NO. 5216

THE STATE OF TEXAS	§	IN THE 31ST JUDICIAL
	§	
vs.	§	DISTRICT COURT OF
	§	
HENRY W. SKINNER	§	GRAY COUNTY, TEXAS

THIRD ADVISORY REGARDING RESULTS OF DNA TESTING

Pursuant to an agreement between Mr. Skinner and the State, evidence was submitted in April to a private laboratory (The Bode Technology Group, Inc., of Lorton, Virginia) for mitochondrial DNA testing, the third round of DNA testing in this case. On August 6, Bode issued its report concerning the results of this mitochondrial DNA testing. *See* Exhibit 1 (attached). The purpose of this advisory is to notify the Court about those exculpatory mitochondrial DNA test results.

The mitochondrial testing involved four human hairs found in victim Twila Busby's hands when her body was examined after her death. Microscopic visual examination by the Texas Department of Public Safety crime lab revealed that none of these hairs were similar to the victims' hair, *see* Exhibit 2 (attached), but conventional DNA testing failed to produce a profile that would point to their origin.

Accordingly, the four hairs were submitted for mitochondrial DNA testing.[1]

The mitochondrial DNA test results show that one of the hairs came from Mr. Skinner.[2] *See* Exhibit 1 at 3. That result is unremarkable. Mr. Skinner lived in the house and even the State has conceded that his hair could incidentally have been on the carpet and picked up on Ms. Busby's hands when she fell to the floor.[3]

---

[1] An additional item was originally submitted for mitochondrial DNA testing: the extract remaining from the previous DNA testing of a carpet sample from the bedroom shared by Randy Busby and Elwin Caler (identified in earlier pleadings as court order item no. 36, DPS Lab item number 1.42). In July, the laboratory advised counsel for Mr. Skinner that under its protocol, the volume of extract remaining was insufficient to allow complete mtDNA testing of this item.

[2] Because mitochondrial DNA is only passed on from the mother to her children, people who are maternally related share the same mitochondrial DNA profile. As a consequence, the results of such testing can only identify a group of related persons in a matrilineal line, rather than a particular individual, as the possible source of a given sample. While it would therefore be most precise to say that this hair was identified as coming from someone in Mr. Skinner's maternal line, we do not hesitate to say that it almost certainly belonged to Mr. Skinner, who lived in the house and whose hair was likely everywhere.

[3] *See* Tr. Vol. 28 at 1029-1033 (testimony of State's criminalist Gary Stallings that finding hair from Mr. Skinner in Twila's hands would have had little evidentiary significance, because he lived in the house where the murders took place).

The test results regarding the other three hairs, however, are significant and exculpatory. The mitochondrial DNA testing showed that those three hairs came from the maternally related line of persons that included the victims. *See* Exhibit 1 at 2-3. However, microscopic visual examination by the DPS crime lab has already excluded the victims themselves as potential sources for these visually distinct hairs. Therefore, the hairs must have come from a maternal relative of the victims. And while such relatives might have visited the house from time to time, it is highly unlikely that *three* of their hairs would have found their way into Ms. Busby's hands by incidental contact.

These mitochondrial DNA test results are exculpatory because they support the inference that Robert Donnell – a maternal relative of the victims and the man who stalked Ms. Busby and frightened her with crude sexual advances at a New Year's Eve party less than an hour before she was murdered – committed the crimes, rather than Mr. Skinner. This inference is mutually reinforced by the following circumstances:

- Mr. Donnell regularly and violently threatened his own wife with bodily harm and death;

- Mr. Donnell showed absolutely no emotion when informed by the police that his niece and her two sons had been murdered;
- Mr. Donnell was seen frantically washing out his vehicle – scrubbing his old pickup truck down to the metal floorboards with an astringent cleaner – just two days after the murders;
- Mr. Donnell has been identified by a witness as the owner of a blood-stained windbreaker jacket found next to Twila Busby's body, which police collected as evidence from the crime scene and submitted to the crime laboratory in 1994.[4]

Texas law routinely treats all these circumstances as supporting an inference of guilt.[5]

---

[4] At present, the State claims to have lost this jacket, so that it cannot be subjected to DNA testing.

