

A. Yes, it would be.

Q. Would that be consistent with someone kneeling?

A. Yes sir, if the pants were in that position it would be.

Q. What kind of stains are on the pocket?

A. They are of the smear type.

Q. Could it have been caused by the insertion of a bloody instrument or bloody hand?

A. Yes sir.

MR. SIMS: Object, that is a speculation.

BY THE COURT: Overruled.

Q. You may answer.

A. They could have been.

Q. The stains around here on the edge on the inside, I believe you said these were smear type stains?

A. Yes sir.

Q. Could they have been caused by the insertion of bloody fingers or bloody instruments?

A. Yes sir, they could have been.

Q. The stains around the button areas, smear stains?

A. Yes, those are of the smear type.

Q. I ask you, if they could have been caused by a bloody hand or finger, say - - -

MR. SIMS: Object to leading.

MR. WILLIAMS: It's a hypothetical question, your Honor.

BY THE COURT: Overruled.

Q. Could they have been caused by a bloody hand or hands, buttoning the blue jeans?

- A. Yes, they could have been.
- Q. What was done with the blue jeans after you examined them?
- A. They were retained by Criminalist Ted Hudson in the Auburn Lab until they were brought to court today?

MR. WILLIAMS: We offer them.

MR. SIMS: Object.

BY THE COURT: What is the number?

MR. WILLIAMS: Number 37.

MR. SIMS: Object.

BY THE COURT: Objection is overruled,
it is in.

(WHEREUPON THE ABOVE MENTIONED STATE'S EXHIBIT NO. 37, MARKED BY THE COURT REPORTER AS STATE'S EXHIBIT NO. 37, WAS RECEIVED INTO EVIDENCE BY THE COURT, AND THE SAME WAS FILED IN THE OFFICE OF THE CIRCUIT CLERK OF COOSA COUNTY, ALABAMA, ON THE 8TH DAY OF AUGUST, 1980, IN ACCORDANCE WITH THE ALABAMA RULES OF CRIMINAL PROCEDURE.)

- Q. Is there a process or are you familiar with a process to determine the presence of semen?
- A. Yes sir.
- Q. Generally what is that process - - I understand that process involves putting a chemical on the object and searching for an enzyme?
- A. Yes sir, acid phosphatase.
- Q. That's it, are you familiar with that process?
- A. Yes sir.
- Q. Have you used it on one or more occasions?
- A. Many occasions.

A. I also understand there is a visual process where you can examine what purported to be semen, if that enzyme test is positive, you can actually look for presence, either heads or tails of semen or whole spermatazoa?

A. Yes.

Q. On few or many occasions?

A. Many occasions.

Q. I believe there is one other process called anti-human sperm process?

A. Yes sir.

Q. Are you familiar with that one where a jell-o kind of substance is place on an object?

A. Yes sir, I am familiar with it.

Q. Have you used it on few or many occasions?

A. Few.

Q. Are there any other processes that you know to determine the presence of semen that you have used?

A. I also use a test for the presence of Choline in the semen - - -

Q. What is Choline

A. Choline is another substance present in semen or seminal plasma.

Q. What is plasma?

A. Seminal plasma, is the liquid portion of the male ejaculation.

Q. The liquid portion is semen?

A. Semen is the liquid portion of the male ejaculation.

Q. What is in semen?

A. Semen contains many substances, some of them being enzymes and also some of them being nutrient material for the spermatozoa.

Q. Spermatozoa or sperm is also in semen?

A. Yes, that is the cellular component of the male ejaculation.

Q. Did you have the occasion to receive for analysis any fingernail scrapings reportedly from Avis

F. Alford?

A. Yes, I did.

Q. From whom did you receive them?

A. I received them on 8-2-78, from the Assistant Director Van V. Pruitt, Jr.

Q. Did you examine them?

A. Yes, I did.

Q. What, if anything, did the fingernail scrapings reveal?

A. The examination of the fingernail scrapings identified a small amount of blood present, but there was no tissue or epithelium present and it also showed the presence of potato starch.

