

(A) FIRST CASE REVIEW

(B) FINAL CASE REVIEW 10/09/2017

(C) TRIAL 12/05/2017

27	10/03/2017	10/03/2017	
	MEMORANDUM OF SPECIAL JUDICIAL ASSIGNMENT FILED. TO: THE HONORABLE CHARLES BUTLER THE ABOVE-REFERENCED BURGLARY CASES HAVE BEEN ASSIGNED TO YOU FOR ALL PURPOSES INCLUDING TRIAL. THE FINAL CASE REVIEW IS SCHEDULED FOR OCTOBER 9, 2017 AND TRIAL IS SCHEDULED FOR DECEMBER 5, 2017. THE ASSIGNED DEPUTY ATTORNEY GENERAL IS KELLY SHERIDAN AND DEFENSE COUNSEL IS DEAN DELCOLLO.		
28	10/06/2017	10/06/2017	
	SUBPOENA(S) SERVED BY SHERIFF ON RESCINDED PER EMAIL.		
29	10/06/2017	10/06/2017	
	SUBPOENA(S) SERVED BY SHERIFF ON RESCINDED PER EMAIL.		
30	10/06/2017	10/06/2017	
	SUBPOENA(S) SERVED BY SHERIFF ON RESCINDED PER EMAIL.		
31	10/06/2017	10/06/2017	
	SUBPOENA(S) SERVED BY SHERIFF ON RESCINDED PER EMAIL.		
32	10/06/2017	10/06/2017	
	SUBPOENA(S) SERVED BY SHERIFF ON RESCINDED PER EMAIL.		
33	10/06/2017	10/06/2017	
	SUBPOENA(S) SERVED BY SHERIFF ON RESCINDED PER EMAIL.		
34	10/06/2017	10/06/2017	
	SUBPOENA(S) SERVED BY SHERIFF ON RESCINDED PER EMAIL.		
35	10/06/2017	10/06/2017	
	SUBPOENA(S) SERVED BY SHERIFF ON RESCINDED PER EMAIL.		
36	10/06/2017	10/06/2017	
	SUBPOENA(S) SERVED BY SHERIFF ON RESCINDED PER EMAIL.		
37	10/06/2017	10/06/2017	
	SUBPOENA(S) SERVED BY SHERIFF ON RESCINDED PER EMAIL.		

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State of Delaware v. DAKAI D CHAVIS
State's Atty: KELLY H SHERIDAN , Esq.
Defense Atty: ROBERT M GOFF , Esq.

AKA: DAKAI CHAVIS
DAKAI CHAVIS

DOB: 1991

No.	Event Date Event	Docket Add Date	Judge
38	10/06/2017 SUBPOENA(S) SERVED BY SHERIFF ON RESCINDED PER EMAIL.	10/06/2017	
	10/09/2017 CASE REVIEW CALENDAR FINAL CASE REVIEW CONTINUED. DEFENDANT'S REQUEST-CR-DEFENDANT NEEDS MORE TIME.	10/09/2017	BUTLER CHARLES E
39	11/14/2017 EMAIL FILED TO JUDGE BUTLER FROM DEAN DELCOLLO, ESQ THE MOTION TO COMPEL IS WITHDRAWN AS TO THE DNA.	11/14/2017	
	11/20/2017 CASE REVIEW CALENDAR FINAL CASE REVIEW CONTINUED. DEFENDANT'S REQUEST-CR-DEFENDANT NEEDS MORE TIME.	11/20/2017	ROCANELLI ANDREA L
40	11/27/2017 FINAL CASE REVIEW: NO PLEA/SET FOR TRIAL REJECTED PLEA IN FILE	11/27/2017	DAVIS ERIC M
41	12/04/2017 LETTER FROM: NICHOLE WHETHAM WARNER, DAG TO: JUDGE BUTLER RE: LETTER DATED 12/1/17 I AM SECOND CHAIR FOR THE STATE ON THE ABOVE-REFERENCED CASE WHICH IS SCHEDULED FOR TRIAL ON TUESDAY, DECEMBER 5, 2017. I AM WRITING YOUR HONOR BECAUSE AN ISSUE SURROUNDING THE DNA EVIDENCE CAME UP THIS WEEK AND THE PARTIES BELIEVE THE ISSUE SHOULD BE RESOLVED PRE-TRIAL, AND THAT THE CASE SHOULD BE CONTINUED...(SEE FULL LETTER IN FILE) ***REFERRED TO JUDGE CARPENTER ON 12/4/17***	12/04/2017	
42	12/04/2017 EMAIL FILED TO: COUNSEL FROM: JUDGE BUTLER I HAVE THE STATE'S SUBMISSION OF DECEMBER 1, RECEIVED IN CHAMBERS THIS AFTERNOON. IN THE FUTURE, I'D SUGGEST A CONTINUANCE REQUEST FILED THIS CLOSE TO THE TRIAL DATE TO A SPECIALLY ASSIGNED JUDGE WOULD GET A QUICKER RESPONSE IF IT WAS ALSO EMAILED TO CHAMBERS. AS I UNDERSTAND IT, THERE IS A BONA FIDE DISPUTE AS TO THE SCOPE OF NECESSARY WITNESSES IN EITHER THE CHAIN OF CUSTODY OR THE TESTING OF THE MATERIALS. BECAUSE IT IS A JOINT REQUEST, THE CONTINUANCE WILL BE GRANTED. I WOULD ASK, HOWEVER, THAT THE STATE FILE A FORMAL MOTION IN LIMINE, INCLUDING AFFIDAVITS BY THE RELEVANT WITNESSES, WITHIN THE NEXT COUPLE OF WEEKS AND THE DEFENSE RESPOND WITHIN 2 WEEKS THEREAFTER. I WILL THEN GET THE PARTIES TOGETHER FOR ARGUMENT AND (HOPEFULLY) A BENCH RULING. TRIAL WILL BE RESCHEDULED.	12/05/2017	
	12/05/2017 TRIAL CONTINUED - MUTUAL REQUEST BY STATE AND DEFENSE	12/05/2017	

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State's Atty: KELLY H SHERIDAN , Esq.
Defense Atty: ROBERT M GOFF , Esq.

AKA: DAKAI CHAVIS
DAKAI CHAVIS

DOB: 1991

No.	Event Date Event	Docket Add Date	Judge
	PENDING DISCOVERY AND MOTIONS		
43	12/08/2017	12/08/2017	
	PRETRIAL PROGRESS REPORT FROM PROBATION AND PAROLE FILED. FILED BY OFFICER KATE EDWARDS RECOMMENDATIONS: RESPECTFULLY REQUEST THAT NO ACTION IS TAKEN AT THIS TIME IN REGARDS TO THE NEW ARREST FOR CRIMINAL TRESPASS 2ND ON 11/28/17. REFERRED TO JUDGE BUTLER ON 12/8/17		
44	02/12/2018	02/13/2018	
	STATE'S MOTION IN LIMINE TO ADMIT RESULTS OF DNA ANALYSIS THROUGH SARAH SIDDONS FILED. BY NICHOLE WARNER, DAG. AND KELLY SHERIDAN, DAG. REFERRED TO JUDGE BUTLER		
45	02/16/2018	02/16/2018	
	LETTER FROM JUDGE BUTLER TO COUNSEL I AM IN RECEIPT OF THE STATE'S MOTION IN LIMINE TO ADMIT RESULTS OF DNA ANALYSIS THROUGH SARAH SIDDONS FILED IN THE ABOVE-CAPTIONED CASE. ANY RESPONSE TO THIS MOTION SHOULD BE FILED BY FRIDAY, MARCH 16, 2018.		
46	03/14/2018	03/15/2018	
	DEFENDANT'S RESPONSE TO THE STATE'S MOTION IN LIMINE TO ADMIT RESULTS OF DNA ANALYSIS THROUGH SARAH SIDDONS FILED. BY JOHN KIRK, ESQ REFERRED TO JUDGE BUTLER		
47	03/20/2018	03/22/2018	
	STATE'S RESPONSE TO DEFENDANT'S RESPONSE TO THE STATE'S MOTION IN LIMINE TO ADMIT THE RESULTS OF DNA ANALYSIS THROUGH SARAH SIDDONS. REFERRED TO JUDGE BUTLER.		
48	03/20/2018	03/23/2018	
	LETTER FROM: NICOLE WARNER, DAG. TO: JUDGE BUTLER DATE: MARCH 20, 2018 RE: THE STATE IS IN RECEIPT OF THE DEFENDANT'S RESPONSE TO THE STATE'S MOTION IN LIMINE TO ADMIT THE RESULTS OF DNA ANALYSIS THROUGH SARAH SIDDONS. UPON REVIEW OF THE DEFENDANT'S RESPONSE, THE STATE DOES NOT BELIEVE A LENGTHY REPLY IS NEEDED. IT IS CLEAR THE PARTIES DISAGREE AS TO WHETHER ANALYSTS BESIDES SARAH SIDDONS MADE TESTIMONIAL STATEMENTS AND WHETHER THEIR INVOLVEMENT IN THE DNA ANALYSIS PROCESS RISES TO A LEVEL TO REQUIRE LIVE TESTIMONY. THE STATE RELIES ON THE ARGUMENTS.... **READ FULL LETTER IN FILE**		
49	03/27/2018	03/27/2018	
	SCHEDULING ORDER ISSUED THE FOLLOWING COURT DATES ARE ESTABLISHED: (A) FIRST CASE REVIEW		

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State's Atty: KELLY H SHERIDAN , Esq.
Defense Atty: ROBERT M GOFF , Esq.

