

# **EXHIBIT 37**



September 28, 2006

Kevin D. Mohr  
Attorney at Law  
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1100 Louisiana Street, Suite 4000  
Houston, TX 77002-5213

SERI Case No. M'6923'06  
Trial Court Cause No. 9407130  
Re: Charles Douglas Raby

### **ANALYTICAL REPORT**

On March 30<sup>th</sup> 2006 two items of evidence were received at the Serological Research Institute (SERI) from Investigator Donald Cohn of the Harris County District Attorney's Office via Fed Ex (854935059643). A forensic DNA analysis utilizing the Polymerase Chain Reaction (PCR) was requested. As per the court order of March 18<sup>th</sup> 2006 a report was requested after DNA quantitation results were obtained. On June 2<sup>nd</sup> 2006 a preliminary report was issued on these findings.

A court order on the above action, dated July 18<sup>th</sup> 2006, instructed me to combine the DNA extracts from two of the left hand fingernail extracts (items 1-5 and 1-6) and analyze these for male specific short tandem repeats (YSTRs) utilizing the Polymerase Chain Reaction (PCR).

#### **ITEM 1 RIGHT AND LEFT HAND FINGERNAIL CLIPPINGS (4A & 4B)**

For a description of the first examination and testing refer to the preliminary report dated June 2<sup>nd</sup> 2006. On the present occasion the previously extracted DNA from the left hand fingernail clippings (items 1-5 and 1-6) were combined and concentrated. The combined extract was quantified and subjected to amplification by PCR. The amplified products were subjected to genetic marker analysis and the results are tabulated below.

#### **ITEM 2 LIQUID BLOOD REFERENCE SAMPLE FROM CHARLES RABY**

This item consists of liquid blood. A portion of the blood was sampled and extracted for DNA content. The extract was quantified and amplified by PCR. The amplified products were subjected to genetic marker analysis. The results are tabulated below.

**TABLE OF RESULTS**

ITEM	DESCRIPTION	DYS456	DYS389I	DYS390	DYS389II	DYS448	DYS19	DYS385 a/b	DYS393	DYS391	DYS439	DYS6A5	DYS392	Y GATA H4	DYS437	DYS438	DYS448
2	Reference From-Charles Raby Extraction Blank-Reference	15	13	24	29	17	14	14,16	13	11	11	23	13	11	15	12	19
1-5 & 1-6	1-5 & 1-6 Combined Left Hand Nail Extracts	15[14]	12[13]	24	[28]	17	[15]	12[15]	13	10	[12]	NA	[13]	12	[15]	[9]	NA
	Extraction Blank	NA	NA	NA	NA	[18]	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

Key: NA = No activity.  
 [ ] = Alleles in brackets are between 50 and 149 RFU. Because of the low activity of these alleles, it may not be possible to determine all of the genotypes at this locus.

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### EXPLANATIONS

Human DNA consists of a number of genetic marker systems. Nuclear DNA is stored as chromosomes found only in the nucleus of the cell. In the nuclear DNA there are Short Tandem Repeats (STR's) found scattered throughout the human genome in specific locations (loci) and on the pairs of chromosomes. The biological parents contribute one set of chromosomes each to make up a unique genetic profile for the offspring. Included in the set of chromosomes are the sex chromosomes X and Y. The Y-chromosome specific STR loci (Y-STRs) are an inherited consistent group of linked genetic marker types (haplotype). The Y-STR haplotype is located in the non-recombining region of the Y chromosome and the same haplotype is passed on to the male offspring from the male parent. Therefore, a result consistent with an individual for Y-STRs also does not exclude any paternally related male individual. These Y-STR genetic markers can be amplified using the Polymerase Chain Reaction (PCR) process and the PCR products are then analyzed by capillary electrophoresis (CE) to separate the amplified products according to size and by the color emitted from fluorescent dye labeling. The following are Y-STR genetic markers: DYS456, DYS389I, DYS390, DYS389II, DYS458, DYS19, DYS385 a/b, DYS393, DYS391, DYS439, DYS635, DYS392, YGATAH4, DYS437, DYS438, and DYS448.

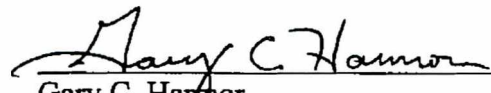
### CONCLUSION

The YSTR DNA genetic profile obtained from the combined DNA extracts (items 1-5 and 1-6) is a mixture of at least two individuals that is weak and incomplete. Charles Raby (item 2) is not a contributor to the DNA profile from items 1-5 and 1-6.

### EVIDENCE DISPOSITION

Please advise as to the disposition of the evidence at our earliest convenience.