Q. Potato starch?

A. Yes sir.

Q. Were you able to type the blood under the fingernail scrapings?

A. No sir.

Q. Why?

A. Because there was an insufficient quantity present.

Q. Did you have the occasion to receive for analysis

during the same period of time that we have been talking about a plastic bag with a pair of undershorts in it, in the Avis F. Alford case.

A. Yes, I did.

Q. From whom did you receive it?

A. From Investigator E. J. Gosdin.

Q. Is that you and Ted?

A. Yes sir.

Q. I show you what has been marked as State's Exhibit # 45, it appears to be a bag and I ask you if you recognize it?

A. Yes, I do.

Q. What is it?

A. This is a plastic bag which I received from Lt. E. J. Gosdin, containing one pair of jockey style undershorts.

Q. I'll ask you to remove its contents?

A. O. K.

Q. I show you the contents which is labeled State's Exhibit No. 46, and ask if you recognize it?

A. Yes, I do.

Q. What is it please?

A. This is the pair of jockey style undershorts which I received from Lt. E. J. Gosdin.

Q. Did you analyze these shorts or underwear?

A. Yes, I did.

Q. Specifically, did you analyze them for presence of human semen?

A. For semen, yes.

Q. For semen?

A. Yes.

Q. How did you make this analysis?

A. By the use of the acid phosphatase test, and then by the use of the microscope for the identification of spermatazoa.

Q. What was the results?

A. Spermatozoa and sperm were found on the undershorts.

Q. As I hold them up, would you show the Jury where it was found please.

A. In the direction that you are holding them now, it would be on the inside of the right front.

Q. Would you show us please, as I turn them in a -

A. This reverses the side of the stain now, it would be on the left front.

Q. For our purposes with the label being on the outside can you show us with your finger please, moving it up and down where the evidence of semen and spermatazoa were found?

A. It was found on the yellowish brown stain, which is present on the front if this location here (INDICATING) and this location (INDICATING).

Q. Is there a process that you know to analyze an object for the presence of fecal material or stool or bowel movement.

A. Yes.

Q. What is that process?

A. By microscopic analysis.

Q. Did you perform such analysis, on these underwear

State's Exhibit No. 46?

A. Yes, I did.

Q. From what area, I'm going to leave them inside out, is that O. K.

A. Yes.

Q. Did you take the samples, where did you take the samples to put under the microscope?

A. From the same areas which I pointed out, that had the semen.

Q. Are there holes in that area now?

A. Yes, there is.

Q. Why are there holes in that area?

A. Because the material had to be removed to make a microscopic analysis.

Q. When you made this analysis, what, if anything, did you find?

A. Analysis of those stains showed spermatozoa to be present, it showed fecal material to be present, and it also showed cellular material to be present, which is columnar, which is one type of cells found on the inside of the body, and squamous epithelia, which is another type of cell found on the inside of the body.

Q. What is epithelia cells?

A. Epithelium is a cell of a particular type which lies in the inside or outside surfaces of the body and usually the epithelium has an appearance according to what part of the body from which it comes, so there is a difference between the

epithelium which would be contained on the skin, on the external surface of the skin, or the palms of the hands; inside of the mouth and from inside the vagina or the inside of the rectum.

Q. What kind of epithelia tissue did you find on this underwear.

A. There was Columnar Epithelium.

Q. Where is that from, if you know?

A. Columnar epithelium is found on the parts of the body where the squamous epithelia leaves off, such as in the mouth, the squamous epithelia is on the external surfaces of the body and it follows all the external parts of the body into the internal portion such as the mouth, so it will follow the mouth down to about the vocal cords and then it will come into the columnar Epithelium, it is present.

Q. It is present in the throat?

A. Yes sir, the deep throat.

Q. In the deep throat?

A. Yes sir, and below the vocal cords.

Q. What about the other epithelia?

A. Columnar?

Q. Columnar is what we are talking about?

A. Yes sir.

Q. Is there any places it is found?

A. Yes sir, the squamous epithelium.

Q. Is it found in the throat?

A. It is found on the external portion of the body and it is also in the upper inside of the mouth,

and the upper portion of the throat.