[5] For example, Donnell's bizarrely emotionless reaction when told of the murders of his niece and her sons is exactly the kind of evidence the Court of Criminal Appeals has held to support a finding of guilt. *Guevara v. State*, 152 S.W.3d 45, 50, 50 n.22, 51 (Tex. Crim. App. 2004) (evidence supported jury's guilty verdict where it indicated, inter alia, that the defendant "showed little to no emotion after discovering his [murdered] wife" and did not "appear to be upset at the crime scene"); *see also*, *e.g.*, *Temple v. State*, 342 S.W.3d 572, 589

In advisories previously filed with the Court and distributed to the media, the State has maintained that its case against Mr. Skinner was bolstered by the results of DNA testing in 2012 and 2013. The results of this recent mitochondrial DNA testing place those earlier

---

(Tex. App. – Houston [14 Dist.] 2010) (evidence that the defendant, despite knowing his wife had been murdered, on the day of the murder "did not appear to be upset," behaved calmly, and did not appear to cry, "support[ed] an inference of [his] guilt"); *Stevens v. State*, 234 S.W.3d 748, 778 (Tex. App. – Fort Worth 2007) (jury's verdict of guilt was supported by, inter alia, the fact that "on the day of [the victim's] death, Stevens showed a lack of emotion" when made aware of the victim's death); *In re V.M.D.*, 974 S.W.2d 332, 348 (Tex. App. – San Antonio 1998) (jury's finding that juvenile engaged in delinquent conduct by committing capital murder was supported, *inter alia*, by the fact that she "showed little emotion regarding the deaths of [the child victims]"). Similarly, Donnell's frantic efforts immediately after the murders to clean out and disinfect his beat-up old pickup truck are also probative of a consciousness of guilt, which in turn is substantive circumstantial evidence of guilt. *Guevara*, 152 S.W.3d at 50 ("Attempts to conceal incriminating evidence . . . are probative of wrongful conduct and are also circumstances of guilt") (citation omitted); *see also*, *e.g.*, *Wells v. State*, 578 S.W.2d 118, 119 (Tex. Crim. App. 1979) (attempts to conceal incriminating evidence indicate guilt); *Lair v. State*, 265 S.W.3d 580, 584 (Tex. App. – Houston [1 Dist.] 2008) ("conduct indicating a consciousness of guilt" includes "attempts to ... conceal or destroy evidence"); *Torres v. State*, 794 S.W.2d 596, 598 (Tex. App. – Austin 1990, no pet.) (noting that conduct showing consciousness of guilt is "perhaps one of the strongest kinds of evidence of guilt"). In *Brown v. State*, 657 S.W.2d 117, 119 (Tex. Crim. App. 1983), the Court of Criminal Appeals emphasized that "conduct of the accused showing a consciousness of guilt . . . would be admissible as a circumstance tending to prove that he committed the [criminal] act." *Id.* (citing cases going back to *Love v. State*, 29 S.W. 790 (Tex. Crim. App. 1895)).

results in a starkly different light, and show that any conclusion about their weight was premature.

For example, the fact that Mr. Skinner's blood was found on some of the items tested, including a knife likely used in the murder, does not dispel the substantial doubts about his guilt that led to DNA testing in the first place. Mr. Skinner innocently came into daily contact with the handle of the kitchen knife that tested positive for his DNA, and on the night of the crime he was severely bleeding from a cut on his hand. The presence of Mr. Skinner's blood on other surfaces throughout the house also adds nothing to what was already known, as other evidence (such as Mr. Skinner's handprint in the bedroom occupied by Randy Busby and Elwin Caler) had already shown that he moved about the murder scene while injured and stuporous from alcohol and drugs. Moreover, the fact that *only* Mr. Skinner's blood – and not that of any of the victims – was found on the knobs of the doors through which Mr. Skinner made his way out of the house strongly suggests that he was not the assailant. Finally, it remains significant that testing revealed an unidentified DNA profile, belonging to someone other than Mr. Skinner *or* the victims, mixed in a bloodstain on the carpet of the bedroom shared by Randy Busby and

Elwin Caler. In light of all these circumstances, it is apparent, now that the mitochondrial DNA testing has been completed, that the doubts about Mr. Skinner's guilt are far too weighty to allow his execution to proceed.