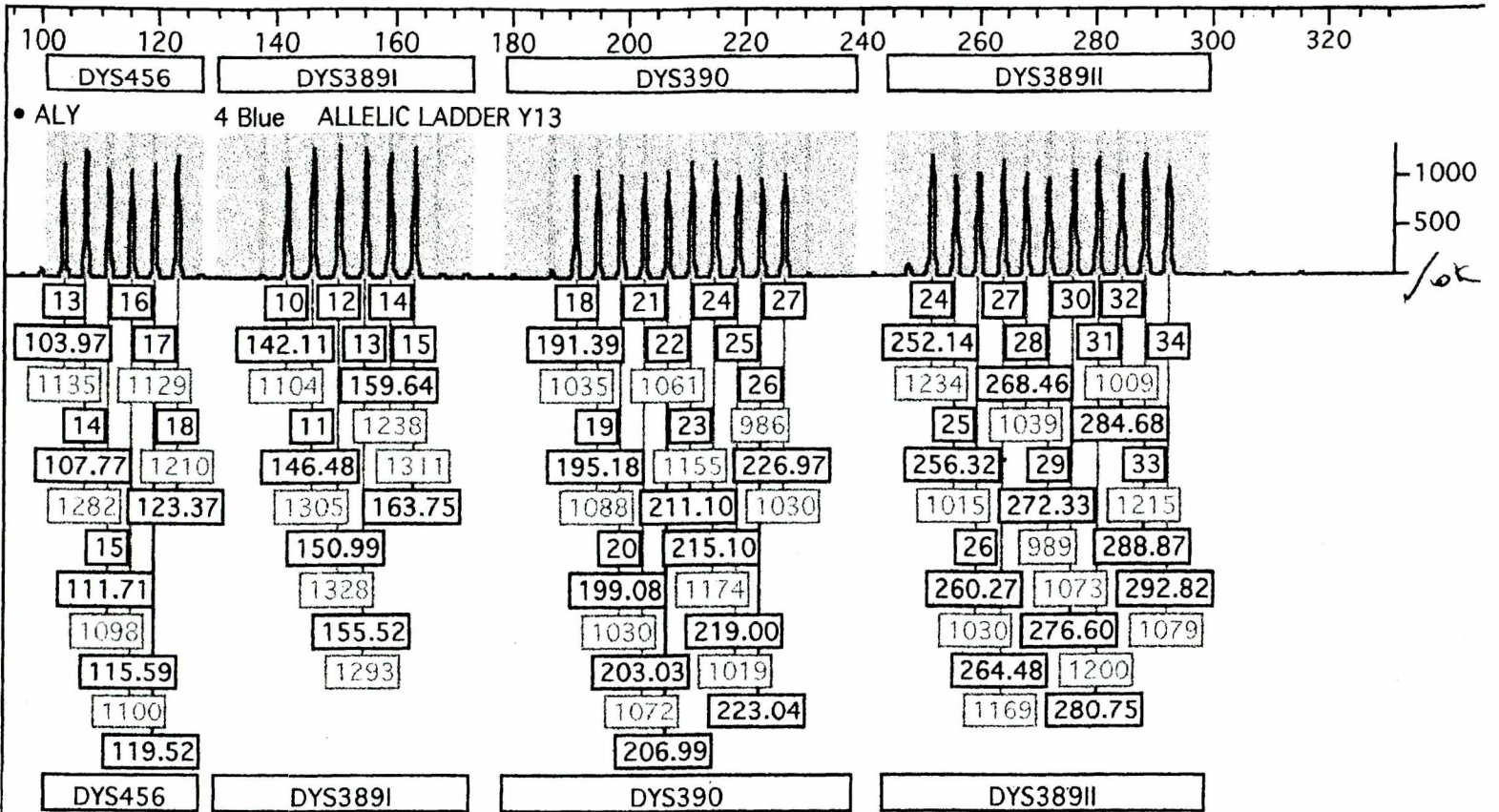
SEROLOGICAL RESEARCH INSTITUTE

  
\_\_\_\_\_  
Gary C. Hamner  
Senior Forensic Serologist

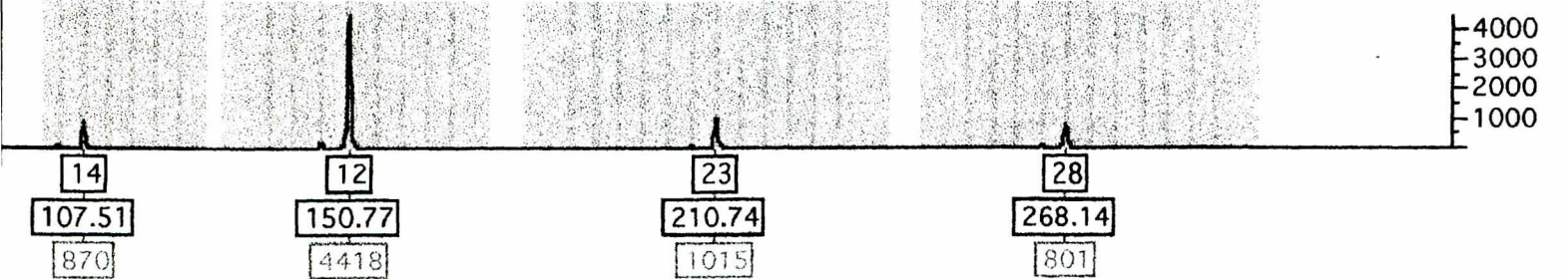
cc. Lynn Hardaway, ADA

~~Sarah Frazier, Attorney at Law~~

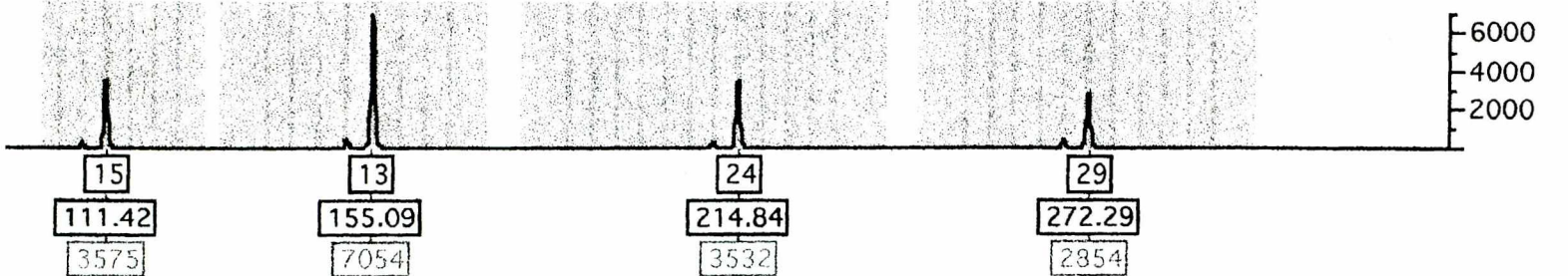
# **EXHIBIT 39**



D33002 24 Blue 3 (14515) REFERENCE FROM E. BENGÉ AMP 3875 M'6923'06

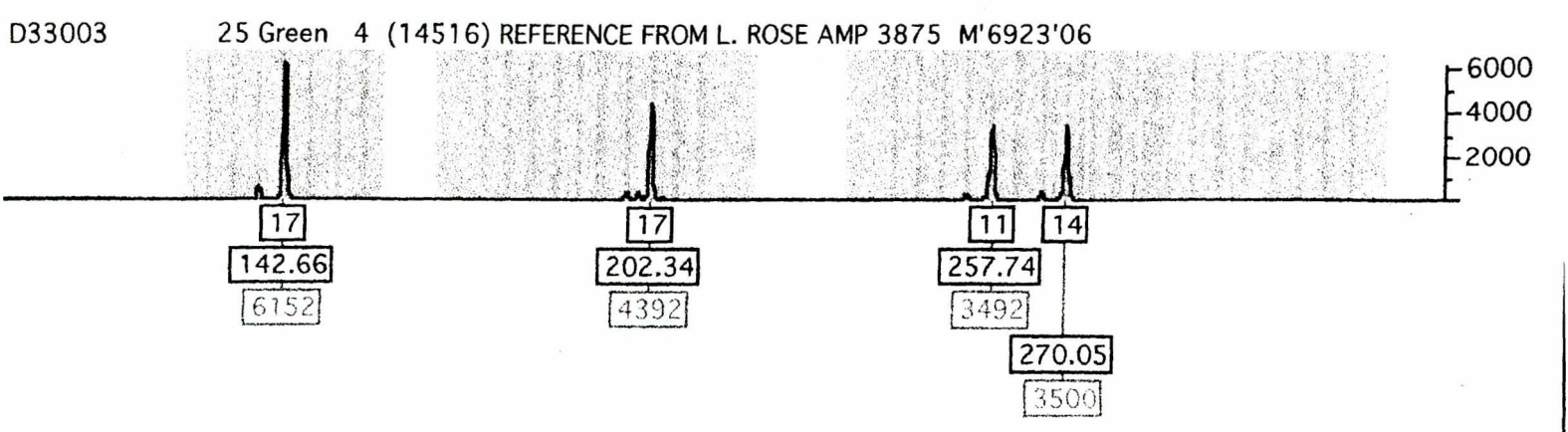
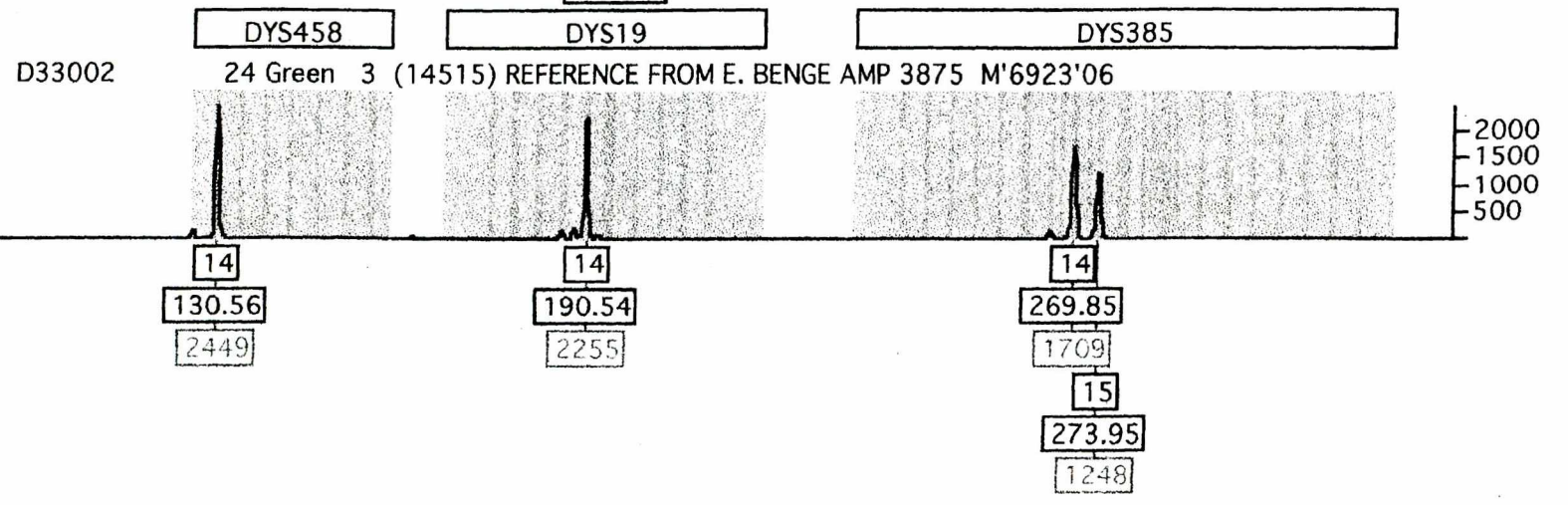
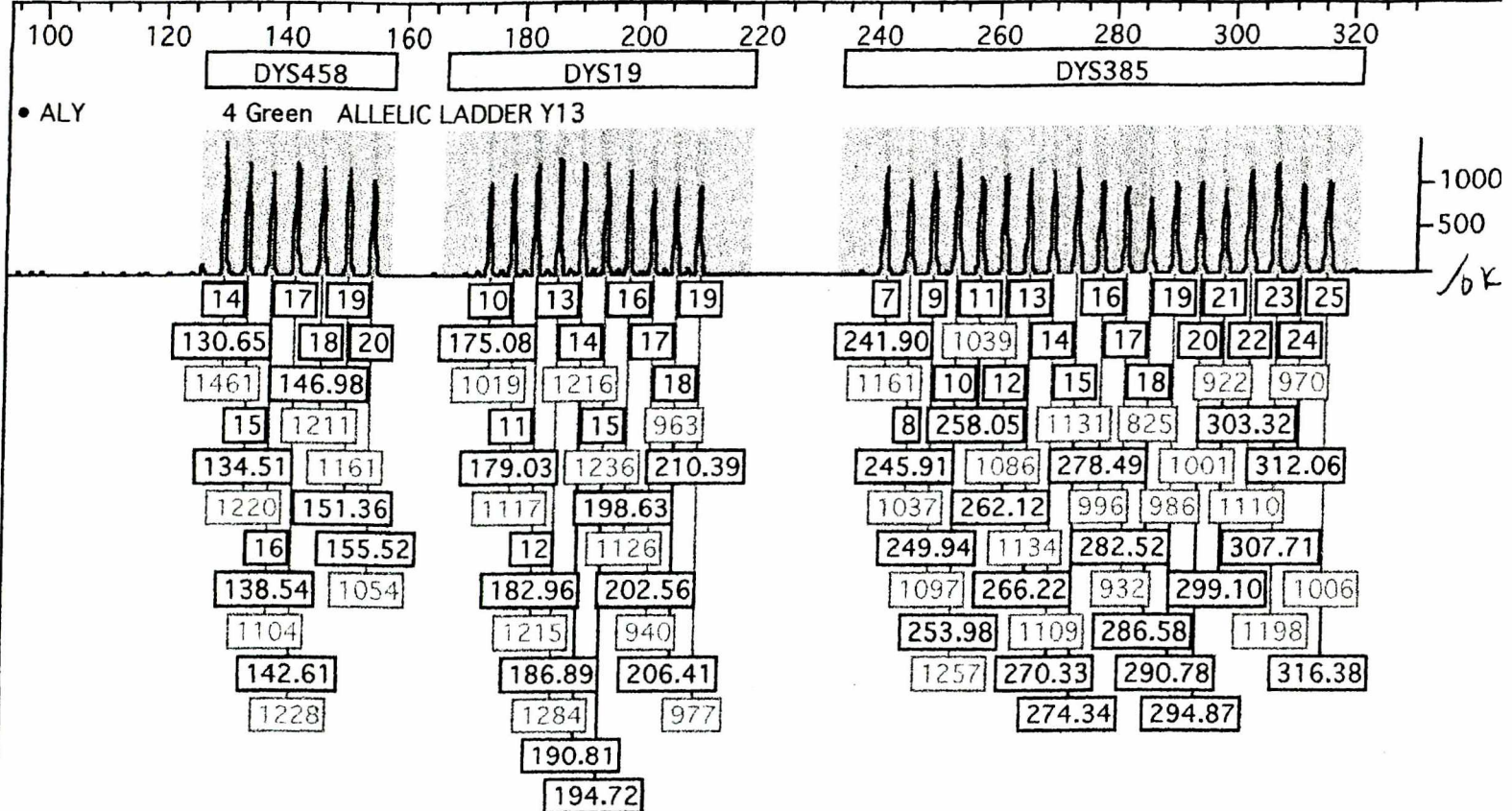