Q. So, if two types of epithelae cells found on this could they have come from the throat.

A. Yes sir. Collumnar ephithelae would have to come from deep in the throat.

Q. Is there another place this ephithelae, both of them, this squamous and collumnar could have come from?

A. It is also found in the vagina, the aquamous is found in the vagina; collumnar ephithelae is found on the back side of the cervix, with the squamous ephithelae found on the front side of the cervix.

Q. Any place else?

A. It is also found, the squamous ephithelae is found on the outside portion of the rectum; the collumnar ephithelae begins about an inch above the opening of the rectum and then continues through the intestines.

Q. The tissues we are talking about is where the holes are in the underwear, is that right, where the holes were?

A. Yes sir.

Q. The same brown spotting on the underwear?

A. Yes, sir.

Q. The squamous or the collumnar are both found in the throat?

MR. SIMS? We object, its leading.

BY THE COURT: Sustained.

Q. Are they found in the throat?

A. Yes, they are.

MR. SIMS: Objection, repetitious.

BY THE COURT: Sustained.

Q. When you find columnar and squamous epithelae cells in the throat are they mixed with fecus normally?

A. No sir, they are not.

Q. When you find it in the vagina are they mixed with fecus, normally?

A. No sir, they are not.

Q. When they are found, I think you said, the rectum,

A. Yes sir.

Q. Are they mixed with fecus normally?

A. No sir, they are not.

Q. Can they be?

A. Excuse me, yes sir, they are.

MR. SIMS: Object to getting their story straight.

BY THE COURT: Overruled.

Q. In the rectum, having covered the throat and vagina, in the rectum are these epithelae cells that you found, types that you found on this underwear, where the holes are, are they normally mixed with fecal material or stool?

A. Yes sir, when they are from the rectum, they would be.

Q. Were they in this case?

A. Yes sir, they were.

Q. What are the purplish marks?

A. That is - - - shows the area where the acid phosphatase staining was done.

Q. For what?

A. The acid phosphatase test was done with the reagents in the piece of paper which is laid on the material, it will show a coloration into the paper where the semen is present.

Q. One more time, if you would write the words shorts or underwear, underneath that would you write the word semen; you found semen from the shorts?

A. Yes sir.

Q. You found epithelae cells?

A. Yes sir.

Q. I believe they were mixed with fecal material, put with fecal material?

A. O, K.

Q. Was any other analysis done to the shorts, any other body fluids?

A. No sir - Excuse me, yes, there was.

Q. What?

A. There was a blood stain found on the right inside of the undershorts.

Q. Is that the same side the fecal material or semen was found?

A. No sir, those stains were found on the front of the undershorts, this was found on what would be the normal side of the undershorts.

Q. Need to turn them inside out again.

A. It will be the right side.

Q. From the back to the front?

A. The stain was found on the right side of the normal inside.

Q. Show us exactly where, please? Come down here?

A. The undershorts being worn in the usual position.

Q. That would be the tag on the inside?

A. Yes sir.

Q. This would be the right side of the undershorts, the stain was located on the inside, right, it was found in this right upper front on the right side.

A. Yes sir.

Q. In that general area (INDICATING).

A. Were you able to run an analysis on the blood that you found here?

A. Yes sir, just to identify in fact that it was blood.

Q. Did you have enough to tell whether it was human or non-human?

A. No sir.

Q. You wouldn't have enough for A, AB, or MN.

A. No sir.

Q. One more time, would you put a dash after shorts and put the word blood?

A. O. K.

Q. What, if anything was done with the shorts and the bag they were in after you analyzed them?

A. They were placed in evidence at the Auburn Laboratory.

Q. By you and Ted.

A. Yes sir.

MR. WILLIAMS: We move for their

.admission.

BY THE COURT: What number?

MR. WILLIAMS: "State's Number 45 and 46."