In compliance with the agreements previously entered in this case, the parties will confer to determine whether technology exists that would allow additional DNA testing that could produce potentially relevant results, and will advise the Court of their conclusion.

Respectfully submitted,

ROBERT C. OWEN
Texas Bar No. 15371950
Bluhm Legal Clinic, Northwestern Law
375 East Chicago Avenue
Chicago, IL 60611-3069
Phone: (312) 503-0135
Fax: (312) 503-8977
robowenlaw@gmail.com

DOUGLAS G. ROBINSON
1440 New York Avenue, N.W.
Washington, D.C. 20005
Phone: (202) 371-7800
Fax: (202) 371-7168
douglas.robinson@skadden.com

Counsel for Mr. Skinner

EXHIBIT 1

Bode Technology

10430 Furnace Road, Suite 107
Lorton, VA 22079
Phone: 703-646-9740

Forensic Case Report
August 6, 2013

Bode Case #: CCL1316-0099
Agency Case #: L5L-41623

To:

Douglas G. Robinson
1440 New York Ave., N.W.
Washington, D.C. 20005

Robert C. Owen
Capital Punishment Clinic
University of Texas School of Law
727 East Dean Keeton Street
Austin, TX 78705-3224

Edward L. Marshall
Chief, Postconviction Litigation Division
Office of the Attorney General of Texas
P.O. Box 12548 (MC 067)
Austin, TX 78711-2548

The Honorable Steven R. Emmert
31st Judicial District for Gray County
P.O. Box 2160
Pampa, TX 79096

Lynn Switzer
Office of the 31st Judicial District Attorney
P.O. Box 1592
Pampa, TX 79066

Jonathan F. Mitchell
Solicitor General
Office of the Attorney General of Texas
P.O. Box 12548 (MC 059)
Austin, TX 78711-2548

List of evidence received on April 26, 2013 for possible DNA analysis:

Bode Sample Name	Agency Sample ID	Agency Description
CCL1316-0099-E01	CO3 I.9c2	hair from T. Busby ring finger
CCL1316-0099-E02	CO3 I.6d	hair from T. Busby right hand
CCL1316-0099-E03	CO3 I.6e3	hair from T. Busby right hand
CCL1316-0099-E04	CO3 I.7c	hair from T. Busby left hand
CCL1316-0099-E05	CO36 I.42.2	carpet stain STR extract
CCL1316-0099-E06	RB Unknowns (2) 8-23-12	STR reagent blank for CO36 I.42.2
CCL1316-0099-E07	CO3 I.6c	Hair from T. Busby right hand STR Extract
CCL1316-0099-E08	CO3 I.6e3	Hair from T. Busby right hand (STR extract)
CCL1316-0099-E09	CO3 I.7c	Hair from T. Busby left hand (STR extract)
CCL1316-0099-E10	RB Hairs 9-3-12	STR reagent blank for samples CO3 I.6c, I.6e3, I.7c
CCL1316-0099-R11	CO5 I.12	Henry Skinner known blood sample
CCL1316-0099-R12	CO39 I.29	Elwin Caler known blood sample
CCL1316-0099-R13	CO6 I.30c	Twila Busby known blood sample
CCL1316-0099-R14	CO38 I.28	Randolph Busby known blood sample

Mitochondrial DNA Processing, Results, Conclusions and Statistics:

Mitochondrial DNA (mtDNA) is found in sub-cellular organelles called mitochondria. A specific, non-coding region of the mitochondrial genome called the D-loop, or hyper-variable control region, is known to have variability within the human population. Multiple copies of this region of mtDNA are generated using the polymerase chain reaction (PCR). The base composition, or sequence, is then determined using automated DNA sequencing.

1. MtDNA profiles were obtained from the following samples:
   CCL1316-0099-R11 (Henry Skinner)
   CCL1316-0099-R12 (Elwin Caler)
   CCL1316-0099-R13 (Twila Busby)
   CCL1316-0099-R14 (Randolph Busby)

2. A partial mtDNA profile was obtained from sample CCL1316-0099-E01.

   The partial mtDNA profile obtained from sample CCL1316-0099-E01 is not consistent with the mtDNA profile obtained from sample CCL1316-0099-R11 (Henry Skinner). Therefore, Henry Skinner (CCL1316-0099-R11) can be excluded as a contributor of sample CCL1316-0099-E01.