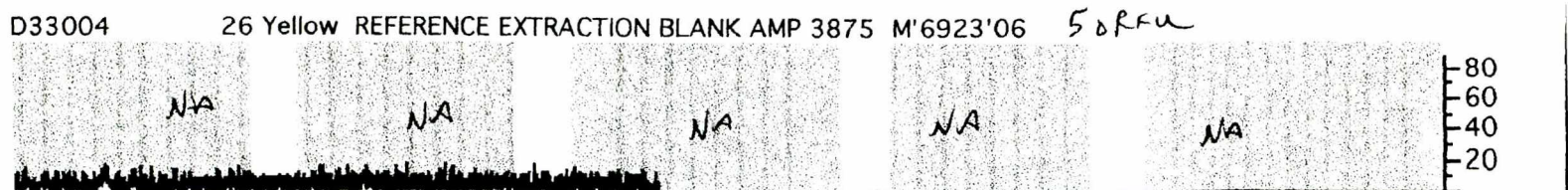
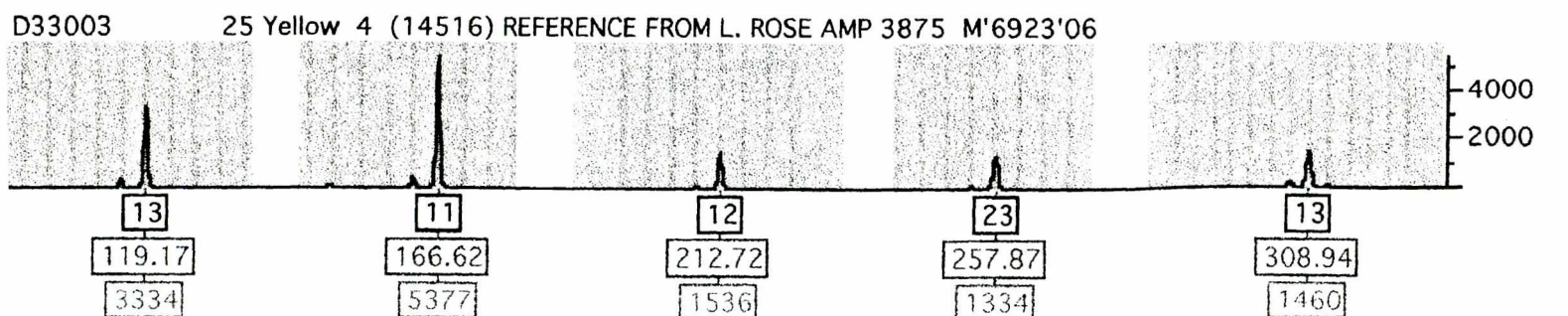
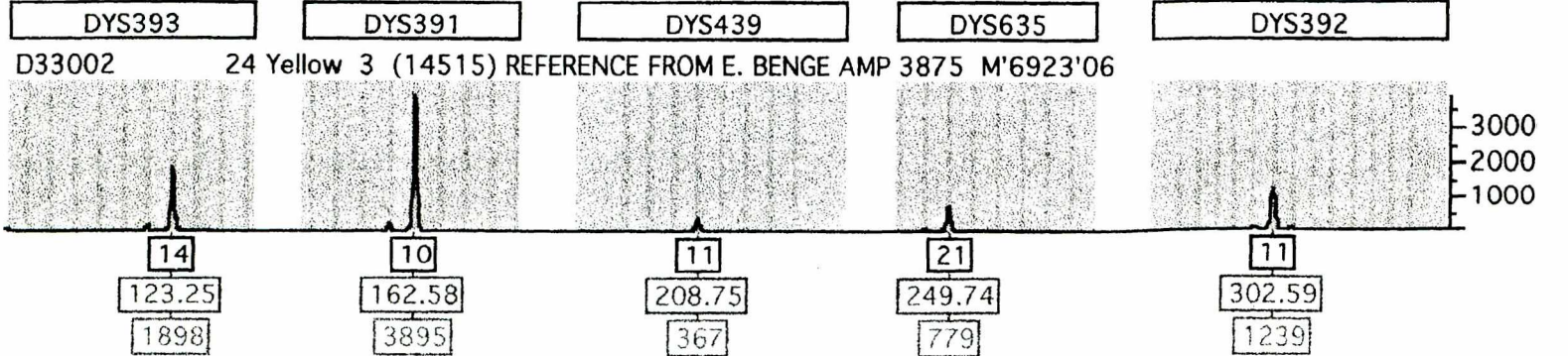
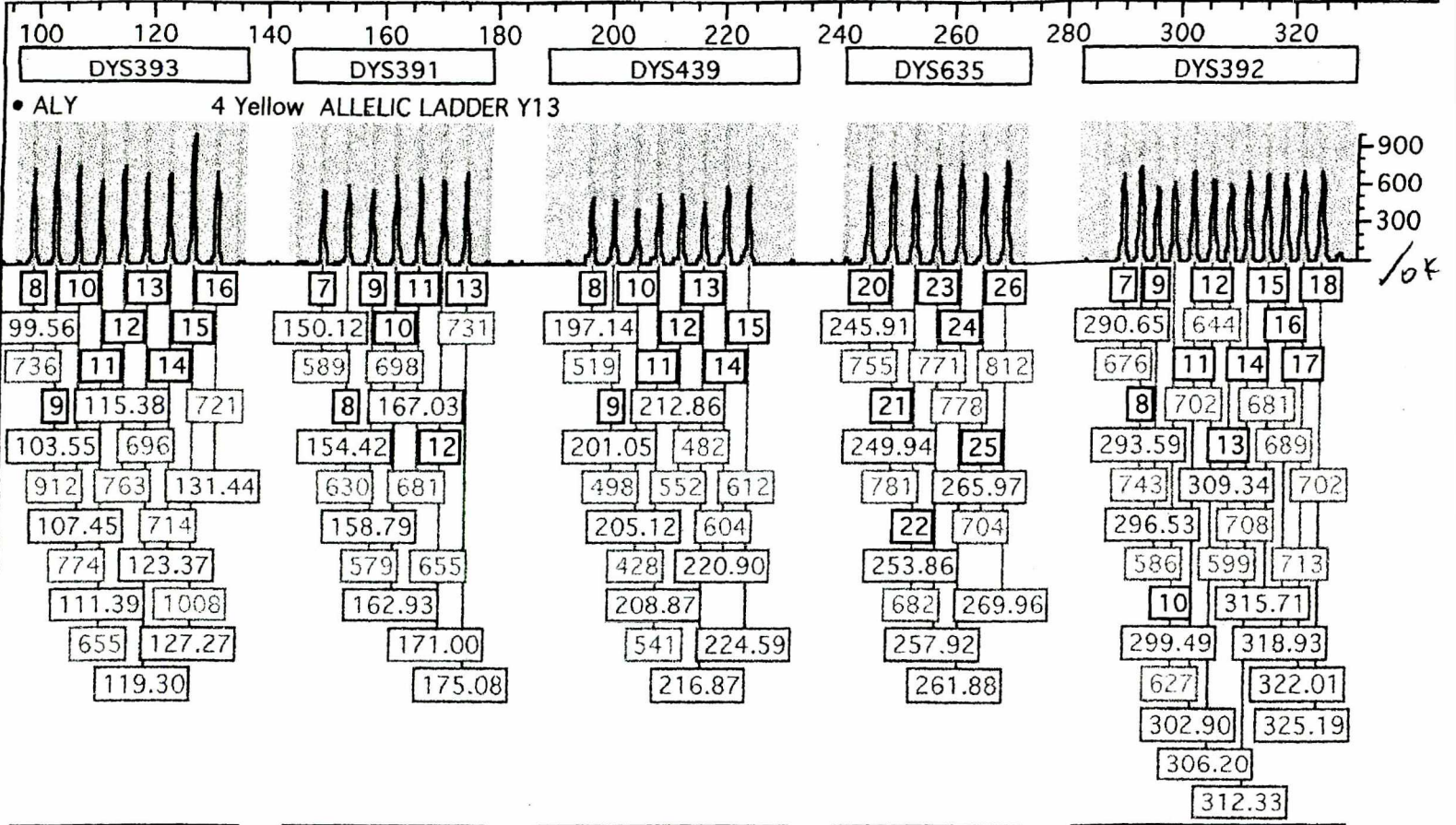
D33003 25 Blue 4 (14516) REFERENCE FROM L. ROSE AMP 3875 M'6923'06



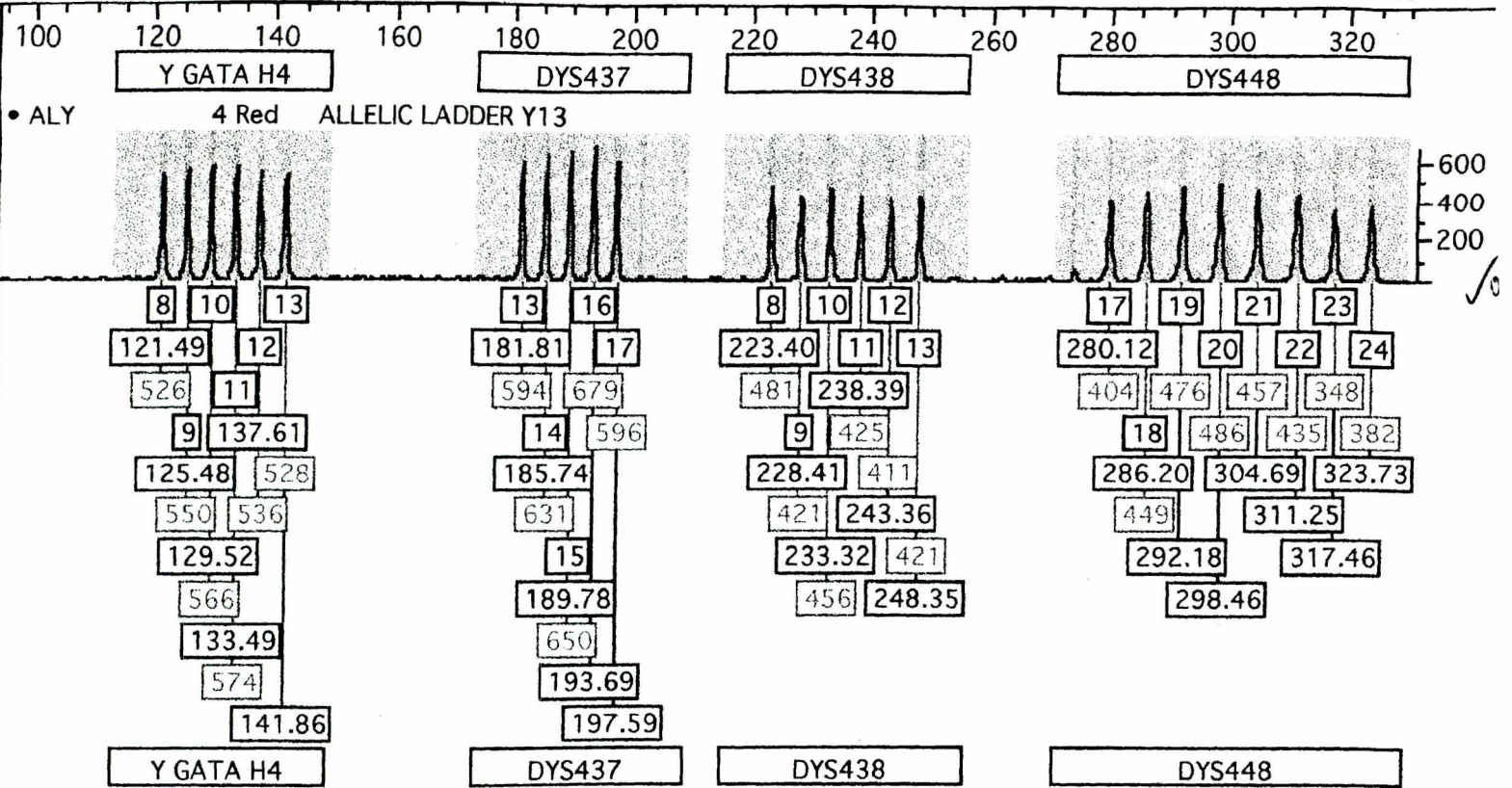
D33004 26 Blue REFERENCE EXTRACTION BLANK AMP 3875 M'6923'06 50RFU