MR. SIKES: May we state the grounds for
our objection?

BY THE COURT: Yes sir.

MR. SIKES: Specifically section 15-12-67,
of the Code..

MR. WILLIAMS: I believe it would be
12-15-67.

BY THE COURT: Are you satisfied with the
12 in front?

MR. WILLIAMS: We move their admission.

MR. SIKES: We object.

BY THE COURT: The objection is overruled,
and State's No. 45 and 46 are admitted.

(WHEREUPON THE ABOVE MENTIONED STATE'S EXHIBITS NO. 45 AND 46,
MARKED BY THE COURT REPORTER AS STATE'S EXHIBITS NO. 45 and
46, WERE RECEIVED INTO EVIDENCE BY THE COURT, AND THE SAME
WERE FILED IN THE OFFICE OF THE CIRCUIT CLERK OF COOSA COUNTY,
ALABAMA, ON THE 8TH DAY OF AUGUST, 1980, IN ACCORDANCE WITH
THE ALABAMA RULES OF CRIMINAL PROCEDURE.)

MR. WILLIAMS: Judge, we also offer into evidence,
which is the sack in which the blue jeans were in.

MR. SIKES: Object.

BY THE COURT: Overruled, State's number 36,
is in.

(WHEREUPON THE ABOVE MENTIONED STATE'S EXHIBIT NO. 36, MARKED

BY THE COURT REPORTER AS STATE'S EXHIBIT NO. 36, WAS RECEIVED INTO EVIDENCE BY THE COURT, AND THE SAME WAS FILED IN THE OFFICE OF THE CIRCUIT CLERK OF COOSA COUNTY, ALABAMA, ON THE 8th DAY OF AUGUST, 1980, IN ACCORDANCE WITH ALABAMA RULES OF CRIMINAL PROCEDURE.)

MR. WILLIAMS: We also move for admission of State's Exhibit No. 48.

MR. SIKES: We object.

BY THE COURT: Overruled, it is in, No. 48.

(WHEREUPON THE ABOVE MENTIONED STATE'S EXHIBIT NO. 48, MARKED BY THE COURT REPORTER AS STATE'S EXHIBIT NO. 36, WAS RECEIVED INTO EVIDENCE BY THE COURT, AND THE SAME WAS FILED IN THE OFFICE OF THE CIRCUIT CLERK OF COOSA COUNTY, ALABAMA ON THE 8th DAY OF AUGUST, 1980, IN ACCORDANCE WITH ALABAMA RULES OF CRIMINAL PROCEDURE.)

MR. SIKES: May I inquire of the court has State's Exhibit No. 38 been admitted?

BY THE COURT: It has not been admitted, no offer has been made.

MR. WILLIAMS: We move for its admission.

BY THE COURT: State's No. 38 is in.

(WHEREUPON THE ABOVE MENTIONED STATE'S EXHIBIT NO. 38, MARKED BY THE COURT REPORTER AS STATE'S EXHIBIT NO. 38, WAS RECEIVED INTO EVIDENCE BY THE COURT, AND THE SAME WAS FILED IN THE OFFICE OF THE CIRCUIT CLERK OF COOSA COUNTY, ALABAMA ON THE 8th DAY OF AUGUST, 1980, IN ACCORDANCE WITH ALABAMA RULES OF CRIMINAL PROCEDURE.)

That's all.

CROSS EXAMINATION

BY: MR. SIKES

Q. Mr. Landrum, I would refer you to your report that is dated September 7, 1978, item 8 on page 2; is that an official report prepared in this case?

A. Yes sir, it is.

Q. Please tell the ladies and gentlemen of the Jury what Item 8 says:

A. One sealed white envelope, containing ten (10) sealed small manila envelopes identified to be finger nail scrapings from Avis F. Alford. Examination of the scrapings failed to reveal any further information.

