

1 natural elements?

2 A Weather of any conditions, whether hot, cold, wet,
3 dry, would all affect it.

4 Q In other words, if it was laying outside, that
5 would affect it.

6 A Yes.

7 MR. HIGGINBOTHAM: Pass the witness.

8 MR. WALSH: Nothing further.

9 THE COURT: All right. You may step
10 down.

11 May the witness be excused?

12 MR. HIGGINBOTHAM: Yes, Your Honor.

13 THE COURT: You're excused.

14 (The witness, Danny Carter, was excused.)

15 MR. WALSH: The State calls J. R.
16 Urbanovsky.

17
18 J. R. URBANOVSKY,

19 being called as a witness on behalf of the State and
20 after having been duly sworn, was examined and testified
21 as follows:

22 DIRECT EXAMINATION

23 BY MR. WALSH:

24 Q Would you state your name.

25 A My full name is Joe Ron Urbanovsky.

1 Q How are you employed?

2 A I'm employed as a chemist with the Texas Department
3 of Public Safety in Austin.

4 Q What are the duties of your job there with the
5 Department of Public Safety in Austin?

6 A My duties in Austin at this time are those of
7 supervisor of the Criminalistic Section of the
8 Department of Public Safety.

9 Q What sort of work does that section do?

10 A The duties of our section of the laboratory
11 includes things such as forensic blood typing,
12 forensic serology, soils analysis, paints analysis,
13 metals analysis, forensic hair comparisons and, in
14 general, all the analysis that requires some form
15 of chemical analysis that does not include
16 narcotics, dangerous drugs or toxicology.

17 Q What sort of training and education have you had
18 that qualifies you for that job?

19 A I have a Bachelor of Science degree in chemistry
20 which I received in 1968 from Sam Houston State
21 University. Since my -- I started employment with
22 the Department of Public Safety, I have been to
23 various FBI schools and ATS schools for the
24 Department, and also various instrumental schools
25 for the Department of Public Safety.

1 Q I show you what has been marked as State's Exhibit
2 Number 22 and ask you if you can identify that
3 exhibit.

4 A Yes, sir, I can.

5 Q When did your lab receive that exhibit?

6 A This was received on November 2nd of 1979.

7 Q Was that submitted by Texas Ranger Joe Davis?

8 A Yes, it was.

9 Q What date did this exhibit leave the lab and go to
10 someone else?

11 A This left the laboratory on March 7th of this year.

12 Q Was that to Sheriff Boutwell?

13 A Yes, sir, it was.

14 Q Did you run any kind of analysis on the item
15 contained in that exhibit bag?

16 A Analyses were run in my section under my direction
17 on this exhibit.

18 Q Okay. You are the supervisor of that section?

19 A Yes, sir, I am.

20 Q So this test was run by someone who was under your
21 supervision and direction?

22 A Yes, sir.

23 Q What was that person's name?

24 A Patricia Hullin.

25 Q Are these tests conducted in the regular course of

1 conducting your business there in the lab at DPS?

2 A Yes, sir.

3 Q Is it in the regular course of that business of
4 your lab for an employee who has personal knowledge
5 of these tests to make a memorandum or record as to
6 the results of the test?

7 A Yes, sir.

8 Q And is this record made at or near the time of the
9 test?

10 A Yes, sir, it is.

11 Q What sort of tests were conducted on that exhibit?

12 A A series of tests. We were requested to determine
13 the presence of blood on this particular item and
14 to type the blood if at all possible. So the first
15 test run was an examination, a test, for the
16 presence of blood, which was positive. The next
17 examination was a test to determine the origin of
18 the blood, and it was found to be of human origin.

19 The next test to be run would have been
20 to type the blood, and of five attempts we weren't
21 able to type the blood on the towel.

22 Q So the tests determined it was human blood, but no
23 tests were able to type the blood type; is that
24 correct?

25 A Yes, sir.

1 Q Would you tell the jury whether or not it is
2 possible to type menstrual blood in a female?

3 A Yes, sir, it is. It depends on the age and
4 condition of the blood. Most of my experiences
5 with typing materials like this, we do not get
6 results on it at all.