DOB: 1991
AKA: DAKAI CHAVIS
DAKAI CHAVIS

No.	Event Date Event	Docket Add Date	Judge
	(B) FINAL CASE REVIEW		
	(C) TRIAL 06/19/2018		
50	04/13/2018	04/13/2018	BUTLER CHARLES E
	MOTION IN LIMINE HEARING HELD ON 4/13/18 BEFORE JUDGE BUTLER.		
	STATE'S MOTION IN LIMINE TO ADMIT RESULTS OF DNA ANALYSIS THROUGH SARAH SIDONS IS GRANTED.		
	04/13/2018	04/13/2018	BUTLER CHARLES E
	MOTION IN LIMINE GRANTED.		
	05/29/2018	05/29/2018	
	SUBPOENA(S) ISSUED.(13)		
55	06/01/2018	06/04/2018	
	SUBPOENA(S) RETURNED.		
	NONEST INVENTUS.		
56	06/01/2018	06/04/2018	
	SUBPOENA(S) RETURNED.		
	NON EST INVENTUS.		
57	06/01/2018	06/04/2018	
	SUBPOENA(S) RETURNED.		
	NON EST INVENTUS.		
51	06/04/2018	06/04/2018	
	SUBPOENA MAILED TO DEFENDANT FOR TRIAL ON 6/19/18 AT 8:45 A.M.		
52	06/04/2018	06/04/2018	
	SUBPOENA(S) SERVED BY SHERIFF.		
	LEFT COPIES		
53	06/04/2018	06/04/2018	
	SUBPOENA(S) RETURNED.		
	NON-EST INVENTUS		
54	06/04/2018	06/04/2018	
	SUBPOENA(S) RETURNED.		
	NON EST INVENTUS.		
58	06/04/2018	06/04/2018	
	SUBPOENA(S) RETURNED.		
	NON EST INVENTUS.		
59	06/06/2018	06/08/2018	
	SUBPOENA(S) SERVED BY SHERIFF.		
	LEFT COPIES.		
60	06/11/2018	06/12/2018	
	TRANSCRIPT FILED.		
	BEFORE THE HONORABLE CHARLES E. BUTLER, J.		
	MOTION IN LIMINE TRANSCRIPT		
	APRIL 13, 2018		
	LUCILLE A. MANCINI, CCR		

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Defense Atty: ROBERT M GOFF , Esq.

DOB: 1991
AKA: DAKAI CHAVIS
DAKAI CHAVIS

No.	Event Date Event	Docket Add Date	Judge
61	06/14/2018 SUBPOENA(S) SERVED BY SHERIFF. PERSONALLY	06/14/2018	
62	06/14/2018 LETTER FROM:KELLY SHERIDAN,DAG. TO:JOHN KIRK,ESQ. DATE:JUNE 12,2018 RE:THIS LETTER IS TO DOCUMENT THE FOLLOWING SUPPLEMENTAL EVIDENCE PROVIDED TOO YOU VIA DROPBOX FOR THE ABOVE CAPTIONED CASES ON JUNE 11 2018 AND JUNE 12,2018. 1)INTIAL DISCOVERY PACKET PROVIDED TO DEAN DELCOLLO, ESQ. ON JULY 25, 2017 2)CELL TOWER RECORDS WITH EXPERT NOTICE FOR SPECIAL INVESTIGATOR DALY PROVIDED TO DEAN DELCOLLO,ESQ. ON JULY 26,2017..... **READ FULL LETTER**	06/15/2018	
	06/19/2018 TRIAL CALENDAR- WENT TO TRIAL JURY	06/19/2018	
63	06/19/2018 DEFENDANT'S PROPOSED VOIR DIRE QUESTIONS FILED. ** ORIGINAL IS COURT EXHIBIT 1 **	06/19/2018	
64	06/19/2018 COURTS VOIR DIRE QUESTIONS FILED. ** ORIGINAL IS COURT EXHIBIT 2 **	06/19/2018	
	06/19/2018 JURY SELECTED AND SWORN BEFORE JUDGE WALLACE ON 06/19/18.	06/19/2018	WALLACE PAUL R
65	06/22/2018 CHARGE TO THE JURY FILED.	06/22/2018	WALLACE PAUL R
66	06/22/2018 JURY TRIAL HELD BEFORE JUDGE WALLACE ON 6/19,6/20,6/21 AND 06/22/18(4 DAYS)-W/CO-LINKED CASE 1701002608 AND 1701004379. JURY SELECTED AND SWORN ON 06/19/18. DEFENDANT FOUND GUILTY OF COUNT 10 BURGLARY 2ND(1408) AND NOT GUILTY OF CT. 4 ATTEMPTED BURG. 2ND(1405), CT. 6. ATTEMPTED BURG. 2ND(1406), CT. 7. BURG. 2ND(0540), CT. 8 THEFT OF FIREARM(0542), AND CT.9.ATTEM. BURG 2ND(1407). 6/22-DEFENSE MOTION FOR JUDGMENT OF AQUITTAL ON ALL COUNTS-DENIED BY THE COURT-WILL ALLOW SOME LIO'S. ** EHIBITS STORED IN VAULT ** BAIL REVOKED, PSI REQUESTED, SENTENCING SET FOR 10/5/18. DAG- K. SHEIRDAN/N. WARNER DEF-J. KIRK/R. GOFF CR-P.O'HARE(6/19)/D. VERECHIA CC-R.GRANT	06/22/2018	WALLACE PAUL R
	06/22/2018	06/22/2018	WALLACE PAUL R

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AKA: DAKAI CHAVIS
DAKAI CHAVIS

DOB: 1991

No.	Event Date Event	Docket Add Date	Judge
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BAIL MODIFIED. BAIL NOW SET AT
HELD WITHOUT BAIL 0.00
You are ordered to have no contact, direct or indirect

(hereinafter the "Alleged Victim"), or with the alleged vict
residence, place of employment, school, church, or at any ot

No direct or indirect contact means that you are not to
physical presence of the alleged victim. Also, you cannot s
messages or notes to the alleged victim by mail, other perso
You cannot send messages to, or communicate with, the allege
telephone, or other electronic medium. You cannot send pres
any other object to the alleged victim. You are not to cont
victim in ANY way. It is a violation of this order if you h
except your attorney, contact the alleged victim for you.

You are to make no attempts to locate the alleged victi

You will at all times stay 100 or more yards away from
victim, the alleged victim's residence and workplace.
curfew of &&CURFEW

Pretrial supervision with home confinement or gps monitoring

67 06/22/2018 06/22/2018

COMMITMENT TO DEPARTMENT OF CORRECTION FAXED TO CENTRAL RECORDS.

68 06/22/2018 06/25/2018

JURY VERDICT FORM SIGNED BY THE FOREPERSON.

69 07/05/2018 07/09/2018

SUBPOENA(S) RETURNED.

NON EST INVENTUS

70 07/05/2018 07/09/2018

SUBPOENA(S) RETURNED.

NON EST INVENTUS

10/05/2018 10/05/2018

SENTENCING CALENDAR: DEFENDANT SENTENCED.