Q. All right, that was an official report?

A. Yes sir.

Q. That differs from what you told the ladies and gentlemen of the Jury, a few minutes ago, does it not?

A. Yes sir.

Q. Whis is correct; what you told a few minutes ago, or what you wrote back 6 weeks after the event.

A. Both of them are correct, but i would have to explain why.

Q. Please do.

A. Photos that I saw that was taken of the body, showed there to be blood on the hands, which would have come from the victim, therefore the presence of blood was of no importance but there was blood found.

Q. You mean you can look at blood visually in a photograph and you are telling the Ladies and Gentlemen of the Jury, because you saw probably specifically State's Exhibit No. 40, that you assume that the blood that was under the fingernails was not of significance?

A. They were not under the fingernails, they were on the fingernails.

Q. The fingernail scrapings did not come from underneath the fingernails?

A. There was material there which had some of the fingernail thereto, it wasn't just some of the scraping, it was also some of the fingernail material.

Q. Are you telling the Ladies and Gentlemen of the Jury, that fingernail scrapings come from other than underneath the fingernails?

A. You can scrape the external surface of the fingernail too if there had been tissue present in the fingernail, then it would have been of importance, because if someone is scratched with fingernails, there will not be blood present without tissue.

Q. You are telling the Ladies and Gentlemen of the Jury you made the determination based on a photograph, that examinations of the scrapings of the fingernails failed to reveal any further information?

A. By the fact there were no tissue present in the scrapings and by the photograph and other information which we received on the case, blood grouping of the scrapings was not determined to be necessary.

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- Q. So you didn't do it?
- A. No, I did not.
- Q. All blood looks alike?
- A. Yes sir.
- Q. Suppose some A blood could have been mixed with AB blood and it had been present under the fingernails, could you have determined that?
- A. If there was enough of the blood present, yes sir.
- Q. You didn't make a test, so you don't know if there was enough present or not?
- A. I tested for the presence of blood.
- Q. But you didn't do anything further?
- A. There was not enough of the blood present to go into the exact blood type, and will be glad to explain that further.
- Q. There was not enough blood present?
- A. No sir.
- Q. On the scrapings?
- A. That is correct.
- Q. And yet State's Exhibit No. 40, shows an abundance of blood does it not on the fingernails, on top of the fingernails, and under the fingernails.
- A. The photograph of the fingernails shows there to be blood around the fingernails, but it does not show whether there is blood under the fingernails.
- Q. Let me ask you this, is it a correct statement to say that you assumed that the blood that was there was of Mrs. Alford's type as opposed to anyone else's type?

MR. WILLIAMS: Object to an assumption.

MR. SIKES: I'm asking did he assume it.

BY THE COURT: Overruled.

A. Based on the analysis that I did there was not enough blood there to assume one way or the other, there was not enough blood there to do any further analysis to determine one way or the other.

Q. So you said it was of no significance in your report?

A. Yes sir.

Q. Would you tell me this please sir, with regard to splatters, and spots and direction in which they travel, i.e. your testimony as regards to State's Exhibit No. 37, what experiments have you done in that area?

A. I have conducted some experiments, I have not gone to great extreme with the experiments such as McDonald did in his book. I have done experiments to see, the direction of travel of the blood stain, it is of no interest to me how far blood stains fell to make such splatters, as he did.

Q. Did you do any tests on these denim jeans?

A. No sir, I did not.

Q. You are capable of doing that.

A. Yes sir, I could be.

Q. I believe your testimony was that you had done some tests?

A. Yes sir, but not on those jeans.

Q. Let me ask you this, you tell the Ladies and Gentlemen of the Jury how many people statistically

have blood Group A, just plain simple Blood Group A?

A. Approximately 41% of the population.

Q. Do you narrow that when you get to blood group A, MN or MN,A?

A. Yes sir, the MN blood group does narrow the percentage of the population.

Q. To what?

A. Since the MN blood group is found in approximately 50% of the population it would be 50% of the 41% which would have the confirmation of the two.

