

01/25/09

SUPPLEMENT TO 07-28750

I, Detective Sergeant Linda Shawback, #3318/1502, was working detective assignment for the Columbia County Sheriff's Department on December 15, 2008. I had recent e-mail correspondences with Karen Daily from the Wisconsin State Crime Lab in reference to this case and the evidence that she was currently examining on our behalf. She indicated that she had completed a report and would be submitting that report to me. As of January 5, 2009 I had not received a copy of that report therefore I requested one be sent to me.

The report is dated December 15, 2008 and a summary of that is as follows.

Ms. Daily indicates that she was able to develop a female DNA profile from at least two individuals in Items AC and AD which are stains from the living room wall. Item AC is COSO Item #26 and Item AD is COSO Item #27. She also indicates that a mixture DNA profile from at least two individuals was developed from the stain in the living room wall Item AE, which is COSO Item #28. She indicates in her report that no male was indicated in any of these three stains therefore no additional testing was conducted.

She indicates that the hair from the abdomen, Item V, COSO Item #21, and the hair from the victim's right shoulder, Item AU, COSO Item #71, were not suitable for STR DNA analysis. She also reports that Curtis Forbes is included as a possible contributor to the DNA mixture profile detected from one of the cigarette butts submitted under Item P, COSO Item #14 and that the probability of randomly selecting an unrelated individual that could have contributed to the mixture DNA profile is approximately 1 in 11 thousand. A copy of this laboratory finding report will be included with this supplemental report. End of report.

LS/vh

DETECTIVE SERGEANT LINDA SHAWBACK #3318/1502

Copy: DA (X2), Columbus PD, Lt. Smith & Det. Sgt. Shawback 01/25/09



Submitting Agency:

Interim Chief Dennis R. Welner
Attn: Lt. Scott Rychnovsky
Columbus Police Department
105 North Dickason Boulevard
Columbus WI 53925-1565

Date: December 15, 2008

Case No: M80-499

Agency No: 25-80

Laboratory Analyst:

Case Name: McIntyre, Marilyn [V]

Karen D. Dally
Karen D. Dally
(DNA Analysis)

I do hereby certify this document, consisting of 4 page(s), to be a true and correct report of the findings of the State Crime Laboratory on the items examined as shown by this report.

J.B. Van Hollen
ATTORNEY GENERAL

Karen D. Dally
DESIGNEE

SUPPLEMENTAL REPORT 3

The following items of evidence were examined in the DNA Analysis Unit of this laboratory:

- Item P - five (5) cigarette butts
- Item Q1 - ~16 hairs reportedly from the living room waste basket
- Item R - ~16 hairs reportedly from the living room chair
- Item S - 3 hairs reportedly from the living room, near "blood" stain
- Item T - 3 hairs reportedly from the bathroom shower handle
- Item U - ~11 hairs reportedly from the bathroom sink
- Item V - 1 hair reportedly from the abdomen of Marilyn McIntyre
- Item AC - stain reportedly from the south wall in living room #1
- Item AD - stain reportedly from the south wall in living room #2
- Item AE - stain reportedly from the south wall in living room #3
- Item AG - carpet stain in living room #1
- Item AH - carpet stain in living room #2
- Item AI - carpet stain in living room #3
- Item AU - hair reportedly from right shoulder of Marilyn McIntyre.

See Wisconsin State Crime Laboratory Reports dated May 9, 1980 by Karen S. Doerfer (currently known as Karen D. Daily); October 23, 2003 by Rick Willis; February 21, 2008 and October 20, 2008 by Karen D. Daily for the results of previous analyses.

RESULTS

Chemical analysis indicated the possible presence of blood from the stains from the south living room wall (items AC, AD, and AE) and the carpet stains in the living room (items AG, AH and AI).

Human deoxyribonucleic acid (DNA) was isolated from five (5) cigarette butts (items P1 through P5), one (1) hair from the living room chair (item R1), one (1) hair from the bathroom sink (item U), the stains from the south living room wall (items AC, AD and AE) and carpet stains in the living room (items AG, AH and AI). Based on a trace/limited amount of DNA detected from the hair on the bathroom sink (item U), the washing of the hair from the living room chair (item R1) and the stain from the carpet (item AH), no further analyses were performed on these items.

Human DNA was not detected from the following selected hairs: two (2) hairs from the living room waste basket (items Q1a and Q1b); one (1) hair from the living room chair (item R2), one (1) hair from the living room floor (item S1) and one (1) hair from the bathroom shower handle (item T). No further analyses were performed on these hairs.

The DNA from the five (5) cigarette butts (items P1-P5), the stains from the south living room wall (items AC, AD, and AE) as well as the carpet stains in the living room (items AG and AI) was subsequently amplified using the polymerase chain reaction (PCR) method and typed for fifteen (15) short tandem repeat (STR) genetic markers, as well as the gender marker Amelogenin, using Promega's PowerPlex[®] 16 amplification kit. The STR loci typed were D3S1358, TH01, D21S11, D18S51, Penta E, D5S818, D13S317, D7S820, D16S539, CSF1PO, Penta D, vWA, D8S1179, TPOX and FGA.