WALLACE PAUL R

72 10/05/2018 10/10/2018

SENTENCE:ASOP SENTENCE ORDER SIGNED AND FILED 10/10/2018

WALLACE PAUL R

71 10/09/2018 10/09/2018

LETTER FROM SUPREME COURT TO MICHAEL MORGANO, COURT REPORTER

RE: THE APPROPRIATE COURT REPORTER WAS SERVED WITH THE

DESIGNATION OF THE TRANSCRIPT ON OCT 9, 2018. THE TRANSCRIPT MUST
BE FILED WITH THE PROTHONOTARY NO LATER THAN NOV 21, 2018.

520, 2018

73 10/17/2018 10/17/2018

SUPERIOR COURT CRIMINAL DOCKET
(as of 10/27/2020)

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State of Delaware v. DAKAI D CHAVIS
State's Atty: KELLY H SHERIDAN , Esq.
Defense Atty: ROBERT M GOFF , Esq.

AKA: DAKAI CHAVIS
DAKAI CHAVIS

DOB: 1991

No.	Event Date Event	Docket Add Date	Judge

	TRANSCRIPT FILED. BEFORE THE HONORABLE PAUL R. WALLACE SENTENCING OCT 5, 2018 KAREN L. SIEDLECKI, COURT REPORTER		
74	11/20/2018	11/20/2018	
	TRANSCRIPT FILED. BEFORE THE HONORABLE PAUL R. WALLACE, J. TRIAL TRANSCRIPT JUNE 20, 2018 DOMENIC M. VERECHIA, RPR		
75	11/20/2018	11/20/2018	
	TRANSCRIPT FILED. BEFORE THE HONORABLE PAUL R. WALLACE, J. TRIAL TRANSCRIPT JUNE 21, 2018 DOMENIC M. VERECHIA, RPR		
76	11/20/2018	11/20/2018	
	TRANSCRIPT FILED. BEFORE THE HONORABLE PAUL R. WALLACE, J. TRIAL TRANSCRIPT JUNE 22, 2018 DOMENIC M. VERECHIA, RPR		
77	11/21/2018	11/21/2018	
	TRANSCRIPT FILED. BEFORE THE HONORABLE PAUL R. WALLACE, J JUNE 19, 2018 TRANSCRIPT OF TRIAL PATRICK J O'HARE, RPR		
78	11/26/2018	11/27/2018	
	LETTER FROM SUPREME COURT TO SUSAN HEARN, PROTHONOTARY RE: A NOTICE OF APPEAL WAS FILED ON NOV 26, 2018. THE RECORD IS DUE NO LATER THAN DEC 6, 2018. 520, 2018		
79	11/27/2018	11/27/2018	
	RECORDS SENT TO SUPREME COURT.		
80	12/04/2018	12/04/2018	
	RECEIPT FROM SUPREME COURT ACKNOWLEDGING RECORD RECEIVED.		
81	09/26/2019	09/27/2019	
	TRANSCRIPT FILED. BEFORE: THE HONORABLE CHARLES E. BUTLER FINAL CASE REVIEW TRANSCRIPT OCT 9, 2017		

SUPERIOR COURT CRIMINAL DOCKET
(as of 10/27/2020)

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State of Delaware v. DAKAI D CHAVIS
State's Atty: KELLY H SHERIDAN , Esq.
Defense Atty: ROBERT M GOFF , Esq.

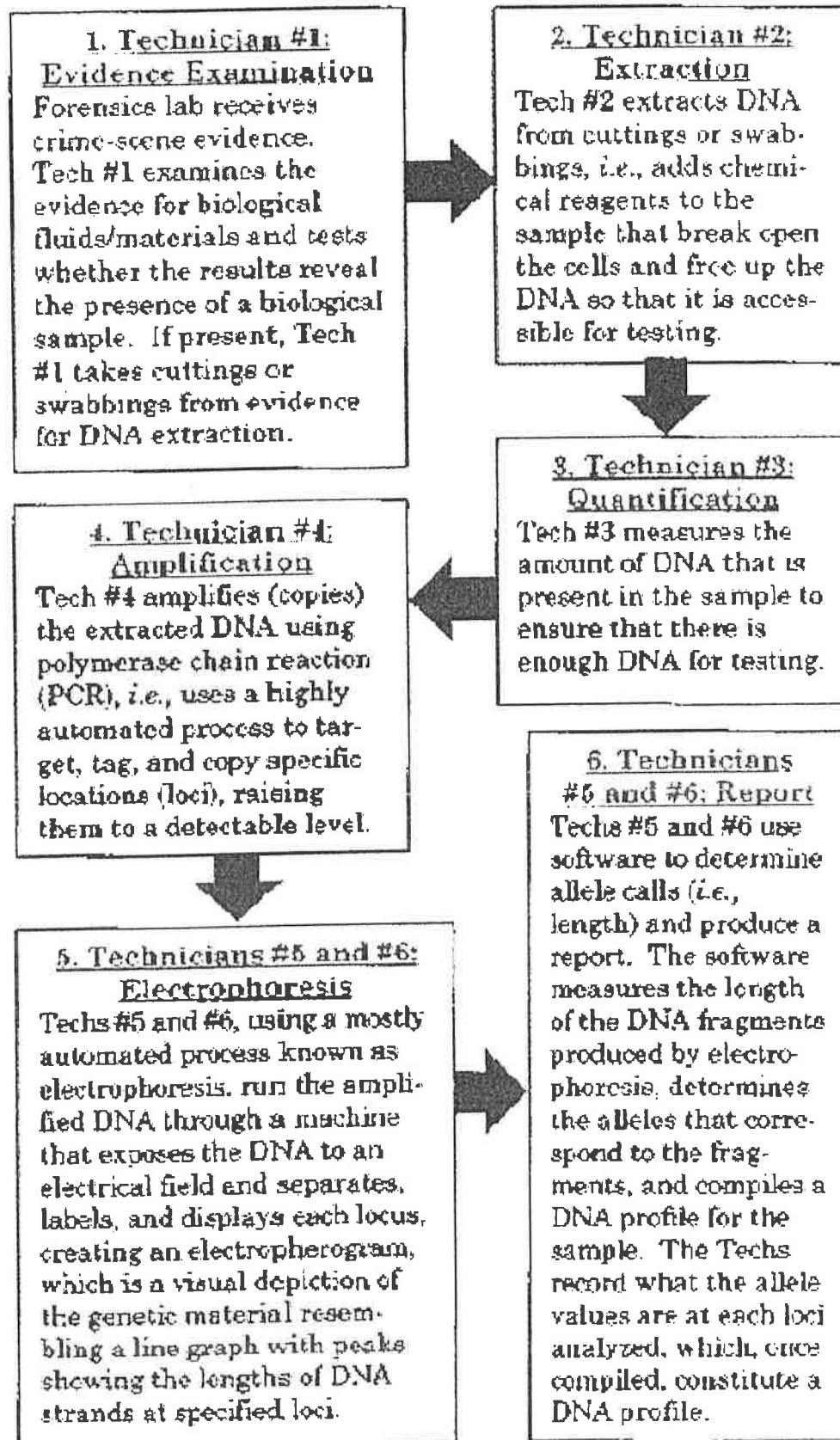
AKA: DAKAI CHAVIS
DAKAI CHAVIS

DOB: 1991

No.	Event Date Event	Docket Add Date	Judge
82	08/26/2020	08/26/2020	
	PAMELA MADRACK, CSR RPR MOTION FOR MODIFICATION OF SENTENCE FILED. FILED PRO SE FORWARD TO JUDGE WALLACE FOLDER		
83	09/16/2020	09/16/2020	
	MANDATE FILED FROM SUPREME COURT: SUPERIOR COURT JUDGMENT AFFIRMED. SUPREME COURT CASE NO: 520,2018 SUBMITTED: JANUARY 15, 2020 DECIDED: APRIL 7, 2020 BEFORE SEITZ, CHIEF JUSTICE; VALIHURA, VAUGHN, TRAYNOR, AND MONTGOMERY -REEVES, JUSTICES THE EVIDENCE PRESENTED IN THIS CASE IS READILY DISTINGUISHABLE FROM THE FACTS IN MOROE.....THEREFORE, CHAVIS' ARGUMENT UNDER MONROE FAILS.		