   The partial mtDNA profile obtained from sample CCL1316-0099-E01 is consistent with the mtDNA profiles obtained from samples CCL1316-0099-R12 (Elwin Caler), CCL1316-0099-R13 (Twila Busby), and CCL1316-0099-R14 (Randolph Busby). Therefore, Elwin Caler (CCL1316-0099-R12), Twila Busby (CCL1316-0099-R13), and Randolph Busby (CCL1316-0099-R14) cannot be excluded as contributors of sample CCL1316-0099-E01.

   Statistical calculations may be performed upon request.

3. A partial mtDNA profile was obtained from sample CCL1316-0099-E02.

   The partial mtDNA profile obtained from sample CCL1316-0099-E02 is not consistent with the mtDNA profile obtained from sample CCL1316-0099-R11 (Henry Skinner). Therefore, Henry Skinner (CCL1316-0099-R11) can be excluded as a contributor of sample CCL1316-0099-E02.

   The partial mtDNA profile obtained from sample CCL1316-0099-E02 is consistent with the mtDNA profiles obtained from samples CCL1316-0099-R12 (Elwin Caler), CCL1316-0099-R13 (Twila Busby), and CCL1316-0099-R14 (Randolph Busby). Therefore, Elwin Caler (CCL1316-0099-R12), Twila Busby (CCL1316-0099-R13), and Randolph Busby (CCL1316-0099-R14) cannot be excluded as contributors of sample CCL1316-0099-E02.

   Statistical calculations may be performed upon request.

Mitochondrial DNA Processing, Results, Conclusions and Statistics, continued:

4. A partial mtDNA profile was obtained from sample CCL1316-0099-E03.

   The partial mtDNA profile obtained from sample CCL1316-0099-E03 is consistent with the mtDNA profile obtained from sample CCL1316-0099-R11 (Henry Skinner). Therefore, Henry Skinner (CCL1316-0099-R11) cannot be excluded as a contributor of sample CCL1316-0099-E03.

   The mtDNA population database of the Scientific Working Group on DNA Analysis and Methods (SWGDAM) has been searched for the partial mtDNA profile obtained from sample CCL1316-0099-E03. The number of observations of this partial mtDNA profile in the (SWGDAM) database is as follows:

Bode Sample No.	African Database	Caucasian Database	Hispanic Database	Asian Database	Native American Database	Total No. of observations
CCL1316-0099-E03	0 in 1305	37 in 1674	1 in 686	0 in 848	0 in 326	38 in 4839

   The partial mtDNA profile obtained from sample CCL1316-0099-E03 is not consistent with the mtDNA profiles obtained from samples CCL1316-0099-R12 (Elwin Caler), CCL1316-0099-R13 (Twila Busby), and CCL1316-0099-R14 (Randolph Busby). Therefore, Elwin Caler (CCL1316-0099-R12), Twila Busby (CCL1316-0099-R13), and Randolph Busby (CCL1316-0099-R14) can be excluded as contributors of sample CCL1316-0099-E03.

5. A partial mtDNA profile was obtained from sample CCL1316-0099-E04.

   The partial mtDNA profile obtained from sample CCL1316-0099-E04 is not consistent with the mtDNA profile obtained from sample CCL1316-0099-R11 (Henry Skinner). Therefore, Henry Skinner (CCL1316-0099-R11) can be excluded as a contributor of sample CCL1316-0099-E04.

   The partial mtDNA profile obtained from sample CCL1316-0099-E04 is consistent with the mtDNA profiles obtained from samples CCL1316-0099-R12 (Elwin Caler), CCL1316-0099-R13 (Twila Busby), and CCL1316-0099-R14 (Randolph Busby). Therefore, Elwin Caler (CCL1316-0099-R12), Twila Busby (CCL1316-0099-R13), and Randolph Busby (CCL1316-0099-R14) cannot be excluded as contributors of sample CCL1316-0099-E04.

   Statistical calculations may be performed upon request.

See **Table 1** for a summary of the mtDNA profiles reported.

