Testimony of Ralph Turbyfill in Misskelley trial Feb 1994

DIRECT EXAMINATION

BY FOGLEMAN:
Q: Would you state your name and occupation for the jury?

A: My name is Ralph Turbyfill. Last name is spelled T-U-R-B-Y-F-I-L-L. I'm the Chief Latent Fingerprints Examiner with the Arkansas State Crime Laboratory at Little Rock.

Q: Mr. Turbyfill, in the course of your duties with the Crime Laboratory, did you examine a number of items for the West Memphis Police Department in the case of, uh, involving the deaths of Michael Moore, Stevie Branch and Chris Byers?

A: Yes sir, I did.

Q: Alright. Explain to the jury what a latent fingerprint is.

A: The palmar surface of the hand is covered with friction skin, which is made up of sweat pores. Those on the fingerprints, there's different patterns. Patterns formed like arches, loops and whirls. Those patterns are formed of those sweat pores and then theoretically a bead of perspiration is sitting on top of each of those pores at any given time. When a hand comes in contact with a porous or non-porous surface, the reproduction of those friction skin ridges are deposited on that surface, and they're invisible.

Q: Uh -

A: A method, that's why they're called latent. Latent is a Latin word meaning invisible or hidden, and something has to be done like powder applied to it, or a chemical applied to that surface to make that fingerprint visible. That's called a latent fingerprint.

Q: Mr. Turbyfill, what is a fingerprint made up of?

A: 90% water and other body chemistries such as oils and salts and amino acids.

Q: Alright. Um, in examining -- well, let me ask you this. As one of the items you examined, I want to show you State's Exhibit 7 and see if you recognize that.

A: It's a bl -- it's a brown bag bearing tape, it's got my initials on the bottom of it and a laboratory case number. May I open it? It's already open.

Q: Yes, open it.

A: (COMPLIES) Toy sheriff's star. Again, my initials are on the seal on the inside smaller envelope. Small plastic reflector, painted. And the other half of the same reflector that's been painted green with red markings.

Q: Alright, and you examined those items for fingerprints, is that right?

A: All three of these items were examined by me for latent fingerprints, using, uh -- first process I used would be to look at it to see if I could see any visible prints on it. I was unable to see any visible fingerprints on these items, so they were placed into a tank in which superglue was heated to develop fingerprints on it. Superglue is one of the methods that we use on hard evidence, such as glass, plastic and metal. The way it works is the superglue is heated, it turns to gas, and the gas attaches itself to the residue left behind by fingerprints, turning those fingerprints white. That was done in these cases and, however, no fingerprints of value for identification were detected, or no latent fingerprints were visible.

Q: Alright. And these items were taken from the pants of one of the victims?

A: Uh, they were submitted to me in this envelope along with these, where they came --

Q: Alright, where did you get it from?

A: From our evidence receiving section, they were submitted by the medical examiner's section.

Q: If you could return it back to the envelope.

A: (COMPLIES)

FOGLEMAN: Your Honor, we would offer State's Exhibit 7.

STIDHAM: No objection.

THE COURT: Alright, it may be received without objection.

BY FOGLEMAN:
Q: Did you examine a number of other items, um, in this case for fingerprints, latent fingerprints?

A: Yes, I, I did on several occasions I received evidence.

Q: Alright. And were you ever to find any fingerprints suitable for identification on any of the items submitted?

A: No fingerprints of value for identification on any of the items.

Q: Alright. What would the effect of items being in water have on your ability to find fingerprints?

A: Be very detrimental. The two, two most de -- uh, things that are detrimental to fingerprints are, since they're 98% water to start with, is water and fire, and then this water would definitely affect the iden -- uh, development of any prints.

Q: Alright. I want to show you what's been introduced as State's Exhibit 53. Do you recognize that?

A: Yes, I do.

Q: Alright. And did you also examine that item?

A: I examined this item, this item was uh, processed using a chemical called ninhydrin. N-I-N-H-Y-D-R-I-N, which is an amino acid indicator. On paper, cardboard, and unpainted wood, that chemical is used and it turns the fingerprints a light purple or violet, you can -- there are indications that amino acids are present on this, however, there are no latent fingerprints of value for identification. My initials and case number appear on the stick at this label.

Q: Alright. And again the same thing on the stick, would water have an effect?

A: Absolutely. It would dissolve or dilute the fingerprints.

FOGLEMAN: I don't have any further questions, your Honor.

STIDHAM: No questions, Judge.

THE COURT: Alright, you're free to go, Ralph.

(WITNESS EXCUSED)