*** END OF DOCKET LISTING AS OF 10/27/2020 ***
PRINTED BY: JAGVWHK

A. Profile of Suspect's Sample (Summary of Lab Process)



IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY

STATE OF DELAWARE, : Cr. ID No.
v. : 1701001697
DAKAI CHAVIS, :
Defendant. :

BEFORE: HONORABLE PAUL R. WALLACE, J, and jury

APPEARANCES:

KELLY H. SHERIDAN, ESQ.
NICHOLE T. WHETHAM WARNER, ESQ.
Deputy Attorneys General
for the State

ROBERT M. GOFF, JR., ESQ.
JOHN F. KIRK, IV, ESQ.
Assistant Public Defenders
for the Defendant

TRIAL TRANSCRIPT
June 21, 2018

DOMENIC M. VERECHIA, RPR
SUPERIOR COURT OFFICIAL REPORTERS
500 N. King Street, Suite 2609, 2nd Floor
Wilmington, Delaware 19801-3725
(302) 255-0710

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1 June 21, 2018
Courtroom No. 6D
2 9:13 a.m.
3 PRESENT:
4 As noted.
5 -----
6 THE COURT: Good morning, Counsel.
7 MS. SHERIDAN: Good morning, Your Honor.
8 MR. KIRK: Good morning, Your Honor.
9 THE COURT: As we left things yesterday,
10 Officer Loftus from the New Castle County Police
11 Department had just testified about an interaction that
12 he had with Mr. Chavis --
13 MS. SHERIDAN: That is correct, Your Honor.
14 THE COURT: -- in the area of 21 Cheswald
15 Boulevard.
16 Throughout the testimony it was described as an
17 interaction, asking his name, asking where -- describing
18 his clothing, which what was similar to what has been
19 admitted into evidence and the State suggest is shown in
20 some of the surveillance videos; that he did make a
21 report of it; and that Mr. Chavis indicated that he had
22 been staying with a cousin for the past couple days.
23 The State wished to put that evidence before

1 A. From start to finish, yes.
 2 Q. Okay. And this was at nighttime; correct?
 3 A. Correct.
 4 Q. And after the two of you had that interaction
 5 with him, the interaction ended; right? Both parties
 6 went their separate ways?
 7 A. Right.
 8 Q. Mr. Chavis was not arrested?
 9 A. Correct.
 10 MR. KIRK: Nothing further, Your Honor.
 11 THE COURT: Any redirect?
 12 MS. SHERIDAN: No, Your Honor.
 13 THE COURT: Officer, you may step down and
 14 you're excused.
 15 The State may call its next witness.
 16 MS. WARNER: Your Honor, the State calls
 17 Officer Sean Sweeney-Jones.
 18 (Pause.)
 19
 20 SEAN SWEENEY-JONES, having been affirmed under
 21 oath as a witness for the State, was called to the stand
 22 and testified as follows:
 23

1 DIRECT EXAMINATION
 2 BY MS. WARNER:
 3 Q. Good morning, officer.
 4 A. Good morning.
 5 Q. Where do you work?
 6 A. New Castle County Police patrol.
 7 Q. Did you say patrol?
 8 A. Yes.
 9 Q. How long have you been there?
 10 A. Since September 2014.
 11 Q. Did you say September?
 12 A. September 2014.
 13 Q. Do you have any specializations or training?
 14 A. Yes, ma'am. I was trained as an evidence
 15 detection specialist.
 16 Q. Can you tell us what an evidence detection
 17 specialist does?
 18 A. We handle processing of scenes for complaints
 19 such as theft, burglaries.
 20 Q. What does that entail, processing a scene? Can
 21 you explain to the jury what that means?
 22 A. Dusting for latent fingerprints, swabbing for
 23 DNA, taking photographs, collecting evidence.

1 Q. When you go to a scene, do you go alone?
 2 A. Sometimes alone, sometimes there's already
 3 somebody there, and I'm just there to process.
 4 Q. Did you respond to a complaint on November 12,
 5 2016?
 6 A. Yes, ma'am.
 7 Q. Do you recall where that was?
 8 A. It was at Hunter's Crossing apartment complex,
 9 Building 61, Apartment 1C.
 10 Q. What did you do when you got to that scene?
 11 A. Made contact with Officer Windle, who was the
 12 investigating officer. He advised that an unknown
 13 suspect entered the exterior window, or attempted to
 14 enter the exterior window. I responded to the exterior
 15 window, and I processed it using a wet/dry method for
 16 DNA collection.
 17 Q. Okay. Do you happen to recall the name of the
 18 person that lived there?
 19 A. I do not.
 20 Q. Did you speak with that person?
 21 A. I did not.
 22 Q. Would that had been Officer Windle's
 23 responsibility?

1 A. Yes, ma'am.
 2 Q. So Officer Windle directed you to what the
 3 believed point of entry was; right?
 4 A. Yes, ma'am.
 5 Q. And you mentioned you processed that window; is
 6 that correct?
 7 A. Yes, ma'am.
 8 Q. Walk us through slowly what that entails.
 9 A. First I used the wet/dry method for collection
 10 of DNA. That entails using two cotton swabs that are
 11 sealed in a little envelope. You take it out. You use
 12 two drops of distilled water on one of them. You swab
 13 the window with the wet one and then you swab it with
 14 the dry one. You log it in and seal it into an evidence
 15 envelope. After I did that, I processed the window for
 16 latent fingerprints using the black fingerprint dust
 17 powder.
 18 Q. You mentioned the envelope. Was it sealed
 19 before you utilized the swabs? Were the swabs sealed in
 20 an envelope?
 21 A. Yes, ma'am.
 22 Q. You got them out and you said you used
 23 distilled water?

1 A. Yes, ma'am.

2 Q. Why do you use the water?

3 A. You use the distilled water. It's in a tiny
4 container. You open it. You use two drops. You use
5 that so that it's wet and it collects the DNA off of
6 whatever surface you're trying to do.

7 Q. How did you determine where on the window to
8 utilize this wet/ dry method?

9 A. I swabbed the majority of the window in an
10 attempt to obtain any DNA.

11 Q. You mentioned the next step. Once you swabbed
12 with the wet, what do you do next?

13 A. You swab with a dry swab.

14 Q. And then do you put them both in the same
15 envelope?

16 A. You put them in one facing one way and one
17 facing the other way, that way the two ends are
18 separate.

19 Q. What do you do with the envelope once those are
20 inside?

21 A. You place them into another envelope and seal
22 that envelope.

23 Q. You seal the first envelope?

1 A. You're unable to seal the first envelope that
2 you put the swabs back into. But the next envelope you
3 put it into is the Bode kit.

4 Q. Bode, can you explain what that is?

5 A. Bode is the company that we're using for the
6 DNA collection. They provide us with the swabs, the
7 distilled water, and the envelopes. And they also
8 trained us how to do this.

9 Q. Okay. So you put the swabs in an envelope that
10 you put into another envelope that you have now sealed;
11 correct?

12 A. Yes, ma'am.

13 Q. What do you do, if anything, with that
14 envelope?

15 A. Whenever we're finished processing the scene,
16 transport the envelope back to New Castle County
17 headquarters and log it into evidence.

18 Q. Do you write anything on the envelope?

19 A. Write what time it was collected, where it was
20 collected, where it was swabbed.

21 Q. Did you do that in this case?

22 A. Yes, ma'am.

23 Q. And you mentioned that you log it into

1 evidence. Tell us about that process.

2 A. You get a log number from the evidence
3 detection unit. You place that log number on the
4 envelope. Once that's all completed, you place it into,
5 there's a mail slot that goes into the supply. And then
6 from there they sort the evidence out.

7 Q. So you mentioned that after you were through
8 swabbing for DNA, you also checked for latents. Can you
9 explain to the jury what a latent is?

10 A. Latent fingerprint is when if someone was using
11 their bare hands and they touch the surface, the oils
12 from their hands would leave ridges of the fingerprint
13 on a surface. And then you use the black dust and a
14 fine powder brush, and you're able to collect
15 fingerprints from there.

16 Q. Do you recall if you obtained any latents in
17 this case?

18 A. Not from the exterior window. There were two
19 objects on the ground next to the window that I dusted
20 for fingerprints.

21 Q. Are you aware whether those fingerprints were
22 readable?

23 A. I don't recall if they were readable. I

1 believe they were not, though.