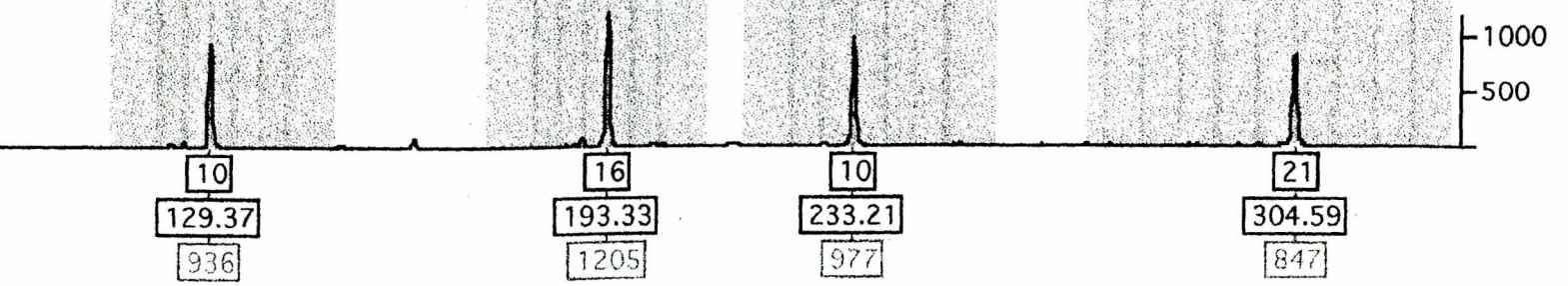




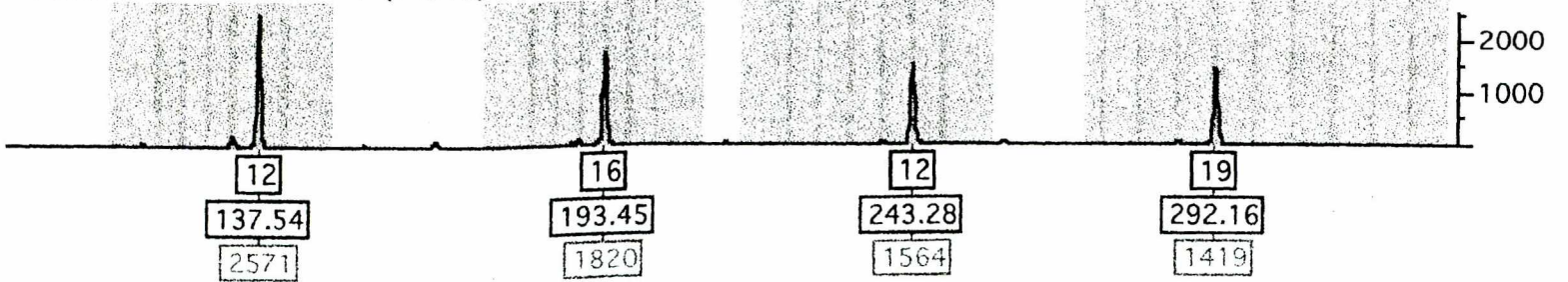




D33002 24 Red 3 (14515) REFERENCE FROM E. BENGÉ AMP 3875 M'6923'06



D33003 25 Red 4 (14516) REFERENCE FROM L. ROSE AMP 3875 M'6923'06

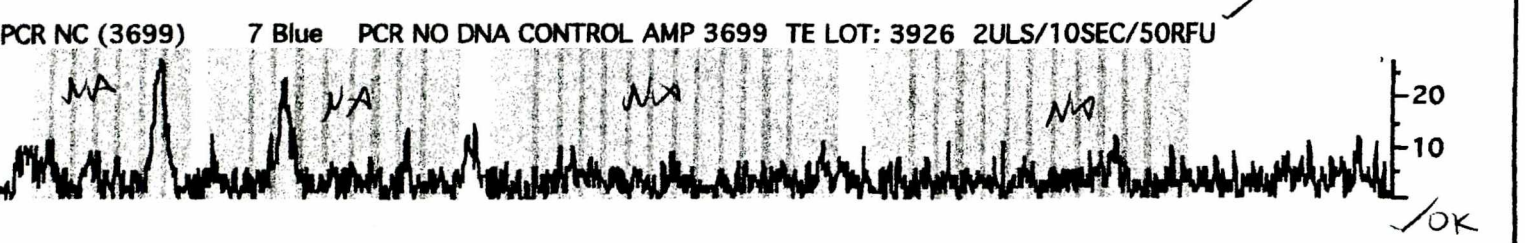
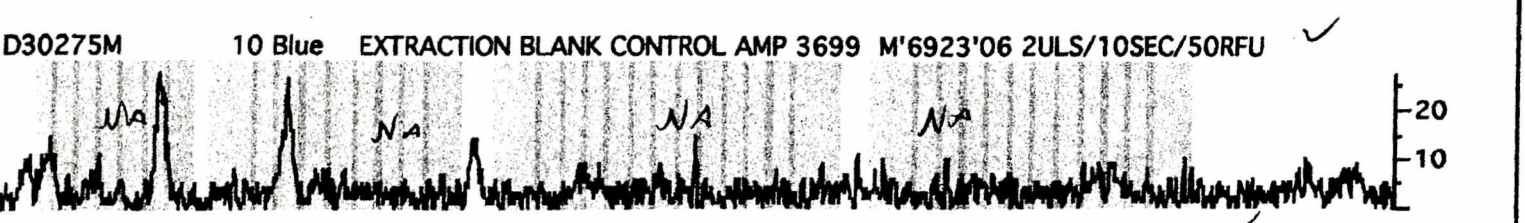
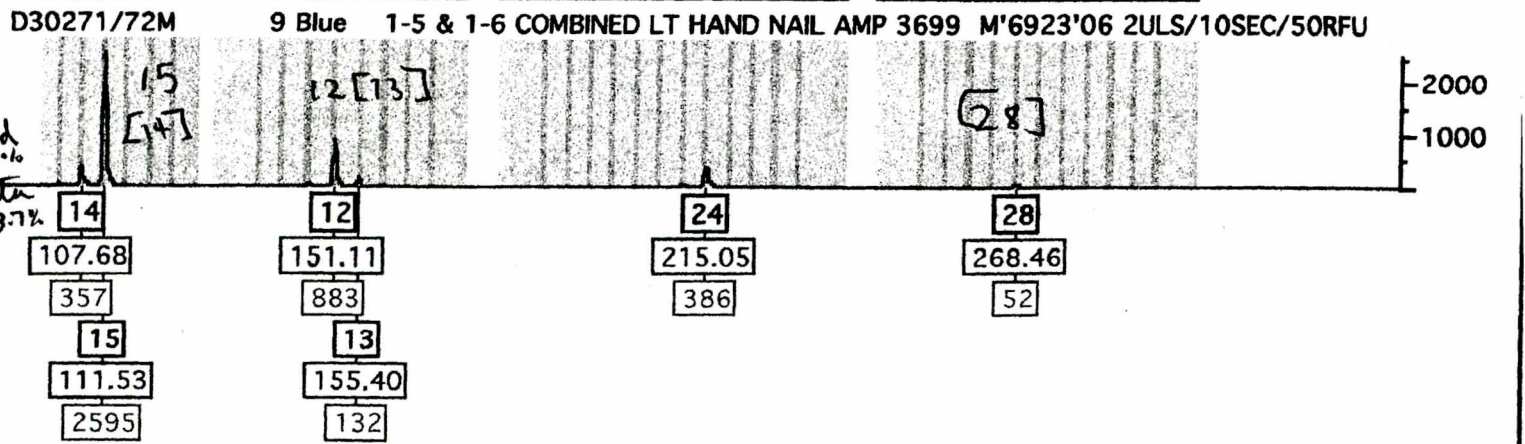
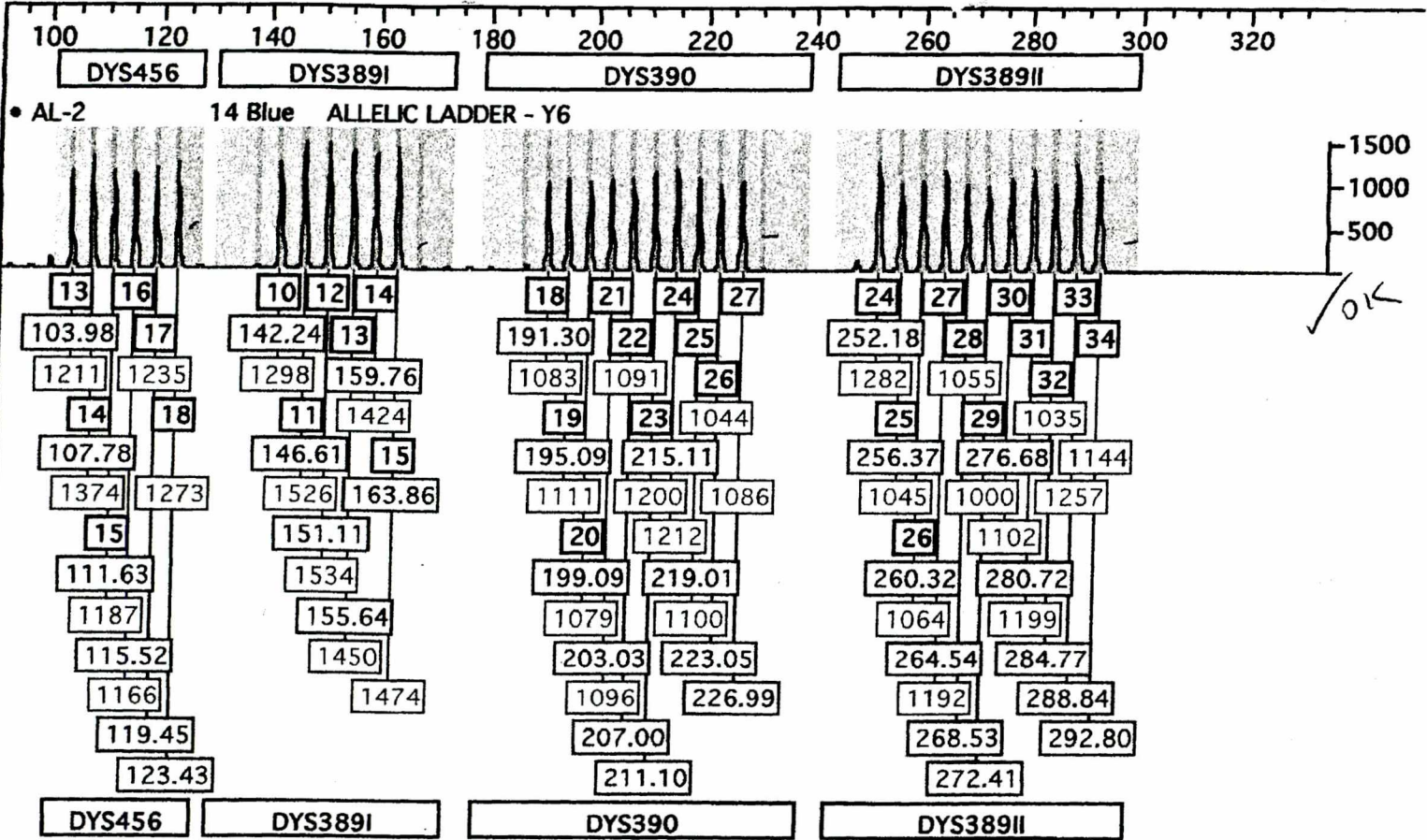


