

# Memo

**Date:** October 21, 2003  
**To:** ADA Bill Nagel  
**From:** Tom Bennett  
**RE:** **Meeting with CBI Regarding DNA Evidence  
CBI Case No. D96-4153**

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## MEETING OBJECTIVE:

1. To glean an in-depth and up to date understanding of the myriad of DNA analyses that has been conducted on evidentiary items submitted regarding the First Degree Murder of JonBenet Ramsey.
2. Obtain information on the advancements in DNA Technology.
3. Determine if specific items of evidence should be re-submitted for DNA analysis.
4. Set forth future logistics of the continuing investigation and delegation of assignments.

## REASONS JUSTIFYING THE MEETING:

The sheer volume of evidentiary items submitted for analysis, creates confusion in clearly understanding the specific conclusion of forensic testing conducted on the items submitted. Literally hundreds of items have been submitted for DNA analysis over a period of several years. New DNA technology exists that was not available at the onset of the criminal investigation. The different DNA analysis methods being applied to the evidence at different times, has given rise to the question of value of the first DNA testing applied to the evidence submitted.

**PROPOSED PARTICIPANTS:**

<b><u>NAME:</u></b>	<b><u>AGENCY:</u></b>
Ron Arndt	CBI
Joe Clayton	CBI
Kathy Dressel	Formerly of CBI
Katy Labato	CBI
Greg Leberge	Denver PD Crime Lab
Pam Schaner	CODIS Administrator
Sgt. Tom Trujillo	Boulder Police Dept.
Officer Dave Spraggs	Boulder Police Dept.
Ass't DA Bill Nagel	Boulder DA Office
Inv. Andy Horita	Boulder DA Office
Inv. Tom Bennett	Boulder DA Office

Additionally, any other analyst of the Colorado Bureau of Investigation who has information they wish to share with this project.

**TOPICS FOR DISCUSSION:**

- A Review of the Polymerase Chain Reaction (PCR) format used in the initial examination of evidence submitted.
- Review of the Short Tandem Repeat (STR) format currently utilized in the examination process.
- Explanation of the process of examining the article, specifically the clothing articles, that bear DNA evidence.
- Explanation of how the actual stain or DNA sample is obtained for the examination process.
- A systematic review of the evidentiary items submitted thus far coupled with the method of the examination performed.
- Concerns of the CBI regarding the on-going investigation and requests for additional DNA analysis.

**SPECIFIC CONCERNS:**

Explanation of the DNA examination process used and the examination results of the following items.

**CBI ITEM No.**

**ITEM DESCRIPTION**

Cellmark / CBI Item # CM01	Right Fingernail Scrapings
Cellmark / CBI Item # CM02	Left Fingernail Scrapings
Cellmark / CBI Item # CM03	DNA Extract from Victim's Panties
CBI Item # 004	Trace Evidence from the neck ligature.
Cellmark / CBI Item #CM04	Pubic Hair found on white blanket.
CBI Item # 005	White long sleeve knit shirt.
Cellmark / CBI Item # CM05	Head hair from white blanket
CBI Item # 006	White long underwear – bottoms
CBI Item # 007	"Wednesday" white floral panties
CBI Item # 7-2 Distal	"Wednesday" white floral panties
CBI Item # 008	Ligature with wooden stick
CBI Item # 010	Trace evidence from victim's vagina
CBI Item # 014	Victim Sexual Assault Kit
CBI Item # 015	Black Duct Tape
CBI Item # 016	White Blanket w/ Debris
CBI Item # 017	Pink Barbie Nightgown
CBI Item # 027	Broken section of paint brush
CBI Item # 166	White cord from victim's right wrist
CBI Item # 178	Blue suitcase with book, sham and duvet
CBI Items # 317, 397, 398, 399, 400, 401, 402, 403	JonBenet Underwear from various areas
CBI Item # 404	Barbie Doll from front victim's front yard
CBI Item # 405	Barbie Doll from victim's front yard

Explanation of any other item examined for the presence of DNA that the analyst believes should be addressed.

**CONCERNS:**

Should any of the above listed items – or any other item, examined with the PCR format be re-submitted for examination through the STR process?

Was the waistband of the panties (CBI item # 007) and the long underwear (CBI Item # 006) examined for the presence of DNA? A theory exists that the perpetrator may have pulled down these garments prior to murder and re-clothed the victim following her death.

What other areas of the clothing, do you believe should be examined for the presence of DNA?

Were the knots of the either ligature (CBI Item # 008 and 166) examined for DNA? Explain the process used in examining this type of ligature for DNA analysis.

In your expert opinion, are there any persons that cannot be eliminated as a depositor of the foreign DNA found on the victim's panties (CBI Item # 7-2 Distal)?

In your expert opinion, what is the significance that foreign DNA was found on CBI Item # 7-2 Distal (panties) and not on the body of the victim?

In general terms, what percentages of cases results in foreign DNA being found on the victim's clothing and not on her body?

In general terms, what percentages of cases reveals foreign DNA being found on the victim's body but not on the victim's clothing?

In general terms, what percentage of cases reveals foreign DNA being found on both the victim's body and clothing?

What can your lab do to provide a solid tenth marker from CBI Item # 7-2 Distal (Panties)?

Would destructive testing be beneficial in this process?

Who should perform the destructive testing? What sample is most likely to provide a 10<sup>th</sup> marker?

Do you have any information on the Texas DNA laboratory that has claimed their process of analysis can reveal the race of the depositor?

Explain what you know about the access to the military DNA database.

**POINT OF PRODUCTION:**

Describe the factual basis for the theory that the source of DNA on CBI Item # 7-2 Distal (Panties) is from the point of production.

If CBI Item # 7-2 (Panties) were laundered, how would that fact effect the examination for DNA?

Have all of the other underwear associated with JonBenet been examined for the presence of DNA?

Do any of the examinations reveal the presence of DNA matching the DNA found in CBI Item # 7-2 Distal (Panties)?

**QUESTIONS:**

Are portions of the stains utilized for DNA testing, still available for further analysis?

Describe the stains.

Are any stains available for DNA testing that were not analyzed in the initial processes?

What exactly is the foreign DNA found on CBI Item # 7-2 Distal (Panties) being compared to presently?

What are the DNA Technology Projections for the near future?

Explain the projected growth of the CODIS database.

Do you anticipate DNA laboratory procedures to become largely automated and/or computerized databases to be the norm?

Are new forms of DNA analysis on the horizon? How will these new methods of DNA analysis, affect this case. Whether in a positive or negative format?

Are there current court rulings that have a negative impact on the scientific evidentiary value of DNA Testing?