2 Q. But you're not sure?

3 A. I'm not one hundred percent sure.

4 MS. WARNER: No further questions at this time.
5 (Pause.)

7 CROSS-EXAMINATION

8 BY MR. KIRK:

9 Q. Good morning, officer.

10 A. Good morning, sir.

11 Q. Officer, you testified that you responded to
12 the scene of an alleged burglary on November 12, 2016;
13 correct?

14 A. Yes, sir.

15 Q. And you were asked to process what was believed
16 to be the point of entry, which was the window; right?

17 A. Yes, sir.

18 Q. Is that normally your specific job when you go
19 to scenes like this, to process, or can any officer kind
20 of do it?

21 A. Any officer can dust for fingerprints. The
22 evidence detection specialists are trained to collect
23 DNA.

1 Q. They don't work for you as a part of the
2 agency?

3 A. No, ma'am.

4 Q. So in this case, which is involving burglary,
5 the samples would have been sent to Bode?

6 A. Correct.

7 Q. Do you recall receiving evidence samples in
8 relation to this burglary spree occurring between
9 October and December 2016?

10 A. Yes, ma'am.

11 Q. Do you recall approximately how many you
12 received in relation to the case?

13 A. Can't say specifically without seeing my
14 report. I believe there was like four cases.

15 Q. And were profiles obtained in those cases?

16 A. Yes.

17 Q. Are there any unknown samples in this case?

18 A. Not that I'm aware of.

19 Q. Sergeant Orzechowski, do you do any kind of
20 documentation or create any kind of report in relation
21 to receiving, logging, and sending this DNA to the lab?

22 A. Yeah. I do documentation any time I remove
23 evidence from where it's stored and whether I assign it

1 to an officer or it gets shipped out, yes, I document
2 that in a report.

3 Q. If I showed you a report that you created on
4 November 22nd, 2016, would that refresh your
5 recollection with regard to some samples in this case?

6 A. Yes, ma'am.

7 MS. WARNER: Your Honor, may I approach?

8 THE COURT: You may.

9 BY MS. WARNER:

10 Q. Ask you to review the front page, Sergeant
11 Orzechowski. I'm going to ask you to pay attention to
12 the alleged victim's name, to the address, and then
13 we'll discuss the actual samples. So if you could read
14 the name and address, then look at me and tell me if you
15 remember.

16 A. The name of the original location or the
17 victim's address?

18 Q. Let's do location first.

19 A. Location is 61 Fairway Road, 1C, as in Charles,
20 Hunter's Crossing, Newark, Delaware 19711.

21 Q. The alleged victim?

22 A. Sherette McKenzie Taylor.

23 Q. Did you receive samples in relation to the case

1 involving Mr. Sherette Taylor?

2 A. That's correct.

3 Q. Did they have a log number?

4 A. Yes, ma'am.

5 Q. Can you read that.

6 A. 2016-15345/1.

7 Q. Was there one or two?

8 A. Two. 2016-15346/1.

9 Q. And in reviewing your report, do you now recall
10 what you did with those?

11 A. Yes, ma'am.

12 Q. What did you do?

13 A. They were shipped to Bode on 11/21/2016.

14 Q. Did you notate the tracking number in your
15 report?

16 A. Yes, ma'am.

17 Q. Read that.

18 A. 7777506564060.

19 Q. Do you recall whether a profile was obtained
20 from either of these samples?

21 A. I don't recall whether -- which specific
22 sample, no, without seeing my printout.

23 Q. If I showed you a copy of your report, would

1 that refresh your recollection?

2 A. On the report it should be a database printout.

3 Q. So do you create an additional report when
4 you're advised of a hit?

5 A. No, ma'am. I advise the investigating officer.

6 Q. Who was the investigating officer in this case?

7 A. Detective Mackie.

8 (Pause.)

9 MS. WARNER: Your Honor, may I approach?

10 THE COURT: You may.

11 BY MS. WARNER:

12 Q. Sergeant Orzechowski, I'm going to direct your
13 attention to the second line on this document notating
14 bar code 2016-15345/1. Please review that to yourself
15 and look at me when you're done.

16 A. Okay.

17 Q. Do you recall whether that sample yielded a
18 profile?

19 A. Yes.

20 Q. Sergeant Orzechowski, do you recall if you
21 received what is referred to as a reference sample in
22 this case?

23 A. Yes, ma'am.

1 Q. Can you explain to the jury what a reference
2 sample is?

3 A. Reference sample is a sample taken from a known
4 person, basically a swab of their cheek.

5 Q. Do you recall who that individual was in this
6 case?

7 A. Dakai Chavis.

8 Q. How do you receive and process the reference
9 sample or the sample from Mr. Chavis?

10 A. Pretty much works the same way. I receive it
11 the same exact way. Read the reports, make sure
12 everything was obtained correctly. Make sure the
13 information on the envelope is correct, enter that
14 information into the Bode database. Make its file
15 pending shipment to Bode.

16 Q. Did you ship the reference same to Bode in this
17 case?

18 A. Yes, ma'am.

19 Q. Do you recall whether there was a match?

20 A. Yes, ma'am.

21 Q. What does that mean?

22 A. The database is telling you one profile,
23 whether it's evidence or reference, is a match. They

1 call it a hit. I don't know the terminology the lab
2 referred to, but they call it a hit, meaning one matches
3 the other.

4 Q. So did you get notified that the evidence
5 sample taken from Sherette Taylor's case was a hit with
6 Dakai Chavis?

7 A. Yes, ma'am.

8 MS. WARNER: No further questions, Your Honor.

9 THE COURT: You may cross-examine.

10 MR. KIRK: Thank you, Your Honor.

11 (Pause.)

12

CROSS-EXAMINATION

14 BY MR. KIRK:

15 Q. Good morning, sergeant. I think it's still
16 morning.

17 A. Good morning. Yes, sir.

18 Q. Sergeant, you are in charge of all DNA evidence
19 with the police department?

20 A. In charge of basically where it goes, what
21 happens with it, yes, sir.

22 Q. Earlier today we learned when an officer
23 processes an object or surface for DNA, he rubs it down

1 with a wet something or other and then --

2 A. Swab.

3 Q. With a wet swab. And wipes it down with a dry
4 swab; right?

5 A. Yes, sir.

6 Q. We also learned, correct me if I'm wrong, that
7 whenever that's done on a source, the results -- well,
8 there are no results. We don't see anything from that;
9 right?

10 A. Correct.

11 Q. So unlike dusting for fingerprints, when we
12 swab for DNA, it's not like an officer comes back to you
13 and says, hey, sarg, I got some DNA; I got it at the
14 scene; here it is?

15 A. Potential DNA. So, no, you can't tell. Unless
16 it's potentially blood or bodily fluids, you really
17 can't tell.

18 Q. Okay. So when you receive a sample, so you
19 don't really know what's in it. It could be nothing.
20 It could be something. It could be anything.

21 A. Correct.

22 Q. In this particular case, a particular sample
23 was obtained from the scene of an alleged burglary in

1 November 2016; right?

2 A. Okay.

3 Q. And that sample you logged as 2016-15345, dash,
4 1; right?

5 A. Slash one, yes, sir.

6 Q. Slash one. You testified that the first thing
7 you do when you receive these samples is you read the
8 reports to make sure they were obtained correctly. Are
9 you talking about police reports?

10 A. Yes.

11 Q. What patrol officers write down?

12 A. Yes, sir.

13 Q. Like you would read -- actually, Officer
14 Sweeney-Jones was here earlier. He was the officer who
15 obtained the sample that I just referenced. You would
16 read his methodology to make sure that he did it
17 correctly?

18 A. Yes, sir.

19 Q. And in this particular case regarding the
20 sample I just read, no red flags came up to you that
21 anything was wrong?