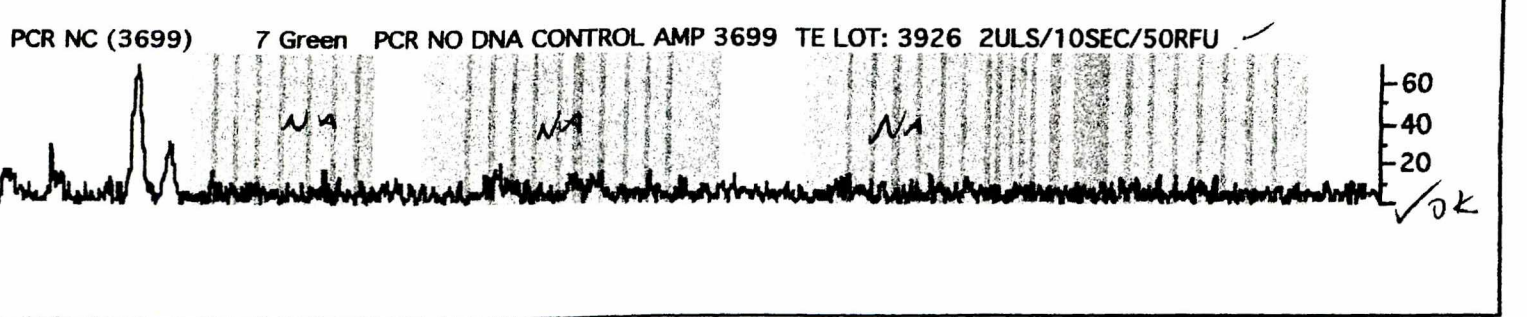
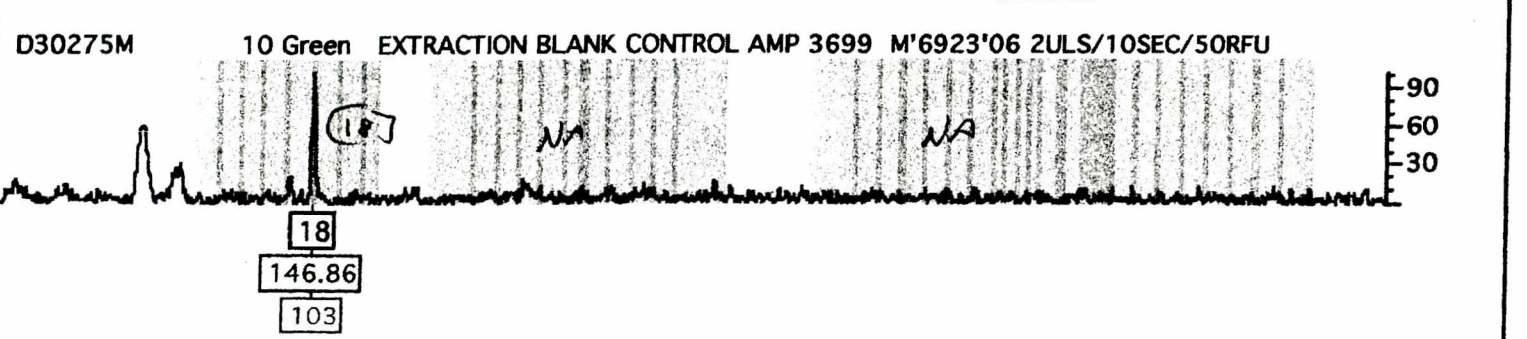
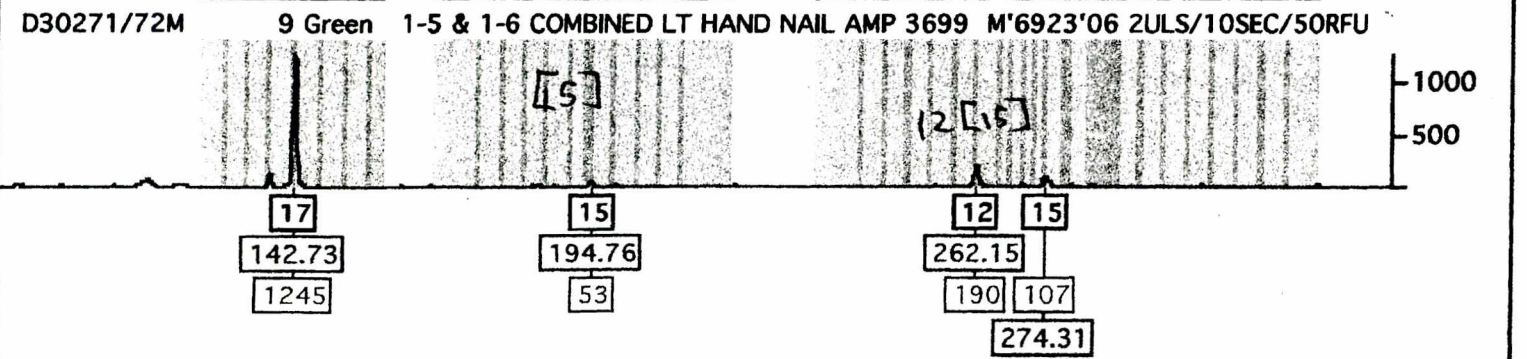
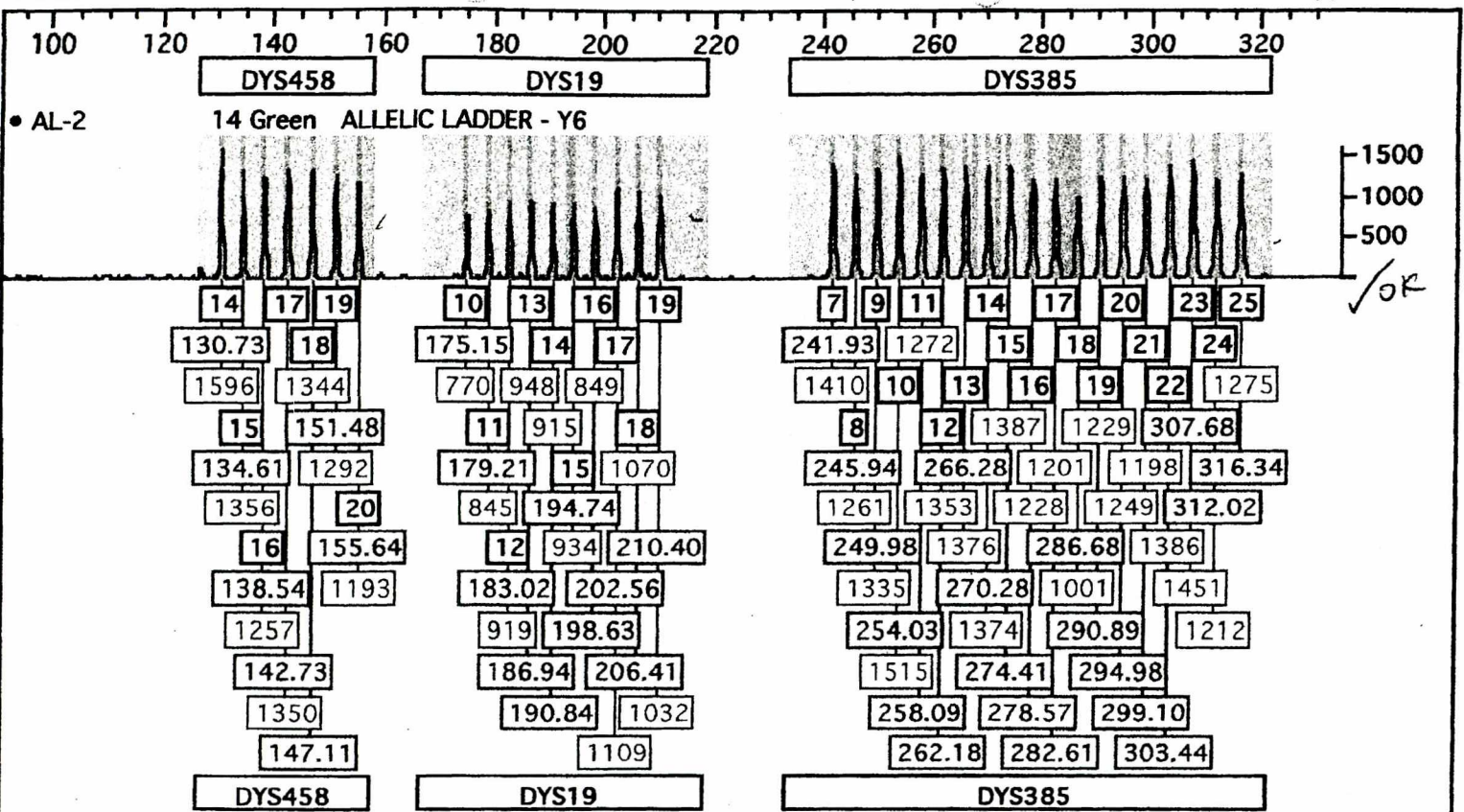
D33004 26 Red REFERENCE EXTRACTION BLANK AMP 3875 M'6923'06

