



1 NOT BE CONSIDERED. AND IF THEY ARE CONSIDERED, THEN THEY SHOULD  
2 BE CONSIDERED VERY CAREFULLY AND WEIGHTED VERY CAREFULLY.

3 THE COURT: ALL RIGHT.

4 I'M GOING TO START OFF BY SAYING THIS IS NOT A NEW OR  
5 A NOVEL SCIENTIFIC THEORY OR PROGRAM OR PROCESS OR ANYTHING  
6 ALONG THE LINES. AS A MATTER OF FACT, DR. SHIELDS HAS JUST TOLD  
7 US THAT SIXTEEN YEARS AGO HE WAS SUPERVISING A STUDENT OR  
8 STUDENTS IN THE VERY THING THAT WE'RE DEALING WITH RIGHT HERE.  
9 THIS IS NOT NEW AND NOVEL.

10 IN ADDITION TO THAT, MITOCHONDRIAL D.N.A. IN THE HUMAN  
11 AREA HAS BEEN ALONG ABOUT TWENTY YEARS BY THE REFERENCES THAT  
12 I'VE GOT ALREADY BEFORE THE COURT. SO WE'RE NOT TALKING ABOUT A  
13 NEW OR A NOVEL KIND OF SCIENTIFIC THEORY. IT'S CLEAR THAT THE  
14 CONCEPT OF MITOCHONDRIAL D.N.A. IS WELL ESTABLISHED WITHIN THE  
15 SCIENTIFIC COMMUNITY IN THIS COUNTRY. VIRTUALLY EVERY DAY LIFE-  
16 AND-DEATH DECISIONS ARE BEING MADE ON BOTH TYPES OF D.N.A.  
17 PROCESSING. SO FROM THAT STANDPOINT WE'RE NOT DEALING WITH  
18 SOMETHING THAT ISN'T ACCEPTED WITHIN THE SCIENTIFIC COMMUNITY.

19 WHAT THIS COURT IS ASKED TO DO TODAY IS BASICALLY  
20 WEIGH THE TESTIMONY OF THE EXPERTS IN DETERMINING WHETHER OR NOT  
21 THE PROCEDURES USED IN THE LABORATORY OF DR. HALVERSON CAN  
22 BASICALLY MEET THE CRITERIA THAT WILL ALLOW THIS TO GO TO THE  
23 JURY FOR THE JURY'S DECISION. IT SHOULD BE NOTED, AND IT HAS  
24 BEEN EMPHASIZED OVER AND OVER AGAIN, THAT THIS IS A PIECE OF,  
25 FOR LACK OF A BETTER WORD, CIRCUMSTANTIAL EVIDENCE. IT IS NOT  
26 AN IDENTIFYING TECHNIQUE. IT IS AN EXCLUSIONARY OR INCLUSIONARY  
27 TYPE OF TECHNIQUE. AND, AS SUCH, IT CERTAINLY IS NOT HELD TO  
28 THESE EXTREME NUMBERS THAT THE COURT HAS SEEN.

1           IN EVALUATING THIS TESTIMONY, WHAT I HAVE ON THE ONE  
2 HAND IS A MAN WHOSE -- A DOCTOR WHOSE QUALIFICATIONS ARE  
3 EXTENSIVE BUT COME FROM THE ARENA OF ACADEMIA AS AGAINST THE  
4 TESTIMONY OF DR. RYDER WHOSE EXPERIENCE AND TRAINING AND SO  
5 FORTH AS A HANDS-ON, DAY-IN, DAY-OUT UTILIZATION OF THE  
6 TECHNIQUES THAT HAVE BEEN EMPHASIZED. IT'S NO CONTEST ON THE  
7 FACE OF IT.

8           THAT DOCTOR TELLS ME IN ESSENCE THAT HE'S REVIEWED THE  
9 WORK, THAT THE WORK IS CONSISTENT WITH A COUPLE VARIATIONS THAT  
10 MR. PLOURD HAS BROUGHT OUT, NONE OF WHICH IN THE OPINION OF DR.  
11 RYDER NEGATE THE WORK.

12           I REALLY HAVE ONLY HAD ONE CONCERN IN ALL OF THIS, AND  
13 THAT IS THE DATA BASE. AND I'M SATISFIED NOW THAT I HAVE HEARD  
14 THE TESTIMONY THAT THE DATA BASE COMES FROM AN ACCURATE CROSS-  
15 SECTION OF CANINE SUBJECTS, EVEN THOUGH THEY ARE UNWITTINGLY  
16 INVOLVED BECAUSE THEIR BLOOD WAS BEING TESTED FOR OTHER REASONS.

17           NONETHELESS, WE HAVE A SAMPLING THAT GOES WELL BEYOND WHAT DR.  
18 RYDER EVEN FINDS TO BE ACCEPTABLE.

19           SO WHEN YOU TAKE INTO ACCOUNT THAT THE TECHNIQUE  
20 ITSELF IS NOT A NEW OR DIFFERENT SCIENCE, YOU TAKE INTO ACCOUNT  
21 THAT I HAVE EXPERT TESTIMONY THAT SHOWS THAT THE PROCEDURES THAT  
22 WERE UTILIZED ARE PROPER AND APPROPRIATE FOR MITOCHONDRIAL  
23 D.N.A. ANALYSIS, AND YOU ADD TO THAT A DATA BASE THAT IS BY AT  
24 LEAST PROFESSIONAL TESTIMONY SUFFICIENT TO COME UP WITH A  
25 READING, THE BOTTOM LINE IS THE PEOPLE HAVE MET THEIR BURDEN OF  
26 PROOF, AND THE TESTIMONY CAN BE PRESENTED.

27           WHAT WEIGHT, IF ANY, THIS JURY GIVES IT WILL BE UP TO  
28 THE JURY.