

DOCKET NO. 20-5065

IN THE SUPREME COURT OF THE UNITED STATES

BRETT A. BOGLE,

*Petitioner,*

vs.

STATE OF FLORIDA,

*Respondent.*

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RESPONDENT'S APPENDIX A

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT  
OF THE STATE OF FLORIDA IN AND FOR HILLSBOROUGH COUNTY  
CIRCUIT CRIMINAL DIVISION

STATE OF FLORIDA

CASE NO.: 91-CF-012952

VS

DIVISION: F

BRETT A BOGLE

NOTICE OF FILING  
OF RESULTS OF MITOCHONDRIAL TESTING

The State of Florida, by and through the undersigned Assistant State Attorney, hereby files with the Clerk of Circuit Court this Notice of Filing of:

A two (2) page report from Mitotyping Technologies, dated March 3, 2015, and signed by Terry Melton, PhD. And Charity A. Holland, MPH, is hereby filed with the Clerk of Court and made a matter of record. In pertinent part, the report concludes that "(t)he mitochondrial DNA profiles of 2815Q1 and 2815K1 are the same. Therefore, the victim and her maternal relatives cannot be excluded as the contributor of the questioned hair".

I HEREBY CERTIFY that the foregoing Notice of Filing of Results of Mitochondrial Testing is hereby furnished by email to Linda McDermott, Esquire at [lindammcdermott@msn.com](mailto:lindammcdermott@msn.com), attorney for defendant, and Candance Sabella at [Candance.sabella@myfloridalegal.com](mailto:Candance.sabella@myfloridalegal.com), this 2nd day of December, 2015.

Respectfully submitted,

MARK A. OBER  
STATE ATTORNEY

s/JAY PRUNER  
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JAY PRUNER  
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JP/als



# MITOTYPING TECHNOLOGIES

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FORENSIC MITOCHONDRIAL DNA + STR ANALYSIS  
Case 2815

March 3, 2015

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Re: State of Florida v. Brett A. Bogle; Case No. 91-12952  
Test Report for Mitotyping Technologies Case No. 2815

### Items of Physical Evidence and Background

On November 21, 2014, Mitotyping Technologies received via FedEx # 7719 3801 1670 from Chris Palenik of Microtrace the following items:

- 1) One evidence tape sealed plastic bag containing three evidence tape sealed manila envelopes described in paperwork as labeled in part:
  - a. "K-6 Slides". A 2 cm portion of one 4.5 cm hair from one of the slides labeled "K6" was taken for testing and designated 2815K1.
  - b. "Slides K-7". This sample was not opened or tested.
  - c. "Slides Q18". A 2.5 cm portion of the 3.5 cm hair labeled "R" from the slide labeled in part "Q18" was taken for testing and designated 2815Q1.

It was requested that this laboratory develop a mitochondrial DNA profile from the questioned hair and compare it to the mtDNA profile of the victim to determine if she could be excluded as the contributor of the questioned hair.

### Mitochondrial DNA (mtDNA) Analysis

The 2815Q1 hair sample was analyzed for the presence of mitochondrial DNA according to standard protocol prior to opening and analyzing the known victim reference sample. The known sample 2815K1 was also analyzed according to standard protocol. A complete mitochondrial DNA profile was obtained for both samples, comprising nucleotide positions 15998-16400 (hypervariable region 1; HV1) and nucleotide

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positions 30-407 (hypervariable region 2; HV2). All reagent blank negative controls and PCR negative controls that accompanied the samples throughout testing remained free of contaminating DNA. Table 1 shows the nucleotide substitutions with respect to the standard published reference sequence for the samples in this case.

Table 1: Nucleotide substitutions in HV1 and HV2 for samples 2815Q1 and 2815K1.

	HV1			HV2								
	16069	16126	16145	73	150	189	195	207	263	295	309.1	315.1
Standard	C	T	G	A	C	A	T	G	A	C	-	-
2815Q1	T	C	A	G	T	G	C	A	G	T	C	C
2815K1	T	C	A	G	T	G	C	A	G	T	C*	C

Table Notes: (--) means that at this position in the published reference sequence (Standard, top line) there is no nucleotide and the sample has an insertion.

(\*) means that length heteroplasmy was observed in the homopolymeric C-stretch associated with this site.

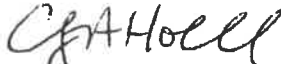
### Interpretation of Results

The mitochondrial DNA profiles of 2815Q1 and 2815K1 are the same. Therefore, the victim and her maternal relatives cannot be excluded as the contributor of the questioned hair.

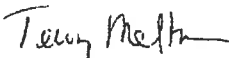
The EMPOP database of human mitochondrial DNA sequences (EMPOP—A Forensic MtDNA Database, Walther Parson, Arne Dür, 2007, **Forensic Science International: Genetics**, Vol. 1, No. 2, Pages 88-92) was searched for the sequence observed in the 2815Q1 and 2815K1 samples. This sequence has not been observed in the current available database, which includes 11,180 sequences of North American forensic significance.

Please do not hesitate to contact us if you have questions about this report. According to the court order, we will return all remaining evidence to the Hillsborough County Sheriff's Office within 30 days via FedEx.

Sincerely,

  
 Charity A. Holland, MPH  
 Quality Manager  
 Forensic Examiner  
 Author

**End of Report.**

  
 Terry Melton, PhD  
 Laboratory Director  
 Forensic Examiner  
 Technical Reviewer