

No. 1983031

THE STATE OF TEXAS	§	IN THE 468th DISTRICT COURT
	§	
	§	
VS.	§	OF
	§	
	§	
SEBASTIAN BRUNO	§	HARRIS COUNTY, TEXAS

STATE’S INVENTORY AND AVAILABILITY OF FORENSIC EVIDENCE

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Criminal District Attorney of County, Texas by and through the undersigned Assistant Criminal District Attorney, and files this inventory of forensic evidence available in *State v. Sebastian Bruno*, No. 1983031.

On _____, 20__, this Honorable Court ordered the State to deliver, no later than sixty (60) days after _____, 20__, the forensic evidence from this case to the Court, along with a description of the condition of the evidence, or explain in writing to the Court why the state cannot deliver the evidence to the court. The State makes this filing to inform this Court of the availability of this evidence and to fulfill its obligation under Tex. Code Crim. Pro. Art. 64.02.

After a review of the documentation and chain of custody in this case, the State has learned that the items which are the subject of the Movant’s motion are in the possession of the Police Agency and Criminal Investigation Laboratory.

Inventory

Tex. Code Crim. Pro. Art. 64.01 states that Chapter 64 is limited to items that were “secured in relation to the offense that is the basis of the challenged conviction and was in the possession of the state during the trial of the offense[.]” Tex. Code Crim. Pro. Art. 64.01(b).

Information related to the items which are the subject of Movant’s motion are included in State’s Inventory Exhibits A and B, with additional information on chain of custody provided in State’s Inventory Exhibit C. District Attorney Investigator contacted the Police Agency, via Evidence Technician. Investigator then contacted the Criminal Investigation Laboratory, via Evidence Manager, the Custodian of Records with Criminal Investigation Laboratory.

Exhibit A, provided by Technician, includes the following list of all evidence currently maintained by the Policy Agency for this offense (Agency offense number 0123456). That evidence consists of the following items relevant to movant’s request. Identification tags and storage locations were provided by Police Agency.

Tag: 01/001 Storage: PROPERTY (Main General)

Item: Fabric, apparent blindfold

Description: Apparent blindfold taken from scene on 01/01/12. Stored at room temperature.

Tag: 01 Storage: PROPERTY (Main General)

Item: ligature removed from Maria Murphy's hands

Description: Apparent ligature taken from scene. Returned from Criminal Investigation Laboratory after swab taken.

**01-01 swabbing from ligature removed from Maria Murphy's hands
(returned after DNA extract retained by Laboratory)**

Tag: 02 Storage: PROPERTY (Main General)

Item: bedding removed from washing machine

Description: bedding taken from scene. Returned from Criminal Investigation Laboratory with collected trace evidence packaged.

Tag: 03 Storage: PROPERTY (Main General)

Item: light grey hooded sweatshirt with red-brown staining

Description: Clothing taken from scene. Returned from Criminal Investigation Laboratory with cutting removed.

**03-01: cuttings from light grey hooded sweatshirt of three stains
having the appearance of semen (returned after DNA extract
retained by Laboratory)**

Tag: 04 Storage: PROPERTY (Main General)

Item: Sexual Assault Kit (Maria Murphy)

Description: Sexual Assault Kit related to victim. Returned from Criminal Investigation Laboratory with the following:

04-01: vaginal swabs (returned after DNA extract retained by Laboratory)

04-02: rectal swabs

04-03: oral swabs

04-04: breast swabs

04-05: fingernail swabs

04-05-AB: left hand fingernail swabs

04-05-AA: right hand fingernail swabs (returned after DNA extract retained by Laboratory)

Exhibit B, provided by Manager, indicated that the following is a list of all evidence currently maintained by the Criminal Investigation Laboratory under CIL Case # 78-91011. That evidence consists of the following items relevant to movant's request. Identification tags and labels were provided by Criminal Investigation Laboratory.

01-01: DNA extracts from swabbing from ligature removed from Maria Murphy's hands

03-01: DNA extracts from cuttings from light grey hooded sweatshirt of three stains having the appearance of semen

04: DNA extracts from Sexual Assault Kit (Maria Murphy)

04-01: DNA extracts from vaginal swabs

04-05-AA: DNA extracts from right hand fingernail swabs

05: Blood card from Maria Murphy

06: Buccal swab standard, Sebastian Bruno

The relevant Serology/DNA Report, produced by the Criminal Investigation Laboratory on January 1, 2013, is attached as Inventory Exhibit C. This report provides the current locations of these items (see Page 2, "Disposition"). This section also lists the items that were returned to Police Agency and made part of the property listed in Exhibit A.

This information on the availability of the evidence is consistent with Paragraph IV of Movant's MOTION FOR FORENSIC DNA TESTING, filed _____, 20___. The State has no opposition to the forensic testing of evidence that does exist.

Additional Disclosure

Through Criminal Investigation Laboratory, via Evidence Manager, the State has

been provided additional information related to Screening Analyst, the screening analyst associated with the testing in Movant's case. Screening Analyst noticed the evidence had been stored unrefrigerated for approximately 30 days. However, Screening Analyst concluded that the storage conditions had not adversely affected the evidence submitted. Manager has indicated that Screening Analyst did not consult with Criminal Investigation Laboratory regarding his conclusion related to the storage conditions. Additionally, Screening Analyst did not photograph the storage container or the breathable envelopes or otherwise initiate a quality event related to the improper storage. The storage issue is not mentioned in the formal summary biology screening report for this reason.

Delivery of the Evidence to the Court

To prevent possible contamination or any other potential damage to the evidence and to prevent the unnecessary exposure of persons to potentially bio-hazardous materials, it is the opinion of Criminal Investigation Laboratory my opinion that any biological evidence currently maintained by Criminal Investigation Laboratory should remain in the custody of the Criminal Investigation Laboratory pending disposition of the applicant's motion and should not be produced in open court. See Inventory Exhibit B.

Additionally, and considering that the evidence that does exist and is in the secure possession of the Police Agency and Criminal Investigation Laboratory, it would

potentially disrupt the chain of custody as well as risk contamination to deliver the physical evidence from either Police Agency or Criminal Investigation Laboratory to this court. Delivery of the evidence is available should this Court so order.

WHEREFORE, PREMISES CONSIDERED, the State prays that the Court consider the aforementioned and attached documentation as an inventory of available evidence under Tex. Code Crim. Pro. Art. 64.02, and supplement the Court's record with this documentation for the purposes of allowing the Court to consider Movant's motion for forensic DNA testing.

Respectfully submitted,

ADA

Assistant Criminal District Attorney

Attorney for the State

Attachments:

State's Inventory Exhibit A

State's Inventory Exhibit B

State's Inventory Exhibit C

CERTIFICATE OF SERVICE

I, ADA, Assistant Criminal District Attorney, County, Texas, do hereby certify that a true copy of the supplement to the trial court's request for an inventory of forensic evidence was transmitted via electronic service via the eFiling system to counsel for Movant, on _____, 20__.

ADA