22 A. No, sir.

23 Q. You testified that you would also look at the

1 THE COURT: Why don't you send somebody to do
2 that.
3 Housekeeping matters. The court viewed
4 yesterday when I was reading out something entitled
5 State v. Dakai Chavis witness list -- I don't have a
6 clean copy of that. Was that the State's witness list?
7 MS. SHERIDAN: The witnesses, Your Honor? Yes.
8 THE COURT: Do you have a clean copy of that?
9 MS. SHERIDAN: I could probably get you one,
10 yes.
11 THE COURT: Witness No. 9, Officer Timothy
12 Golden, is that the Sergeant Golden we were just talking
13 about?
14 MR. KIRK: I believe so. Yes, Your Honor.
15 MS. WARNER: You may have the defense witness
16 list.
17 THE COURT: No. 9, Officer Timothy Golden, is
18 that who we were just talking about?
19 MS. SHERIDAN: Yes, Your Honor.
20 THE COURT: So the State put him on its witness
21 list.
22 MS. SHERIDAN: Yes, as a cautionary --
23 THE COURT: And gave it to the court and gave

1 it to the defense and then said he wasn't available and
2 didn't want to allow his statement in; right? Did I get
3 that timeline right?
4 MS. SHERIDAN: Yes.
5 THE COURT: Thank you. I stand by the ruling
6 that I made then. Okay.
7 We're in recess until quarter of.
8 (A short recess was taken.)
9 THE COURT: Ready?
10 MS. SHERIDAN: Yes, Your Honor.
11 THE COURT: Jury, please.
12 (Pause.)
13 (The jury entered the courtroom at 2:49 p.m.)
14 THE COURT: The State may call its next
15 witness.
16 MS. WARNER: Your Honor, the State calls Sarah
17 Siddons.
18
19 SARAH SIDDONS, having been sworn under oath as
20 a witness for the State, was called to the stand and
21 testified as follows:
22
23 DIRECT EXAMINATION

1 BY MS. WARNER:
2 Q. Good afternoon, Ms. Siddons.
3 Where do you work?
4 A. I work at Bode Cellmark Forensics in Lorton,
5 Virginia.
6 Q. How long have you been employed by Bode?
7 A. I've been working there about three and a half
8 years.
9 Q. What do you do there?
10 A. I'm a DNA analyst.
11 Q. As a DNA analyst, what are your
12 responsibilities?
13 A. As a DNA analysts, I'm responsible for
14 processing evidence and reference samples for the
15 presence of DNA, testifying in court about the results I
16 get from the tests.
17 Q. How much schooling have you had in order to be
18 a DNA analyst?
19 A. I have a bachelor degree, Bachelor of Science
20 in forensic science with a biology concentration from
21 Pennsylvania State University, and I also have an
22 anthropology minor.
23 Q. Are there specific courses required in order to

1 become a DNA analyst?
2 A. Yes, there are. We were required to have
3 course work in molecular biology, biochemistry,
4 statistics, and genetics.
5 Q. And once you graduate with your degree there,
6 is there any continuing education that you have to
7 undergo?
8 A. Yes, there is. Each year I'm required to
9 complete at least eight hours of continuing education.
10 I do so by completing literature reviews on scientific
11 articles. I've also attended a conference every year.
12 This year I attended the AFS DNA conference, the Academy
13 of Forensic Science. I attended that in Seattle,
14 Washington.
15 Q. Once you are hired by Bode, is there any
16 additional training that was required in order to work
17 there?
18 A. There is. There is a very extensive training
19 program for each position at Bode. We have to complete
20 numerous readings from journal articles and through
21 textbooks as well as read all of the procedures for the
22 techniques I'm going to be trained in. And I also had
23 to observe a qualified analyst complete all the

1 procedures I was going to be trained in. And then
2 myself I completed them twice, once under the
3 supervision of the another qualified analyst and once
4 alone. And this was all on mock casework, samples very
5 similar to what I would see in everyday case work. I
6 also had to complete a written exam and take a verbal
7 exam and participate in a moot court.

8 Q. What is proficiency testing?

9 A. Proficiency testing happens twice a year. And
10 an outside body will provide Bode with mock casework
11 samples just like we would see every day. The only
12 thing is the results of those samples are known to that
13 outside agency. We process these samples just like we
14 would any normal case work and we report the results
15 back to the outside agency who then pretty much just
16 grades them. And we are given a satisfactory or
17 unsatisfactory result. And this is just used to show
18 that we are providing accurate quality data.

19 Q. How many proficiency tests have you
20 participated in?

21 A. I have participated in six, five of which I
22 received a satisfactory on, and the sixth test is
23 currently in progress.

1 Q. So you don't have your grade yet on that last
2 one; right?

3 A. Correct.

4 Q. How many times a year does this happen?

5 A. Twice a year.

6 Q. What would happen if you got an unsatisfactory
7 on one of these proficiency tests?

8 A. If you were to receive an unsatisfactory, you
9 would stop work immediately and you would be retrained
10 in whatever it was that caused that unsatisfactory mark.
11 And you would not continue doing casework processing
12 until you were retrained and passed a proficiency test.

13 Q. If you know, how many samples have you analyzed
14 using DNA typing technology?

15 A. I would say 80,000 samples.

16 Q. And what is DNA typing technology?

17 A. The DNA analysis where we are developing
18 profiles to make comparisons with.

19 Q. In addition to your own proficiency, is Bode
20 also subject to review and audit?

21 A. Yes, we are audited.

22 Q. The lab Bode itself, how long has Bode been
23 established?

1 A. Bode was started in 1995, so they've been
2 around for about 23 years.

3 Q. How long has it been doing DNA typing?

4 A. All 23 years.

5 Q. Is Bode accredited?

6 A. Yes. We are accredited by ASCLD labs. And
7 that stands for the American Society of Crime Laboratory
8 Directors Laboratory Accreditation Board.

9 Q. What type of quality assurance methods does
10 Bode employ to ensure your results?

11 A. First of all, the building itself is secured.
12 Every one has to badge in and out of the building as
13 well as badge into the individual labs. We have
14 developed and implemented all the standard operating
15 procedure for every technique done at the lab. We have
16 the extensive training program and the degree and course
17 work requirements, the continuing education requirements
18 we are forever required to have every year. We also
19 have the proficiency testing. There is a very extensive
20 review of every case file before it is reported to a
21 client to ensure that everything is accurate and
22 complete.

23 Q. Have you ever testified before?

1 A. I have.

2 Q. In what states?

3 A. Before today, Pennsylvania and North Carolina.

4 Q. Have you ever testified for the defense before?

5 A. No, I have not.

6 Q. Why is that?

7 A. I have not been called.

8 Q. If a defendant submitted a sample to you, to
9 Bode for testing, would you testify to your results?

10 A. Yes, I would.

11 Q. Have you ever been qualified as an expert in
12 the field of forensic DNA analysis?

13 A. Yes.

14 Q. Are you qualified to give an expert opinion as
15 to the standard operating procedures used in the DNA
16 testing in this case?

17 A. Yes, I am.

18 MS. WARNER: Your Honor, at this time I would
19 proffer Ms. Siddons as an expert in DNA analysis.

20 MR. GOFF: No objection.

21 BY MS. WARNER:

22 Q. Get to it. What is DNA?

23 A. DNA stands for deoxyribonucleic acid. It

1 contains all of the genetic instructions for the
2 development and function for all living things. You get
3 half of your DNA from your mother and half from your
4 father.

5 Q. Is DNA different between humans and, if so,
6 how?

7 A. Yes. Everyone has unique DNA unless you are an
8 identical twin.

9 Q. So twins would have the same DNA?

10 A. Yes.

11 Q. What is a location or loci within DNA?

12 A. It's just one spot in DNA that we look at to
13 see specifically what is there, and that varies from
14 person to person.

15 Q. And what is an STR?

16 A. It stands for short tandem repeat. It's the
17 location that we look at in a DNA test. It's just a
18 short repeated segment of DNA. And the number of times
19 that segment repeats varies from individual, from person
20 to person.

21 Q. So what is it that is repeating?

22 A. Very short segments of your DNA. It's just the
23 same little sequence. Everyone has the same repeated

1 segments. But the total number of times that it repeats
2 is what's different based on the individual.

3 Q. So if we thought of it as a chain, would it be
4 a different number of links in each person's chain?

5 A. Yes.

6 Q. At each location?

7 A. Yes.

8 Q. How did you get a DNA profile?

9 A. To get a DNA profile we look at all 15
10 locations used in this specific test, and we determine
11 the number of STRs, or number of repeats at each one of
12 those locations. And we put all of those locations
13 together and you get your DNA profile.

14 Q. What is PCR?

15 A. That is a technique known a polymerase chain
16 reaction. It's just like a copy machine. It takes your
17 DNA, it takes those repeated segments and makes millions
18 of copies.

19 Q. Have the testing techniques and protocols that
20 you employed in this case been tested and subject to
21 peer review?

22 A. Yes, they have been.

23 Q. What does that mean?

1 A. That they have been -- there have been
2 procedures implemented to ensure that everyone is
3 getting the most accurate results. And they've also
4 been reviewed by others in the community, in the
5 scientific community, and they have agreed on these
6 techniques.