Notes:

1. Testing performed for this case is in compliance with accredited procedures under the laboratory's ISO/IEC 17025 accreditation issued by ASCLD/LAB and ANSI-ASQ National Accreditation Board/FQS. Refer to certificates and scopes of accreditation for certificate numbers ALI-231-T and AT-1672, respectively.
2. Any reference to body fluids in evidence descriptions are based on the written descriptions of the samples by the submitting agency.
3. The DNA extracts and submitted evidence will be returned to the Texas Department of Public Safety.
4. Samples CCL1316-0099-E05 through CCL1316-0099-E10 were inventoried but not examined further.
5. Mitochondrial DNA is inherited maternally. A mtDNA match cannot exclude any maternal relatives.

Report submitted by,

Adrienne Borges

Adrienne Borges, MFS
DNA Analyst III

Table 1. Analysis of Mitochondrial DNA

Position	CCL1316-0099-E01	CCL1316-0099-E02	CCL1316-0099-E03	CCL1316-0099-E04
HVI Region	*Reported Range* 16006-16390	*Reported Range* 16229-16382	*Reported Range* 16001-16390	*Reported Range* 15998-16390
Polymorphisms	16014 N 16040 N 16069 T 16126 C 16196 N 16235 G	16235 G	16014 N 16126 C 16294 T 16296 T 16304 Y	16069 T 16126 C 16235 G
HVII Region	*Reported Range* 35-265	*Reported Range* NA	*Reported Range* 39-249	*Reported Range* 50-246
Polymorphisms	73 G 185 A 189 G 200 G 228 A 263 G	Not Tested	73 G 143 N	73 G 76 N 77 N 185 A 189 G 200 G 225 N 228 A

Table 1. Analysis of Mitochondrial DNA, continued

Position	CCL1316-0099-R11 (Henry Skinner)	CCL1316-0099-R12 (Elwin Caler)	CCL1316-0099-R13 (Twila Busby)	CCL1316-0099-R14 (Randolph Busby)
HVI Region	*Reported Range* 15998-16569	*Reported Range* 15998-16569	*Reported Range* 15998-16569	*Reported Range* 15998-16569
Polymorphisms	16126 C 16294 T 16296 T 16304 C 16519 C	16069 T 16126 C 16235 G 16519 C	16069 T 16126 C 16235 G 16519 C	16069 T 16126 C 16235 G 16519 C
HVII Region	*Reported Range* 1-536	*Reported Range* 1-536	*Reported Range* 1-536	*Reported Range* 1-536
Polymorphisms	73 G 263 G 309.1 C 309.2 N 315.1 C 458 T	73 G 185 A 189 G 200 G 228 A 263 G 295 T 309.1 C 315.1 C 462 T 482 C 489 C	73 G 185 A 189 G 200 G 228 A 263 G 295 T 309.1 C 315.1 C 462 T 482 C 489 C	73 G 185 A 189 G 200 G 228 A 263 G 295 T 309.1 C 315.1 C 462 T 482 C 489 C

The following notations may apply:

a. Transition or transversion polymorphisms as compared to a standard sequence (Anderson, et al. 1981. *Nature* 290:457-465) are designated by the appropriate letter (base).

b. An insertion is designated a ".1" for a one base insertion, and a ".2" for a two base insertion.

Note: Polycytosine stretches are often difficult to interpret. A possible cause may be the presence of a mixture of length variants in the mtDNA of an individual. A predominant length species is often apparent; however, the frequency of a particular length species cannot be determined accurately and may vary between maternal relatives. The sequence reported for Hypervariable Region 1 represents the first 10 cytosines observed, beginning at position 16184. The sequence reported for Hypervariable Region 2 represents the number of confirmed cytosines present in the predominant base sequence. When no predominant base sequence is observed, the insertions that could not be confirmed are designated by a "N."

c. A position that could not be confirmed is designated by a "N."

d. Heteroplasmy is a situation where two base peaks are observed at the same position. This indicates the presence of two different mitotypes. Heteroplasmies are common in the human population and can vary from tissue to tissue, with hair samples demonstrating greater heteroplasmic potential than other tissues such as blood and/or buccal samples. Since heteroplasmies do not always occur with the same frequency from generation to generation, and from tissue sample to tissue sample, the presence or absence of a heteroplasmy does not constitute an exclusion. An inclusion is warranted as long as the sample being compared has either peak, or both peaks, at the corresponding position/s.