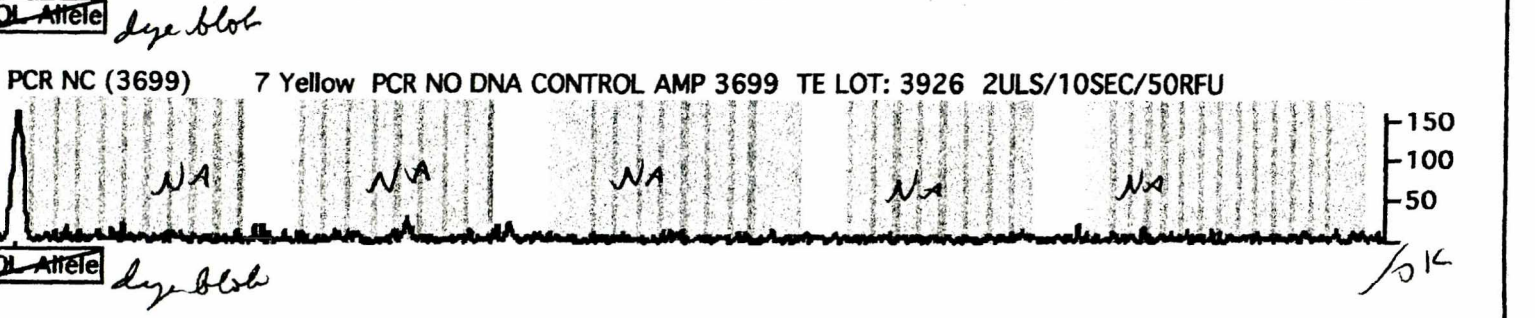
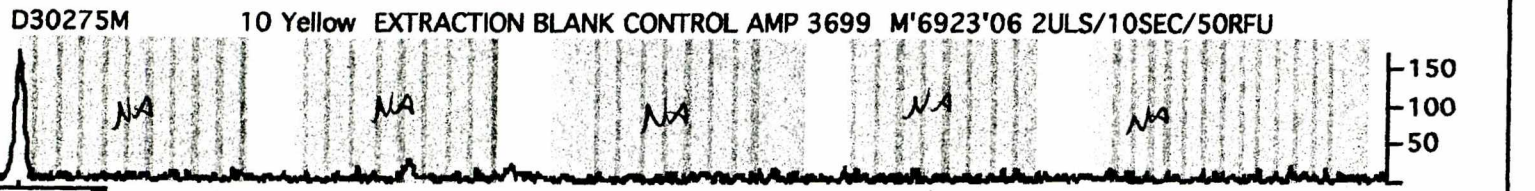
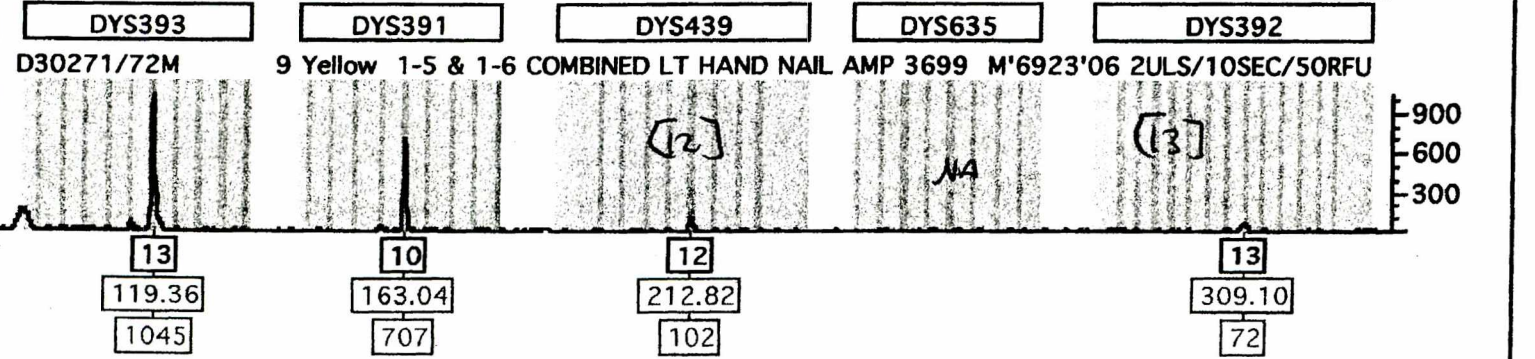
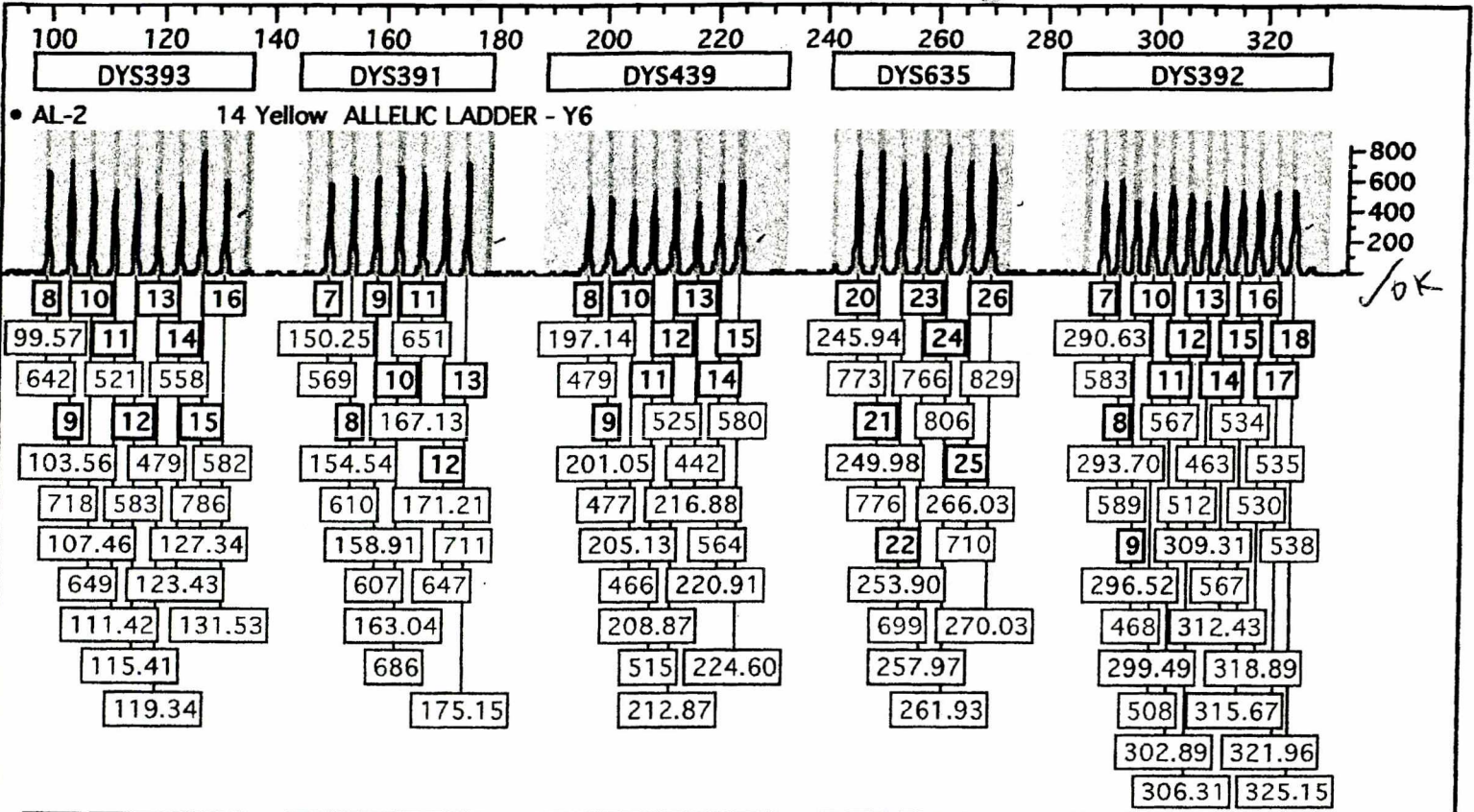
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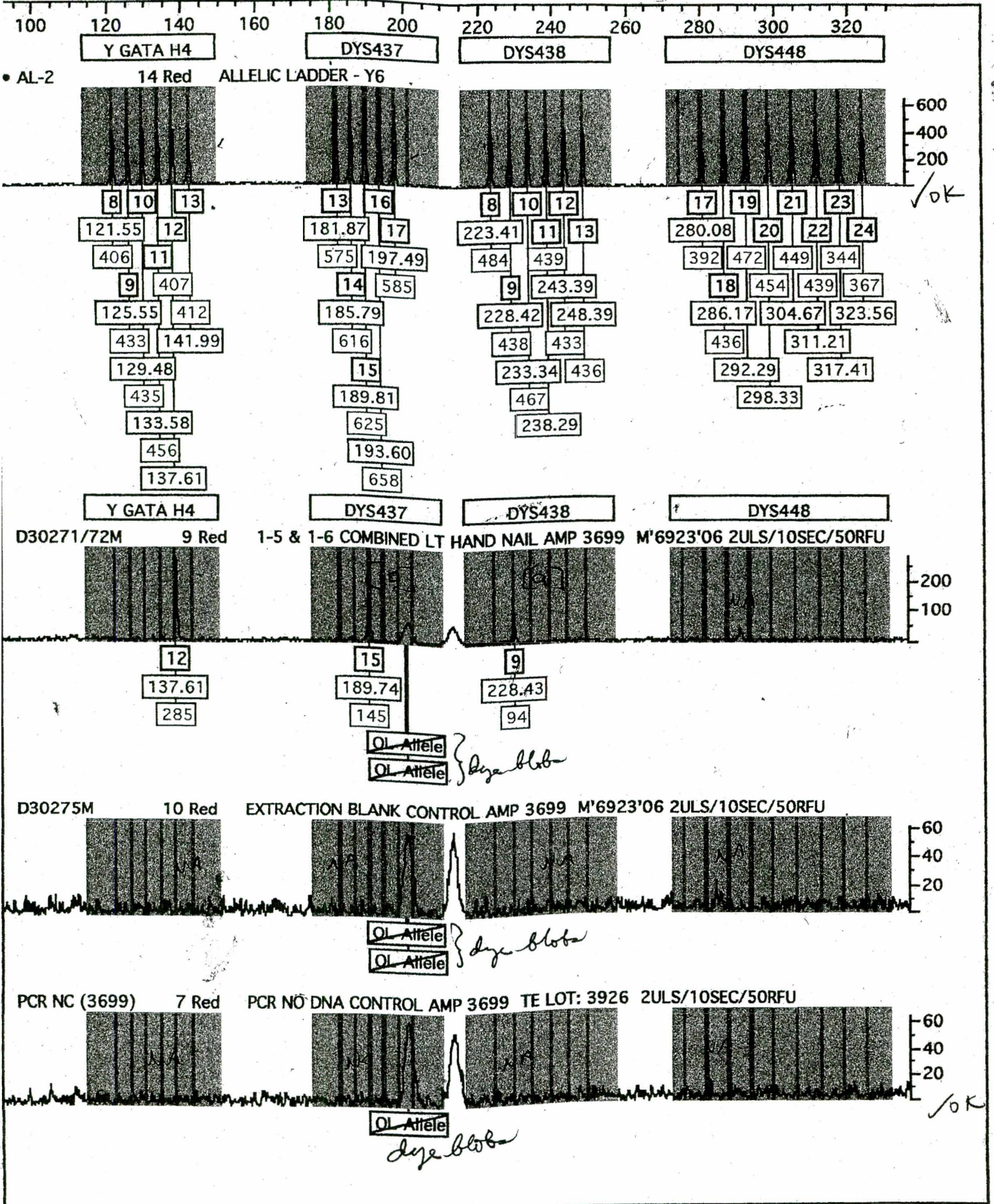
50 RFL

# **EXHIBIT 40**

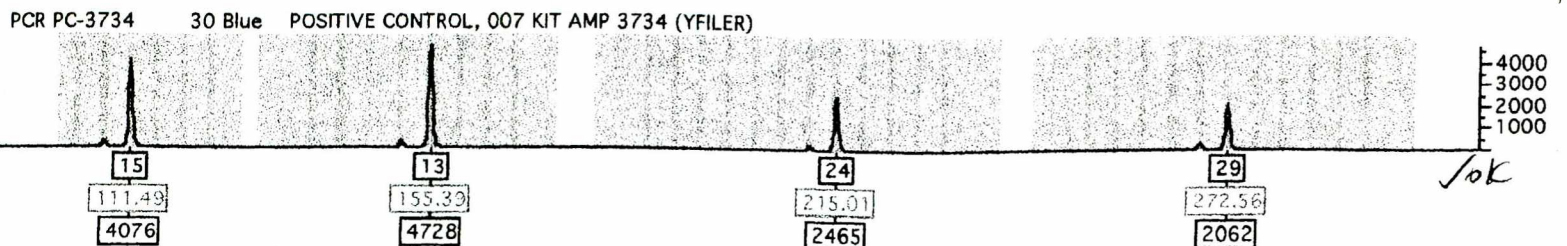
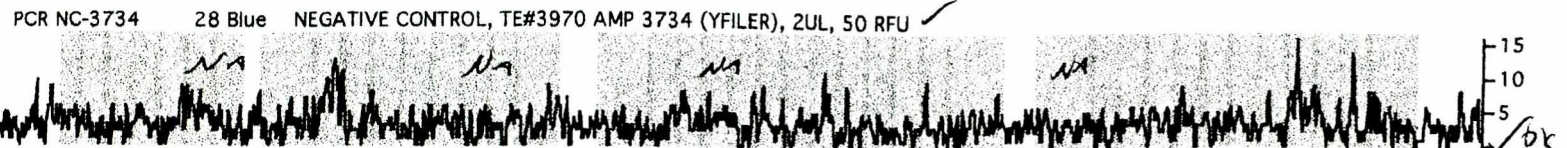
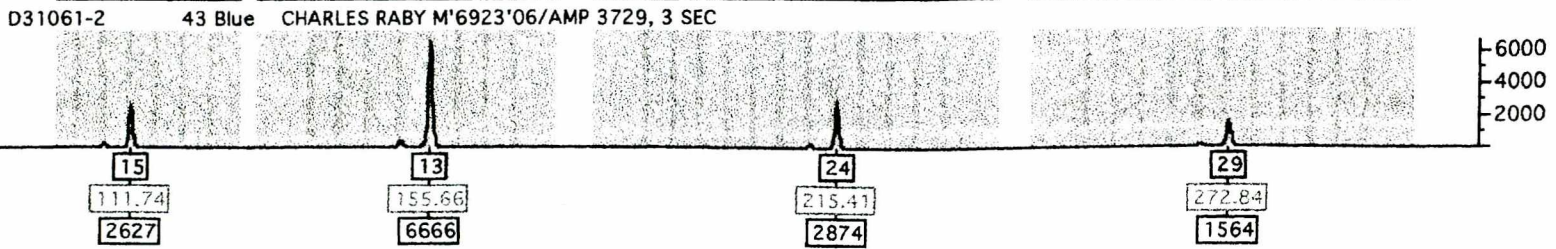
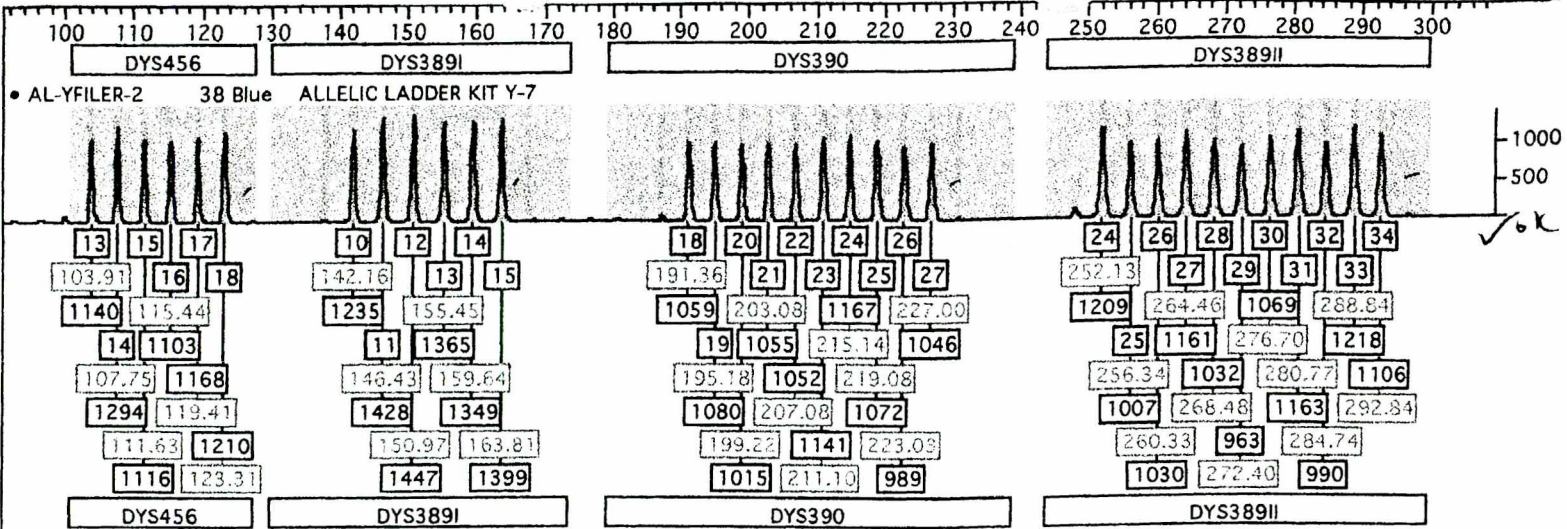