A complete, single source, female DNA profile was developed from the carpet stains (items AG and AI). Partial mixture female DNA profiles from at least two (2) individuals were developed from the stains on the wall (items AC and AD). A mixture DNA profile also from at least two (2) individuals (no male indicated) was developed from the stain on the wall (item AE).

A partial DNA mixture DNA profile from at least two (2) individuals with at least one male contributor was developed from each of the three (3) cigarette butts (items P1, P2 and P3).

A partial DNA profile from a female contributor was developed from each of the remaining two (2) cigarette butts (items P4 and P5).

The hair from the abdomen (item V) and the hair from the right shoulder (item AU) were not suitable for STR DNA analysis.

CONCLUSIONS

Marilyn McIntyre is the source of the DNA profile detected from the stains from the carpet (items AG and AI).

Marilyn McIntyre is also a possible source of the partial female DNA profiles developed from the cigarette butts (items P4 and P5). The probability of randomly selecting an unrelated individual that could have contributed to the mixture DNA profiles is approximately:

Item P4 - 1 in 1 thousand
Item P5 - 1 in 50 thousand.

Marilyn McIntyre is a possible contributor to the mixture DNA profiles developed from the stains on the wall (items AC, AD and AE). The probability of randomly selecting an unrelated individual that could have contributed to the mixture DNA profiles is approximately:

Item AC - 1 in 34
Item AD - 1 in 144 million
Item AE - 1 in 41 thousand.

Curtis Forbes is included as a possible contributor to the DNA mixture profile detected from the cigarette butt (item P1). The probability of randomly selecting an unrelated individual that could have contributed to the mixture DNA profile is approximately 1 in 11 thousand.

The above conclusions are to a reasonable degree of scientific certainty based on population statistics from the Federal Bureau of Investigation database of unrelated Caucasian, African American, Southeastern Hispanic and Southwestern Hispanic individuals.

The source attribution conclusions are based on the calculated frequency of the STR DNA profile being rarer than 1 in 6 trillion individuals which is approximately one thousand times the world's population.

Marilyn McIntyre (item W & AS), Lane McIntyre (item BU), Christopher McIntyre (item CU), Curtis Forbes (item BI), Tom Seidinger (item CF), Brian Ellis (item CG), Jeffrey Aide (CH) and Kenneth Peeler (item CI) are eliminated as possible sources and/or contributors to the DNA profiles detected from the cigarette butts (items P2 and P3).

Marilyn McIntyre, Lane McIntyre, Christopher McIntyre, Tom Seidinger, Brian Ellis, Jeffrey Aide and Kenneth Peeler are eliminated as possible sources and/or contributors to the DNA profile detected from the cigarette butt (item P1).

Lane McIntyre, Christopher McIntyre, Curtis Forbes, Tom Seidinger, Brian Ellis, Jeffrey Aide and Kenneth Peeler are eliminated as possible sources and/or contributors to the DNA profiles detected from the cigarette butts (items P4 and P5) and the stains on the wall (items AC, AD and AE).

The mixture STR DNA profile from the stain on the wall (item AE) was entered into the Casework Index of the Combined DNA Index System (CODIS) on December 15, 2008. An initial search against local and state databases revealed no matches. This STR DNA profile will be routinely searched against state and national databases. The submitting agency will be notified of any significant matches.

The mixture STR DNA profiles from the cigarette butts (items P1, P2 and P3) and the stains on the wall (items AC and AD) are unsuitable for entry into CODIS. The partial STR DNA profiles developed from the cigarette butts (items P4 and P5) are also unsuitable for entry into CODIS).

Please submit appropriate biological standards from any individuals involved for further DNA interpretations to be made.

Evidence Disposition:

All items of evidence will be returned to the submitting agency.

11/09/08

SUPPLEMENT TO 07-28750

I, Detective Sergeant Linda Shawback, was working detective assignment for the Columbia County Sheriff's Department on 10/06/08. On this date I submitted the following items of evidence to the crime lab for analysis.

Evidence Item #26

Evidence Item #27

Evidence Item #28

Evidence Item #30

Evidence Item #31

Evidence Item #32

Evidence Item #14

Evidence Item #71

Upon submitting these items to Fran Lutz I did receive a Receipt of Physical Evidence form from the lab from Ms. Lutz. The original will be included with this supplemental report. In addition, it was decided that Evidence Item #6, which is a blanket, would not be transmitted to the crime lab and would be returned to the Columbia County Sheriff's Department evidence room. That has since been done. This will conclude the supplemental report for 07-28750.

LS/vh

DETECTIVE SERGEANT LINDA SHAWBACK #3318/1502

Copy: DA (x2), Columbus PD & Det. Sgt. Shawback 11/09/08