7 Q. Is the type of testing used in this case used
8 worldwide?

9 A. Yes, it is.

10 Q. How are DNA profiles used in forensic casework?

11 A. In forensic casework we'll take an unknown
12 evidence sample and develop a DNA profile for that
13 sample. And we'll also develop DNA profiles for known
14 reference samples that come from a specific person. And
15 we will compare them to see if they match between the
16 two.

17 Q. What is that forensic casework as opposed to
18 any other kind of casework?

19 A. I guess it would be when a crime would be
20 involved.

21 Q. As opposed as perhaps medical casework?

22 A. Correct.

23 Q. Is the use of DNA profiling to establish

1 identity supported by the published scientific
2 literature in your field?

3 A. Yes, it is.

4 Q. For an individual, is the DNA found in
5 different tissues within the body, is it the same from
6 every tissue, say, from an eyeball, from a skin cell, or
7 from blood is the same?

8 A. Yes. Everyone's DNA is the same throughout
9 their entire body.

10 Q. What is a single source profile within your
11 frame of work?

12 A. Single source means that the sample has DNA
13 from just one person.

14 Q. What would a mixed profile be?

15 A. If there was DNA from more than one person in
16 that sample.

17 Q. What would you do if you got, if you tested a
18 sample and there was a mixture? How does that affect
19 your results of your reporting?

20 A. It's not as straightforward because you do know
21 there is more than one person contributing to that
22 sample. So you have to take that sample on its own and
23 see if there's anything else you can do with it besides

1 just say there's more than one person here; I can't make
2 any conclusions on it.

3 Q. Does the fact if there was a mixture, could two
4 DNA profiles mix to somehow change one or the other and
5 create a third profile that doesn't belong to any human?

6 A. No. Nothing would actually change the profile
7 of each person that was contributing.

8 Q. You would just get as many profiles as were
9 present?

10 A. Correct.

11 Q. Did you prepare a report in this case?

12 A. I did.

13 Q. When was the evidence in this case received at
14 Bode?

15 A. We received evidence samples, unknown samples
16 November 22nd, 2016. And we received the reference, the
17 known sample, on January 16th, 2017.

18 Q. So let's talk about evidence and reference
19 samples. And you described the evidence sample as the
20 unknown sample; correct?

21 A. Correct.

22 Q. How would you describe it in this case? Do you
23 recall how they came in, how they were labeled?

1 keep the evidence lasting and not have any sort of
2 negative effect on the evidence.

3 Q. How were the samples processed once they got
4 there?

5 A. A small portion of each sample was cut. The
6 swab in this case was cut and put into a tube.

7 Chemicals were added to that tube which just breaks
8 apart the cell and it's going to release all the DNA.

9 Each sample will have its DNA measured because we would
10 like to know the concentration of that sample. From
11 there we take the DNA extract and make millions of
12 copies. Those copies are going to go into a machine
13 that reads it, and it's going to generate a DNA profile.
14 And the same thing is going to happen with the reference
15 sample. It's just completely separate.

16 Q. Okay. Do you get a profile from every sample
17 that comes in?

18 A. No, I don't.

19 Q. What are some things that could happen to cause
20 you to not get a profile from a sample?

21 A. A lot of the time is just how much DNA is on a
22 sample if there is any. You might not have a detectible
23 amount of DNA. Samples can degrade over time as well if

1 A. We received two items, and they were each
2 individually packaged in their own envelope labeled with
3 their specific case number and a unique identifier. And
4 they each have their description on the outside as well.

5 Q. Do you recall the description of the unknown
6 sample in this case?

7 A. We had one sample that was swab No. 1, the
8 handprint, window POE. And then we have swab No. 2,
9 handprint window POE.

10 Q. Switching over to the reference sample, what
11 does that mean?

12 A. A reference sample comes from an individual.
13 So they take swabs or some other sort of medium to
14 collect DNA from a known person. You know exactly who
15 it came from.

16 Q. Do you recall the person that the reference
17 sample with regard to your report came from?

18 A. Yes. It was from a Dakai Chavis.

19 Q. Once the samples are received at Bode, how are
20 they preserved?

21 A. Immediately they go into our secure evidence
22 room. And only a very small handful of people have
23 access to that room. And it is temperature regulated to

1 they've been an old sample or if they'd been in a heated
2 room or before the sample was even taken it was out in
3 the rain for a long time; that kind of stuff could
4 prevent you from getting a usable profile.

5 Q. Those are things that can degrade DNA?

6 A. Yes.

7 Q. When you're reading essentially the DNA, can
8 you observe degradation?

9 A. You can.

10 Q. In this case you received two evidence samples;
11 correct?

12 A. Correct.

13 Q. Two swabs?

14 A. Yes.

15 Q. Did you get a profile from each?

16 A. No, I did not.

17 Q. What happened with the swab that you did not
18 get a profile from?

19 A. So the sample, the amount of DNA in it was
20 measured. It just was very low. I can't necessarily
21 say there was no DNA in it, but there was not a
22 detectible amount based on our testing. So it did not
23 go any further than just measuring the concentration.

1 Q. And the other swab?

2 A. The other swab I did not have enough DNA to be
3 able to process further.

4 Q. When you received the reference sample, were
5 you able to process that DNA profile?

6 A. Yes, I was.

7 Q. Did you compare the evidence sample to the
8 reference sample?

9 A. I did.

10 Q. What were your results?

11 A. For the evidence sample I received, I obtained
12 a full single source male profile. And also for the
13 reference sample a full single source male profile.

14 Q. And, again, single source means?

15 A. From one person.

16 Q. And that was with both the evidence and the
17 reference; correct?

18 A. Correct.

19 Q. What were you able to conclude from your
20 results?

21 A. That the male profile obtained from the
22 evidence sample was a match to the male profile obtained
23 from the reference sample.

1 Q. Before you were talking about you look at 15
2 different locations or loci; right?

3 A. Sure.

4 Q. How many locations were a match?

5 A. All 15.

6 Q. What is the strongest match that Bode lab can
7 produce?

8 A. All 15 locations.

9 Q. What do you conclude from those results? I
10 already asked you that. Sorry.

11 Based on your experience and training, do you
12 consider those results to be reliable?

13 A. Yeah, I do.

14 Q. Were there any sort of statistical calculations
15 performed based on the conclusions?

16 A. Yes. I performed a random match probability.
17 It's just a statistic used to calculate how often I
18 would expect to see a match between a sample, a
19 reference sample.

20 Q. Can you explain that? How often, in relation
21 to what?

22 A. So if I were to randomly select one person from
23 a population group, what are the chances that that one

1 person would match to the evidence sample.

2 Q. You just used the phrase "population group."
3 Can you explain that? What is a population group?

4 A. The statistics that you used calculates for 30
5 different population groups. Because each population
6 has a different frequency of how often they see those
7 specific locations, the number of repeats at each
8 location. And the statistics that I used would be
9 calculated, the statistics for the U.S. Caucasian
10 population, U.S. African American population, and U.S.
11 Hispanic population.

12 Q. What were your results within each of those
13 population?

14 A. So the chance of selecting a random individual
15 in the U.S. Caucasian population was one in 530
16 quintillion; in the U.S. African American population it
17 was one in 26 quintillion; and the U.S. Hispanic
18 population is one in 450 quintillion.

19 Q. Quintillion. Can you help us wrap our heads
20 around that number?

21 A. Sure. We'll go with the lowest statistic to be
22 most conservative. That's one in 26 quintillion in the
23 U.S. African American population. And let's say the

1 world population is about seven billion. It's probably
2 much higher than that now. So one in 26 quintillion is
3 about four times the world -- or excuse me -- four
4 billion times the world population. So I would have to
5 find four billion worlds before I found another match to
6 this sample.

7 Q. At all 15 locations?

8 A. At all 15 locations.

9 MS. WARNER: Your Honor, may I approach?

10 THE COURT: You may.

11 BY MS. WARNER:

12 Q. I'm going to show you what has already been
13 marked State's 26. Can you tell me if you recognize it?

14 A. Yes. This is the report that I wrote.

15 Q. Okay. If you look on your screen showing you
16 State's 26, can you explain to us what some of these
17 numbers mean, starting at the top here, Bode Cellmark
18 case number?

19 A. When evidence is processed at our lab, we give
20 it an individual Bode specific case number, so that is
21 the number that we use to track it.