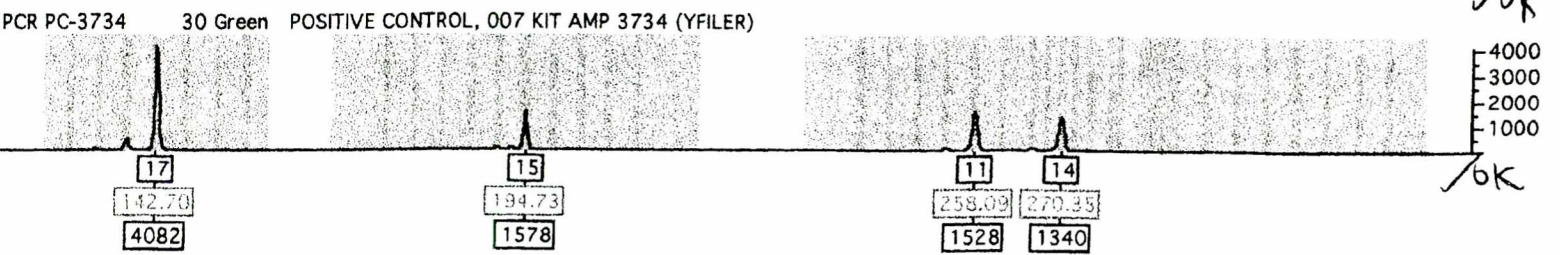
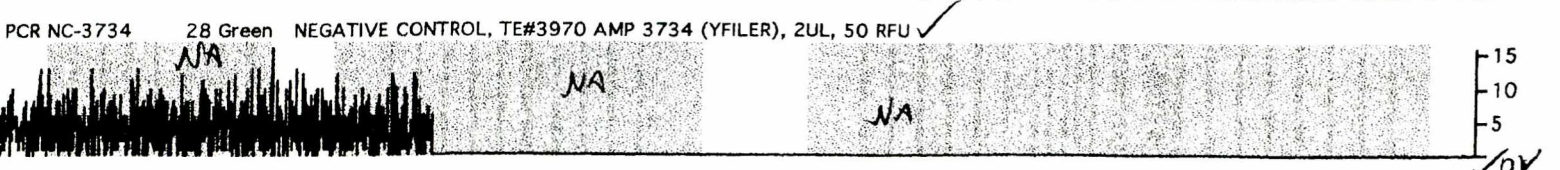
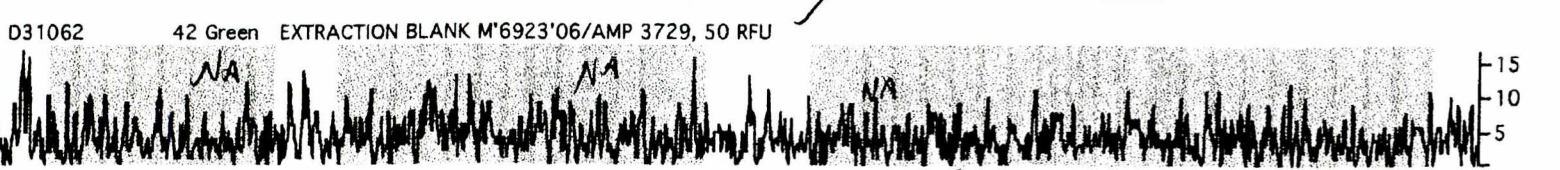
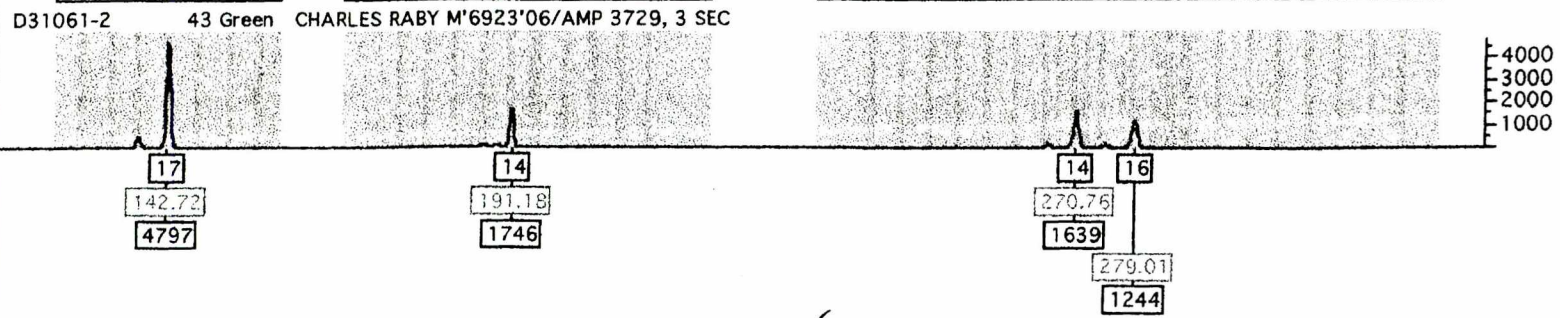
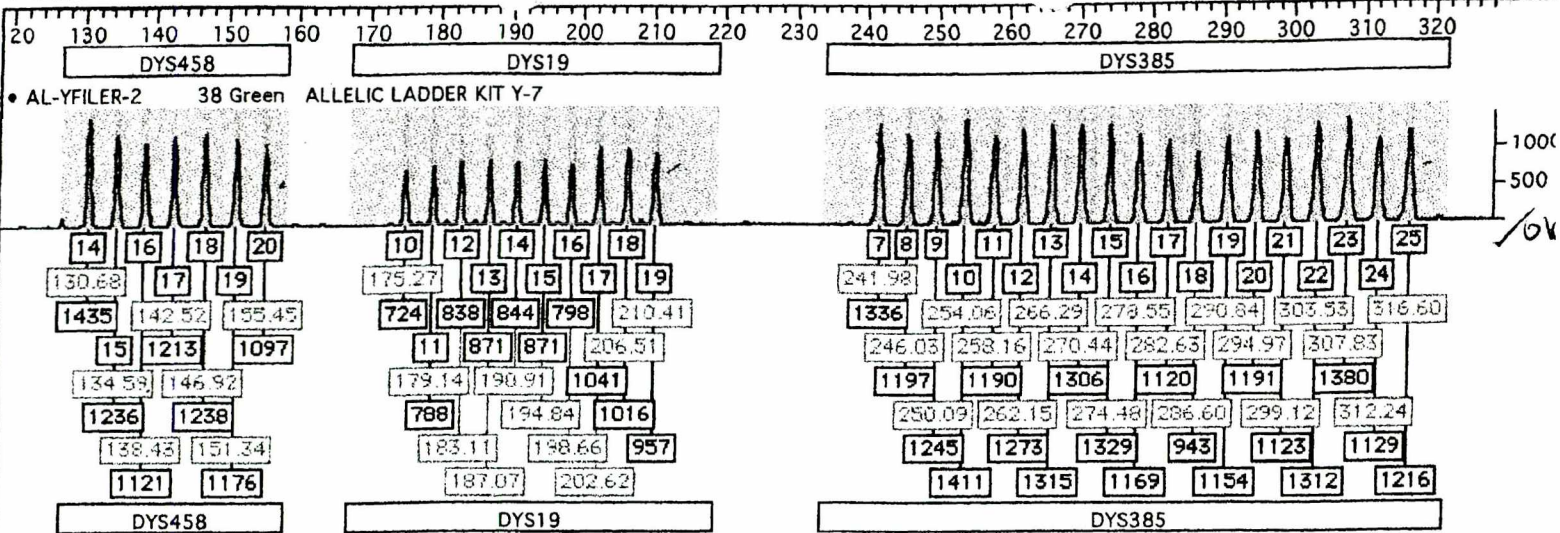