Heteroplasmic positions may be noted by the use of IUPAC Codes. See below for a guide of base positions:

Table A. IUPAC Codes

K	G/T
M	A/C
R	A/G
S	G/C
W	A/T
Y	C/T
N	A/G/C/T

EXHIBIT 2

TEXAS DEPARTMENT OF PUBLIC SAFETY

CRIME LABORATORY
1302 Mac Davis Lane
Lubbock, TX 79401
Voice 806-472-2832 Fax 806-472-2841
LubbockCrimeLab@dps.texas.gov

STEVEN C. MCCRAW
DIRECTOR
DAVID G. BAKER
CHERYL MacBRIDE
DEPUTY DIRECTORS

COMMISSION
A. CYNTHIA LEON, CHAIR
CARIN MARCY BARTH
ADA BROWN
ALLAN B. POLUNSKY
JOHN STEEN

Trace Analysis Laboratory Report

Issue Date: September 13, 2012

Steven White
Pampa Police Department
Box 2499
Pampa, TX 79066

Laboratory # **L5L-41623**
Agency #
County Gray
Offense Date 12/31/1993

Suspect(s) Skinner, Henry W.
Victim(s) Busby, Twila
Busby, Randolph
Caler, Elwin
Elimination(s) White, Steven
Porton, Larry
Hayes, Katherine
Owen, Robert
Robinson, Douglas

Requested Analysis: Analyze for and examine trace evidence.

For previous results, please refer to Austin DPS Crime Laboratory Reports dated January 20, 1994, March 22, 1994 and March 24, 1994, and Lubbock DPS Crime Laboratory Reports dated January 31, 1994, June 1, 1994 and July 6, 1994.

Examine the hairs recovered from victim T. Busby (Submission I: items I.6a thru I.6d, I.6e1 thru I.6e3, I.7a thru I.7c, I.7d1 thru I.7d3, and I.9c1 thru I.9c3) and compare any hairs detected to the submitted head hair standards from victims T. Busby, E. Caler and R. Busby (Submission I: items I.2, I.4 and I.10c).

Submission Information:

02 - Clear plastic container - Resub (Items from Sub I) on June 29, 2012 by White, Steven VIA In Person
03 - 12x12x24 Box - Resub of Sub I.24, I.27 on June 29, 2012 by White, Steven
04 - 10x12x15 Box - SUB III on June 29, 2012 by White, Steven
05 - Envelope Box - SUB IV & Resub I.6/7/8/9/10/12/30 on June 29, 2012 by Granger, Donna VIA FedEx 7937 3506 3494
07 - Paper Sack - Resub of I.36 on July 12, 2012 by Mackie, Carey VIA In Person
08 - Fed Ex Padded Pak - Resub I.2, I.4 & Sub V on July 20, 2012 by White, Steven VIA FedEx 8001 2918 7693

Evidence Description, Results of Analysis and Interpretation:

02 : Clear plastic container - Resub (Items from Sub I)
03 : 12x12x24 Box - Resub of Sub I.24, I.27
04 : 10x12x15 Box - SUB III
05 : Envelope Box - SUB IV & Resub I.6/7/8/9/10/12/30
07 : Paper Sack - Resub of I.36
08 : Fed Ex Padded Pak - Resub I.2, I.4 & Sub V
09-03-AA-01 : Item I.10c: head hair standard victim T. Busby
09-03-AB-01-AA : Item I.6a: hair recovered from right hand of T. Busby

One apparent animal hair was detected.

09-03-AB-02-AA : Item I.6b: hair recovered from right hand of T. Busby
No hairs were detected.

09-03-AB-03-AA : Item I.6c: hair recovered from right hand of T. Busby
One hair was detected. This hair is unsuitable for hair comparisons due to insufficient length and will be forwarded to the DNA section for further analysis.

09-03-AB-04-AA : Item I.6d: hair recovered from right hand of T. Busby
One hair fragment was detected. This hair fragment is visually dissimilar to the submitted head hair standards from victims T. Busby, E. Caler and R. Busby. This hair will not be forwarded to the DNA section due to the absence of a root.