22 Q. So as the sample courses through Bode, who
23 would know where it came from?

1 A. I guess everyone could eventually look it up.
 2 But as it's going through the process, we only track it
 3 based on that number or the Bode case number that starts
 4 with a BHJ. That's all it's tracked through.
 5 Q. Is it tracked in any way with the number
 6 assigned to it by the police agency?
 7 A. Yes it, is tracked in our system by that.
 8 Q. In the system?
 9 A. Yes. We have an internal processing system
 10 that we do keep all this information there. But step by
 11 step as the process goes up until we wrote the report,
 12 all we're tracking it through is our Bode Cellmark case
 13 number.
 14 Q. You mentioned the PCR. Is that a machine, a
 15 computer of some kind?
 16 A. It is a machine that regulates temperature.
 17 Q. How do you find out, if these samples are
 18 tracked through unique identifiers, how do you know when
 19 one matches another?
 20 A. In this case, the profiles developed for the
 21 evidence sample were entered into a database. And then
 22 several months later the profile for the reference
 23 sample was entered into another database. And they came

1 back as a hit, as a match. I then manually looked at
 2 the samples myself to make sure that they were, in fact,
 3 a match at all 15 locations.
 4 Q. So you had mentioned you received the evidence
 5 sample in November of 2016; correct?
 6 A. Correct.
 7 Q. And a profile was generated. That profile then
 8 went into a database?
 9 A. This is correct.
 10 Q. What was done with the unused portions of the
 11 sample?
 12 A. After sampling, the rest of the swab goes back
 13 into the original packaging. The package gets sealed
 14 and then goes back into the evidence, the secure
 15 evidence room.
 16 Q. And when was that sample returned to the secure
 17 evidence room?
 18 A. I'm not sure the exact date off the top of my
 19 head, but it's within a few days of it being sampled, so
 20 long before it was even reported.
 21 Q. And when did the reference sample, the sample
 22 from Mr. Chavis come in?
 23 A. We got that reference sample to the lab

1 January 16th, 2017.
 2 Q. So several months after the evidence sample?
 3 A. That is correct.
 4 Q. At that point in time in January of 2017 was
 5 the evidence profile already in your database?
 6 A. Yes, it was.
 7 Q. And so in January of 2017 did you receive the
 8 reference sample from Mr. Chavis?
 9 A. I did.
 10 Q. And generate a profile?
 11 A. Yes, I did.
 12 Q. And your database told you that it was a match?
 13 A. Yes.
 14 Q. To the evidence sample?
 15 A. Yes.
 16 Q. And then once the match is reported, you
 17 manually looked, and through your training and
 18 experience you looked at the 15 loci?
 19 A. Yes. I physically examined both profiles.
 20 Q. Confirmed that match?
 21 A. Yes, I did.
 22 MS. WARNER: No further questions at this time,
 23 Your Honor.

1 THE COURT: You may cross-examine.
 2 MR. KIRK: Thank you, Your Honor.
 3
 4 CROSS-EXAMINATION
 5 BY MR. KIRK:
 6 Q. Good afternoon, Ms. Siddons.
 7 A. Hello.
 8 Q. Ms. Siddons, you received two samples in this
 9 case that you identified as a handprint on window POE,
 10 point of entry; right?
 11 A. Correct.
 12 Q. Those would be samples entered in Bode cases
 13 Nos. 8144 and 8145; is that correct?
 14 A. Yes.
 15 Q. Sample 8145 came back as unusable; right?
 16 There was not enough information available on that to be
 17 used?
 18 A. The sample did not contain a detectible amount
 19 of DNA, so it wasn't even taken past the point of
 20 measuring the amount of DNA.
 21 Q. Okay. Now, you labeled these in your report as
 22 handprints, which would mean that the samples you were
 23 looking at came from skin cells; right?

1 A. Yes.

2 Q. We learned today that when law enforcement
3 actually gets these samples, what they're doing is
4 rubbing a surface with a wet swab and rubbing it with a
5 dry swab. And they're packaging that and that's what
6 gets sent to you. After they do that process, they
7 don't see what it is that they've uncovered. You know,
8 it's not like fingerprints where they can see that
9 through the dust, so they don't know it's a handprint
10 that they are sending to you.

11 My question is: How did you know this is a
12 handprint when you received a sample?

13 A. Actually, the description that we use for the
14 evidence was given to us by the submitting agency.

15 Q. Okay. So New Castle County Police sent this to
16 you. They said it was a handprint?

17 A. Yes, they did.

18 Q. Okay. Now, regarding that sample that was sent
19 to you, let's say it was a handprint, when it comes to
20 you, you have no indication as to the size of it, right,
21 the size of the sample, how much of someone's hand was
22 on the surface that was swabbed?

23 A. Yeah, that is correct. We just have the

1 sample, the swab they gave us.

2 Q. So if it was a hand, it could be, you know,
3 just a piece of the hand, it could be the whole hand, we
4 don't know?

5 A. That's correct.

6 Q. Okay. And also when you receive such a sample,
7 you have no way of knowing when that sample got on the
8 that surface; is that right?

9 A. That is correct.

10 Q. Okay. Going back to that sample real quick, we
11 don't know when that sample got there. Or you don't
12 know when you received the sample, the circumstances of
13 how it got there; right?

14 A. That is correct.

15 Q. Okay. Now, looking at your report, in your
16 report, Ms. Siddons, that has been entered as State's
17 26, on the back here that's your signature; right?

18 A. Yes, that is.

19 Q. Right here where it says, "A supplemental
20 report was issued due to comparison request by New
21 Castle County Police, see original reports dated
22 December 21st, 2016, and February 16, 2017," what are
23 those dates?

1 A. So the way that the processing works in this
2 case in the -- this client that we have, we get an
3 entire group of evidence samples and that's it. We
4 process them all separately. And all we do is report
5 what we got for each sample. There's no comparisons.
6 There's nothing. And then any comparable profiles are
7 what is entered into the database. So we do that for,
8 you know, a group of evidence samples and we also do
9 that for a group of reference samples. So that's what
10 those two dates are referring to is the original reports
11 that just gave the result of each sample to be entered
12 into the database.

13 Q. Does that mean on December 21st, 2016, you
14 received -- that's the date when you received all of the
15 samples, I'll call them source samples, samples taken
16 from the source of the crime scene?

17 A. That would have been the date that the
18 samples -- the report date, so it was after all the
19 processing was completed.

20 Q. Okay. And then the February 16th date, that
21 would have been your reference samples or samples from
22 human beings?

23 A. Yes.

1 Q. Coming to you?

2 A. Yes.

3 Q. Okay. Ms. Siddons, who is Rachel Aponte, last
4 name A-P-O-N-T-E?

5 A. She was a sampling technician.

6 Q. And who is Feng Chen, F-E-N-G, last name
7 C-H-E-N?

8 A. She was also a sampling technician.

9 Q. At Bode laboratories?

10 A. Yes. Sorry.

11 Q. Are they still employed there?

12 A. Neither of them work there anymore.

13 Q. Okay. On December 6, 2016, Ms. Aponte noted
14 that she received Bode sample 8144 for the stated
15 purpose of analysis; is that correct?

16 A. Yes.

17 Q. And sample 8144 is the designation that you
18 gave the handprint sample; right?

19 A. Yes. That was handprint, the swab No. 1.

20 Q. Okay. And then on December 12, 2016,
21 Ms. Aponte had that sample, and she cut a -- she cut
22 some of that sample. She cut half of each swab and
23 combined a 50 percent solution; is that right?

No. 20-317

IN THE
SUPREME COURT OF THE UNITED STATES

=====

DAKAI CHAVIS,

Petitioner

v.

STATE OF DELAWARE,

Respondent

=====

CERTIFICATE OF SERVICE

=====

1. The undersigned, being a member of the Bar of this Court, hereby certifies that on October 28, 2020, she caused to be hand delivered, one copy of the attached Appendix To Brief in Opposition, addressed to Nicole M. Walker, Chief, Appellate Division, Delaware Office of Defense Services, Carvel State Office Building, 3d Floor, 820 N. French Street, Wilmington, Delaware 19801 (ph: 302 577 5121). The undersigned has also served with an electronic copy at nicole.walker@delaware.gov.

2. I hereby certify that all parties have been served.

/s/ Maria T. Knoll
Maria T. Knoll
Counsel for Respondent