7 Q You do not get results as to the blood type.

8 A Because of the decomposition of the antigens and
9 the antibodies, we are unable to type the blood.

10 Q Was an examination conducted on this exhibit for
11 the presence of any seminal stains?

12 A Yes, sir, there were.

13 Q What were the results of that test?

14 A No seminal stains were detected on it.

15 MR. WALSH: Pass the witness.

16

17

CROSS-EXAMINATION

18 BY MR. HIGGINBOTHAM:

19 Q Do you have a report that you have made concerning
20 the tests run in connection with this particular
21 case?

22 MR. WALSH: I'll tender him a copy.

23 A Yes, sir.

24 MR. HIGGINBOTHAM: May I have just a
25 moment, Your Honor?

1 THE COURT: Yes, you may.

2 MR. HIGGINBOTHAM: All right. Thank you.

3 Q (By Mr. Higginbotham) You tested some other things
4 in connection with this unidentified woman, other
5 than just the item we're talking about.

6 A Yes, sir. The tests were run in my section of the
7 laboratory.

8 Q The same as was the test on this item we're talking
9 about?

10 A Yes.

11 Q You have a summary and conclusion of those tests, I
12 believe; is that correct?

13 A Yes, sir.

14 Q The findings were that in tests, there was no
15 foreign head or pubic hairs could be demonstrated
16 from the samples you had?

17 A Yes, sir.

18 Q That there were red and blue fibers recovered from
19 the fingernail clippings or scrapings that you had?

20 A Yes.

21 Q Was there any skin, skin under those fingernails or
22 connected with those fingernail clippings?

23 A There was none noted in the report, so no, sir.

24 Q Only some red and blue fibers.

25 A Yes.

1 Q The blood specimen taken from the unidentified
2 woman was Group B?

3 A Yes, sir.

4 Q You have already talked about that towel, the item
5 we were talking about here. You couldn't type the
6 blood. You could tell it was human blood, but you
7 couldn't type it; is that correct?

8 A Yes, sir, that's correct.

9 Q No seminal stains were demonstrated in your
10 testing, no seminal stains?

11 A Yes, sir, that's correct.

12 Q No significant trace evidence could be recovered in
13 any of the other items that you tested; is that
14 accurate?

15 A Yes, sir.

16 Q Now, you also had a ring, a silver mounted abalone
17 ring, which is contained in your report that some
18 tests were run on, I take it.

19 A Yes, sir.

20 Q And you found no trace evidence was recovered in
21 testing that ring.

22 A That's correct.

23 Q Do you know what happened to the ring after you
24 finished testing it?

25 A Yes, sir. Let me consult my notes just a moment.

1 Q Okay.

2 A It was turned on November 9th of 1979 to Stephen
3 Benton, Williamson County SO.

4 Q Sheriff's Office.

5 A Yes, sir.

6 Q I take it, then, there were no fibers found
7 clinging to the ring or anything of that nature, as
8 far as you can tell from your report?

9 A That's correct.

10 Q There was a piece of black thread, I believe, that
11 you examined and found. You said that it was a
12 piece of dark textile material used in garment
13 manufacture.

14 A Yes, sir.

15 Q That's all you found out about that.

16 A That's right.

17 Q And you found -- your report indicates that there
18 were no foreign pubic hairs demonstrated in your
19 test.

20 A Yes, sir, that's correct.

21 Q Foreign means, I take it, belonging to someone
22 other than the deceased.

23 A All the hairs that were examined had the same
24 general characteristics, so, therefore, we found
25 nothing that we could tell belonged to another

1 individual.

2 Q Do you often find in sexual offenses foreign pubic
3 hairs in testing?

4 A I could not -- at times, yes. However, I could not
5 put a percentage of the time on that, as an answer.

6 Q So from your report, as far as you know there is
7 nothing in your report that would tend to link
8 Henry Lee Lucas to this deceased.

9 A No, sir.

10 MR. HIGGINBOTHAM: Pass the witness.

11

12 REDIRECT EXAMINATION

13 BY MR. WALSH:

14 Q You indicate that there are sexual assault cases
15 where no foreign pubic hairs are recovered; is that
16 correct?

17 A Yes, sir.

18 MR. HIGGINBOTHAM: One last question.

19

20 RE CROSS-EXAMINATION

21 BY MR. HIGGINBOTHAM:

22 Q There are also sexual assault cases where there are
23 foreign pubic hairs recovered; is that right?

24 A Yes, there are.

25 MR. HIGGINBOTHAM: No further questions.