Q. Would it be correct that statistically 20 out of 100 people have blood group MN,- A or A, MN?

A. Yes sir, approximately 50% - - approximately 20% or greater of the population would have that blood group.

Q. You found no significance on the shirt that has been introduced into evidence as State's Exhibit No. 38?

A. No sir, I did not.

Q. As regard to the helmet, you were unable to determine if that blood was human or not?

A. That is correct.

That's all.

REDIRECT EXAMINATION

BY: MR. WILLIAMS

Q. Back to these fingernail scrapings - - - did you find

any tissue - - - did you make the scrapings?

A. No, I did not.

Q. Did you find any tissue in the scrapings?

A. No sir, I did not.

Q. Did you find enough blood to type in the scrapings?

A. No sir, I did not.

Q. In regard to the blood types using State's Exhibit No. 48, blood that was on the shoes, could it have been Mrs. Alford's?

A. Yes sir, it could.

Q. Why is that?

A. Because the blood's group is the same in the ABO blood group system and in the MN blood group system.

Q. But we don't know for sure?

A. That's correct.

Q. Could the blood found on the shoes MN, A, been that of Timothy Charles Davis?

A. No, sir.

Q. Why is that?

A. Because the AB types are different.

Q. We know that for sure?

A. Yes sir.

Q. The blood on the knife, could it have been that of Avis F. Alford?

A. Yes, sir.

Q. Why is that?

A. Because the AB blood types are the same.

Q. Do we know for sure?

A. Yes sir.

Q. We know for sure it was Mrs. Alford's?

A. No sir.

Q. It could have been?

A. It could have been.

Q. Could the blood stains on the knife been that of Timothy Charles Davis?

A. No sir.

Q. Why not?

A. Because the ABO types are different.

Q. Do we know that for certain?

It couldn't have been his?

A. Yes, we do.

Q. ✓ On the jeans, could the blood I believe you said found up in this area, (INDICATING) be that of the deceased in this case, Avis F. Alford?

A. Yes sir.

MR. SIMS: Object, its repetitious.

BY THE COURT: Overruled.

Q. ✓ Coult it be?

A. Yes sir.

Q. ✓ No way we know for certain.

A. ✓ That is correct.

Q. ✓ But whu could it be?

A. ✓ Because the ABO and MN blood types are the same.

Q. ✓ Both are A and both are MN?

A. ✓ Yes sir.

Q. ✓ Is there any way the blood found on those jeans up here in the corner, is there any way that blood, could belong to Timothy Charles Davis?

MR. SIMS: Object it is repetitious.

BY THE COURT: Overruled.

Q. Is it any way this blood on the jeans, could belong to Timothy Charles Davis?

A. No sir.

Q. Do we know that for sure?

A. Yes sir.

Q. Do we know that Timothy Charles Davis is not the blood on the jeans for sure?

A. Yes sir.

That's all.

REXCROSS EXAMINATION

BY: MR. SIKES.

Q. To be perfectly accurate, it is not the blood on the jeans in one spot, the only spot that you were able to do a grouping?

A. That is what he referred to, yes sir.

That's all.

BY THE COURT: Ladies and Gentlemen of the Jury, of course, you will return again to your accommodations, we are moving very rapidly and I feel through the trial considering the long testimony we have taken today, but as I indicated to you, the Court feels that it is necessary to assure that we finish the case during this present week.

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please do not discuss the case and please do not make up your minds about it. Consider all the instructions that I have given to you. Ladies and Gentlemen, one slight change the Court needs to do, perhaps to expedite, there are some matters that have to be taken care tomorrow. I cannot explain them to you at this point, exactly what they are, but this will take probably 30 minutes or longer, and you may come back tomorrow morning at 10:00 o'clock and go in the Jury Room, you will be with the bailiff and you are now in recess until 10:00 o'clock tomorrow morning.

BY THE COURT: The Court stands in recess until 10:00 A. M. tomorrow morning.

(COURT IS IN SESSION, THURSDAY, JUNE 12, 1980, AT 10:00 A. M. IN THE COURTHOUSE AT ROCKFORD, ALABAMA)

BY THE COURT: Court is in session, bring the Jury in please."