09-03-AB-05-AA-AA : Item I.6e1: hairs recovered from right hand of T. Busby
Seven hair fragments were detected. These seven hair fragments are visually similar to the submitted head hair standard from victim T. Busby. These hairs will not be forwarded to the DNA section due to the absence of roots.

09-03-AB-05-AB-AA : Item I.6e.2: hairs recovered from right hand of T. Busby
Five hairs were detected. These five hairs are visually similar to the submitted head hair standard from victim T. Busby. Four of these hairs also exhibit characteristics of having been forcibly removed. These hairs will be forwarded to the DNA section for further analysis.

09-03-AB-05-AC-AA : Item I.6e3: hair recovered from right hand of T. Busby
One hair was detected. This hair is visually dissimilar to the submitted head hair standards from victims T. Busby, E. Caler and R. Busby. This hair will be forwarded to the DNA section for further analysis.

09-03-AC-01-AA : Item I.7a: hairs from left hand of T. Busby
Two hair fragments were detected. These two hair fragments are unsuitable for hair comparison due to insufficient length. These hairs will not be forwarded to the DNA section due to the absence of roots.

09-03-AC-02-AA : Item I.7b: hair from left hand of T. Busby
No hairs were detected.

09-03-AC-03-AA : Item I.7c: hair from left hand of T. Busby
One hair was detected. This hair is visually dissimilar to the submitted head hair standards from victims T. Busby, E. Caler and R. Busby. This hair will be forwarded to the DNA section for further analysis.

09-03-AC-04-AA : Item I.7d1: hair from left hand of T. Busby
One hair was detected. This hair is visually similar to the submitted head hair standard from victim T. Busby. This hair also exhibits characteristics of having been forcibly removed. This hair will be forwarded to the DNA section for further analysis.

09-03-AC-04-AB : Item I.7d2: hairs from left hand of T. Busby
Six hair fragments were detected. These six hair fragments are visually similar to the submitted head hair standard from victim T. Busby. These hairs will not be forwarded to the DNA section due to the absence of roots.

09-03-AC-04-AC : Item I.7d3: hair from left hand of T. Busby
One hair was detected. This hair is an apparent pubic hair. No pubic hair standards were submitted for comparison purposes. This hair will be forwarded to the DNA section for further analysis.

09-03-AD-03-AA : Item I.9c1: hairs from ring finger of T. Busby
Tufts of fibers of various colors were detected.

09-03-AD-03-AB : Item I.9c2: hair from ring finger of T. Busby
One hair was detected. This hair is visually dissimilar to the submitted head hair standards from victims T. Busby, E. Caler and R. Busby. This hair will be forwarded to the DNA section for further analysis.

09-03-AD-03-AC : Item I.9c3: hairs from ring finger of T. Busby
Seven hairs were detected. These seven hairs are visually similar to the submitted head hair standard

from victim T. Busby. Five of these hairs also exhibit characteristics of having been forcibly removed. These hairs will be forwarded to the DNA section for further analysis.

09-41-AA-01 : Item I.2: Head hair standards from victim E. Caler

09-42-AA-01 : Item I.4: Head hair standards from victim R. Busby

Investigative Leads:

If further trace analysis is requested, please contact this examiner.

Disposition:

This evidence will be retained until all sections have completed analysis.

This report has been electronically prepared and approved by:

John Lan Bundy
Forensic Scientist
Texas DPS Lubbock Crime Laboratory

CERTIFICATE OF SERVICE

This certifies that true and correct copies of the foregoing Advisory were served upon counsel for the State of Texas by placing the same into the United States Mail, first-class postage prepaid, addressed to

Edward L. Marshall
Office of the Attorney General
P.O. Box 12548 (MC 067)
Austin, TX 78711-2548

and to

Office of the District Attorney
31st Judicial District of Texas
P.O. Box 1592
Pampa, TX 79006

on the 29th day of August, 2013. On that same date, a copy was also provided via electronic mail to
edward.marshall@texasatttorneygeneral.gov

ROBERT C. OWEN
Texas Bar No. 15371950