Ladies and Gentlemen of the Jury, I hope you had a nice period of rest over night, I know that we went until late last night, and you had to be here a little later this morning perhaps than usual. That will help some. Ladies and Gentlemen of the Jury, I brought you in to state to you, the Court is not quite ready to go forward with the testimony, we lack a few minutes being ready, the Court does. In order that you might be in-

formed of where we are and what our proceedings are, I asked you to come back in in order that I might state that to you. It appears to the Court it will be 11:00 o'clock or thereabouts, before we are ready to go forward. I didn't want to leave you in the Jury room knowing any minute you might be called back to the courtroom. I felt like you ought to know that. With that in mind the Court considering that, it will be very near 11:00, I shall call you back then. It will be necessary, of course, that you remain together in the Jury room, and if you require anything, like soft drinks or water or coffee the bailiffs will be so inclined to accommodate you in that respect. I am sure they will.

You might indicate that to one of the bailiffs and then you might just be in the Jury room as I said until I call you back.

You may now retire.

MR. TEEL: May be have the record to show that Mr. Johnson has been excused as a witness.

(BY THE COURT: Court is in session at or about 11:00 A. M., Dr. Embry you have been previously sworn to this case and you continue under your oath.)

RECALL OF DR. JOSEPH EMBRY

EXAMINATION BY MR. WILLIAMS:

- Q. Doctor, you testified concerning State's Exhibit No. 19, this is a close up of the wounds of that you found on the body of Mrs. Avis Alford, specifically of the back, do you recall that?
- A. Yes sir.
- Q. I believe that you described in detail all of those wounds. I show you what has been marked as State's Exhibit No. 33, what contends to be a knife, and I'll ask you to take it out of the bag, please sir?
- A. O. K.
- Q. What does it appear to be?
- A. It is an all metal steak knife, type kitchen knife.
- Q. I'll ask you to examine it please, specifically, its length and width, just general measurements?
- A. O. K.
- Q. Based on your observation concerning the stab wounds of Mrs. Alford's back, can you state whether or not could this knife have been the knife that inflicted those wounds?
- A. Yes, sir, it could.
- Q. Is it consistent with the making of those wounds?
- A. Yes, it is.
- Q. How was it consistent, please sir?
- A. Well, the width of the blade.
- Q. The width, could you show us what that is, please?
- A. This dimension here (INDICATING) is almost exactly the same as the wounds on the subject's back.

Q. Anything else?

A. It is a narrow blade in this dimension, which is also consistent with the dimension of the wounds on the subject's back.

Q. How about the length, is that consistent?

A. The length also is consistent.

Q. I notice that the blade also appears to be bent, is that consistent with the wounds that were inflicted, or could it be?

A. Well, it has been my experience that a stab wound through the bone may result in fracture or breaking or bending of the knife. She did have a wound right through the 7th rib which would be capable of producing the bend in the knife.

MR. SIKES: We move and strike the answer, on the grounds of the may, he said it may rather than it did.

MR. WILLIAMS: He couldn't say whether it could.

BY THE COURT: I don't understand if your objection is to the phrasology by the use of the word may as opposed to being consistent with, is that the nature of your objection.

MR. SIKES: Yes sir.

BY THE COURT: I sustain and you may rephrase.

Q. Is it consistent with perhaps that knife hitting the bone.

A. Yes sir, it is.

BY THE COURT: The bend in it.

Q. The bend in it?

A. Yes sir.

Q. Is there any way to tell for sure based on your observation, whether that is actually the knife the stabbed Mrs. Alford?

A. No.

Q. It is consistent with the wounds?

A. Yes sir, it is.

CROSS EXAMINATION

BY: MR. SIKES

Q. Dr. Embry is it not equally true that any other knife having similar dimensions could have also made the wound?

A. Yes sir, it is.

Q. May I ask is the dimensions of this knife common?

A. Yes sir.

That's all.

MR. WILLIAMS: May he be excused?

MR. SIMS: No objection.

BY THE COURT: You are excused.

RECALL OF E. J. GOSDIN

EXAMINATION BY MR. WILLIAMS:

BY THE COURT: You remain under your oath having previously been sworn.

(Off the record)

(Back on the record)

Q. Lt. Gosdin, I forgot to ask you yesterday, we were talking about State's Exhibit 33 and No. 47; once again, identify both of those exhibits please sir?

A. This is a clear plastic evidence bag that I placed the knife in when I received it and transported it to the State Toxicology Lab.

Q. And State's Exhibit No. 47?

A. This is the metal utility knife that I received from Deputy Neighbors.

Q. I believe you said you took it to Auburn?

A. Yes sir.

Q. Did you ever have the occasion to take this knife back into your custody?

A. Yes, I did.

Q. When was that?

A. That was Monday morning at 8:46 A. M., this past Monday morning, June 9, 1980.

Q. From whom did you receive it?

A. I received it from Mr. Ted Hudson at the Toxicology Lab in Auburn.

Q. What, if anything, did you do with it?

A. I brought it here to the Courthouse here in Coosa County.

Q. Until when.

A. At such time I turned it over to you.

Q. From the time you received it from Mr. Hudson to the time you turned it over to me, was it substan-

tially in the same condition?

A. It was never removed from the bag.

Q. Both exhibits substantially the same condition?

A. Yes, sir, except when I received it from Mr. Hudson, Monday morning I made a notation, Ted Hudson, Lt. E. J. Gosdin, 6-9-80, and made a note of 8:46 A. M., the time I received it from him.

MR. WILLIAMS: We move it's admission.

MR. SIMS: Objection.

BY THE COURT: The knife is marked separately from the bag.

MR. WILLIAMS: We move to admit the bag, State's Exhibit No. 33.

BY THE COURT: It is in over the objection of the defendant.

(WHEREUPON THE ABOVE MENTIONED STATE'S EXHIBIT NO. 33, MARKED BY THE COURT REPORTER AS STATE'S EXHIBIT NO. 33, WAS RECEIVED INTO EVIDENCE BY THE COURT, AND THE SAME WAS FILED IN THE OFFICE OF THE CIRCUIT CLERK OF COOSA COUNTY, ALABAMA, ON THE 8th DAY OF AUGUST, 1980, IN ACCORDANCE WITH THE ALABAMA RULES OF CRIMINAL PROCEDURE.)

MR. WILLIAMS: We move to admit the knife, State's Exhibit No. 47.

BY THE COURT: Did the Court understand that you object to each one of them separately and severally?

MR. SIMS: Yes.

BY THE COURT: The knife is marked 47 it is in over the objection of

the defendant.

(WHEREUPON THE ABOVE MENTIONED STATE'S EXHIBIT NO. 47, MARKED BY THE COURT REPORTER AS STATE'S EXHIBIT NO. 47, WAS RECEIVED INTO EVIDENCE BY THE COURT, AND THE SAME WAS FILED IN THE OFFICE OF THE CIRCUIT CLERK OF COOSA COUNTY, ALABAMA, ON THE 8th DAY OF AUGUST, 1980, IN ACCORDANCE WITH THE ALABAMA RULES OF CRIMINAL PROCEDURE.)

MR. SIKES: I have no questions.

MR. WILLIAMS: May he be excused?

BY THE COURT: You are excused.

THIS IS THE DIRECT EXAMINATION BY MR. BOB WILLIAMS OF GERALD PARKER, WHO SWORE TO TELL THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE TRUTH.

DIRECT EXAMINATION

BY: MR. WILLIAMS

Q. State your name, please sir?

A. Gerald Parker.

Q. Mr. Parker are you employed?

A. Yes sir, I am.

Q. How are you employed?

A. State of Alabama, Coosa County.

Q. In what capacity?

A. Clerk of Circuit and District Court, here in Coosa County.

Q. Would that also include the Juvenile Court?

A. Yes sir.

Q. How long have you been the Clerk of the Courts?

A. Approximately 3 years and 5 months.