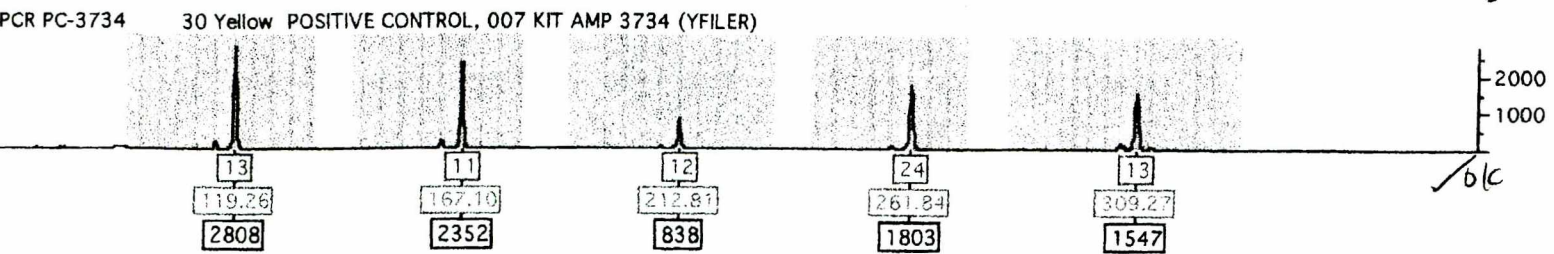
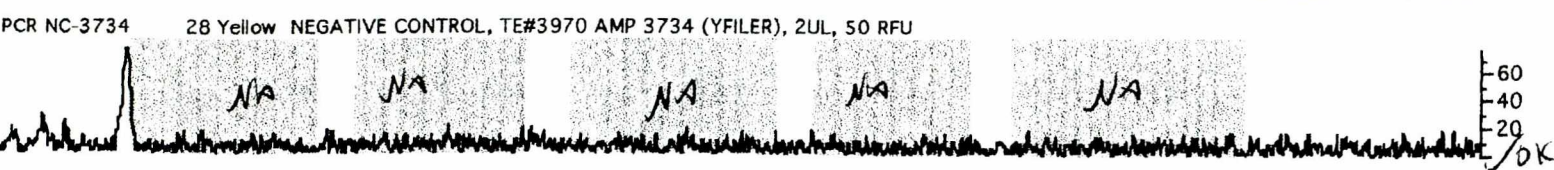
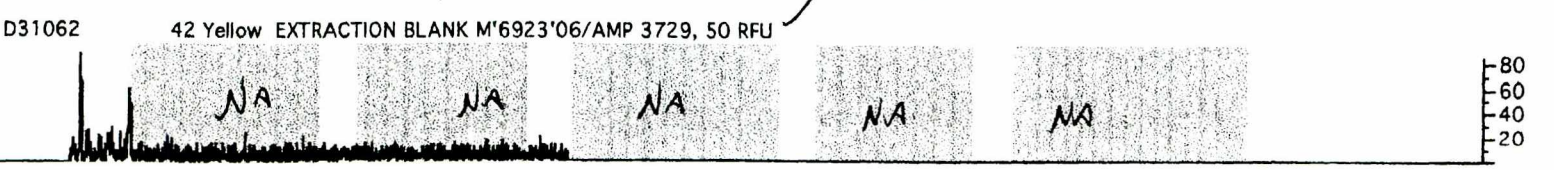
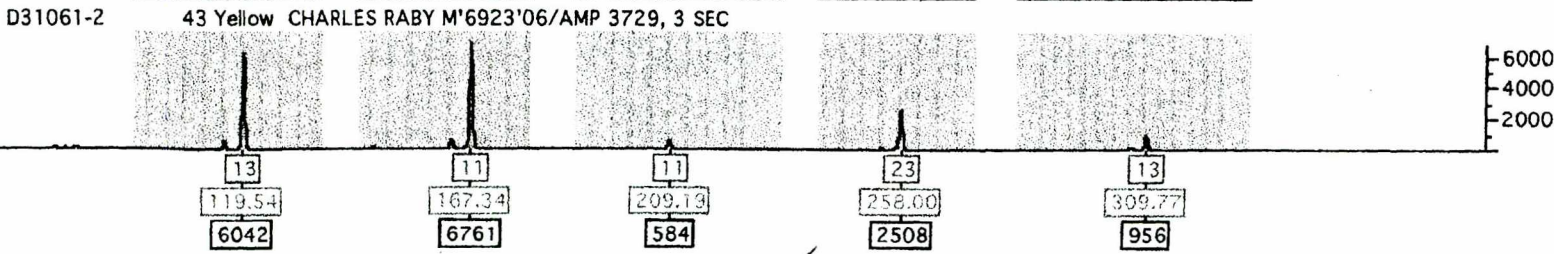
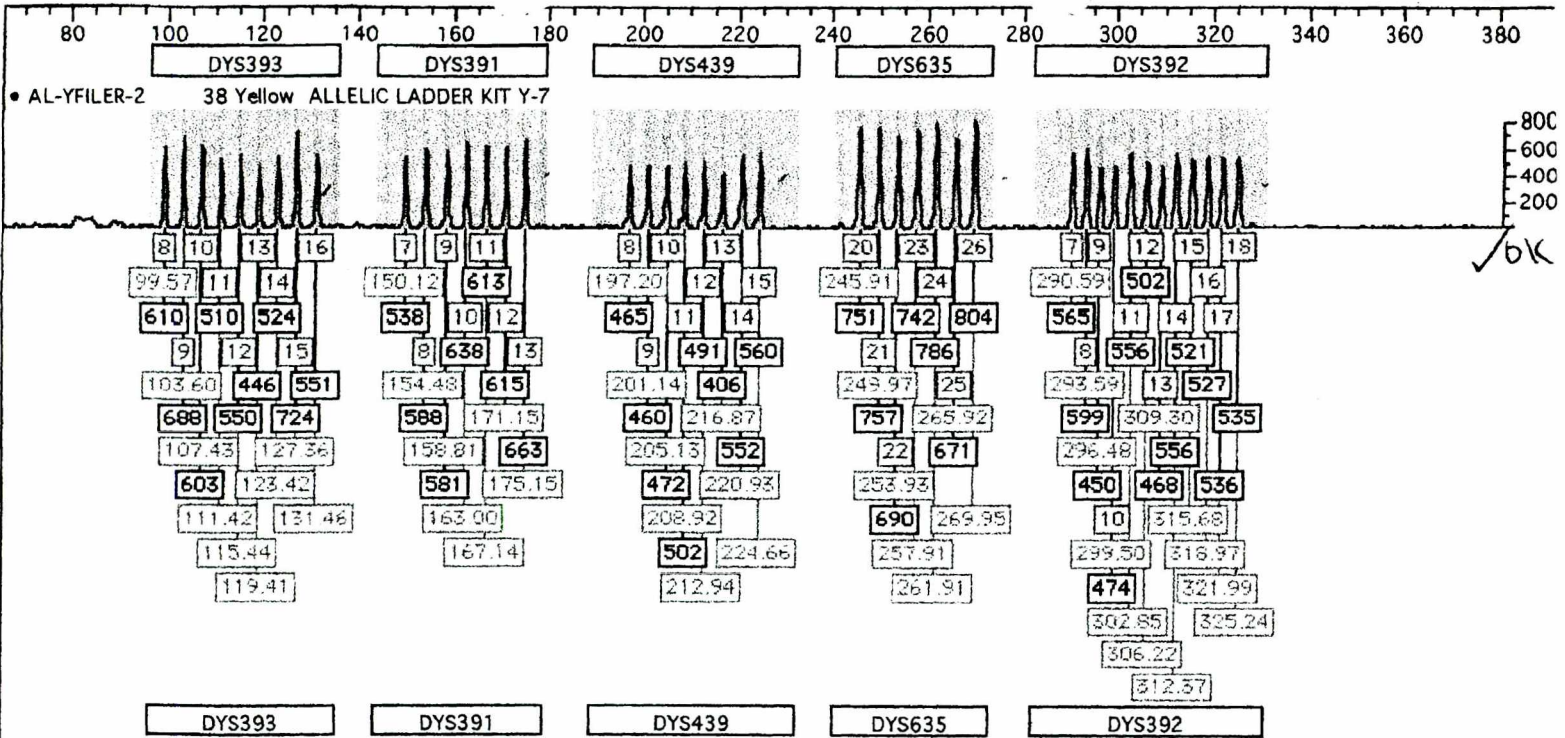


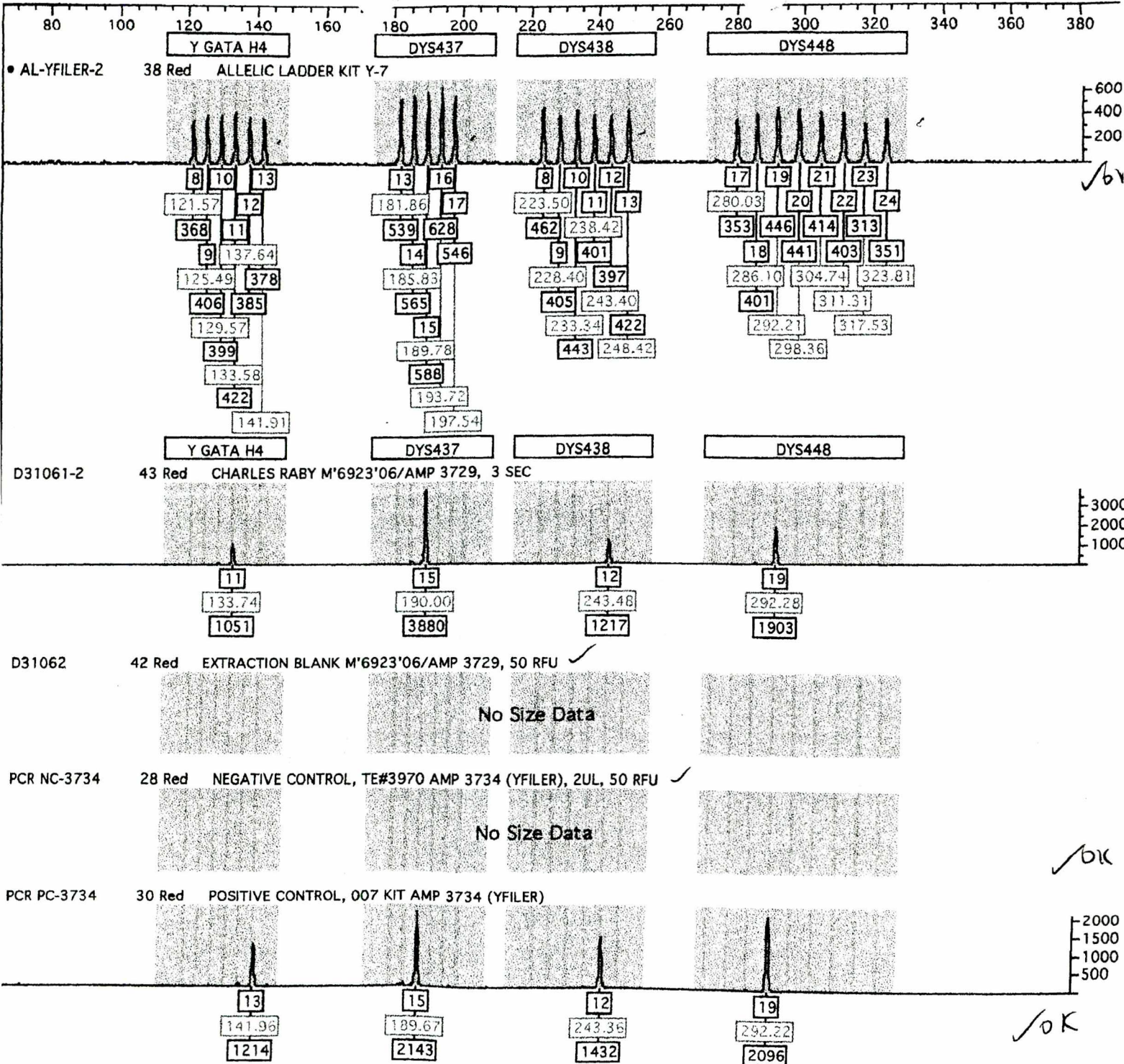
# **EXHIBIT 41**











# **EXHIBIT 43**



DNA EXTRACTS AND AMPLIFICATION II

10/2

Case No: M16923'06 Date 10/05/06 Serologist US R.O. DP

DNA NO.	SAMPLE	AREA	EXT	VOL (ul)	QUANT H (ng/ul)	QUANT Y AMP (ng/ul)	AMP	AMP	RCT NAME	LOT NO.	EXP DATE
D30267	rt. hand nail	1-1	0	25 u1	0.0109	NA			PBS		
D30268	rt. hand nail	1-2	0	25 u1	0.00126	NA			Sterile dH2O	3805	13 <sup>7</sup> /06
D30269	rt. hand nail	1-3	0	25 u1	0.0155	NA			Digest Buffer	3923	28 <sup>3</sup> /04
D30270	rt. hand nail	1-4	0	25 u1	0.0217	NA			pro K	3924	29 <sup>3</sup> /04
D30271	rt. hand nail	1-5	0	25 u1	0.124	0.0057	ratio: 20/1		DTT		
D30272	rt. hand nail	1-6	0	25 u1	0.214	0.0063	ratio: 33/1		Phenol-Chloroform	3769	2 <sup>11</sup> /06
D30273	rt. hand nail	1-7	0	30 u1	0.234	NA			TE	3901	20 <sup>9</sup> /07
D30274	rt. hand nail	1-8	0	20 u1	0.107	NA					
D30275	extr. Blank	b/c	0	25 u1	NA	NA					
D30271/M	Left Hand Nail				0.0114	3.699					
D30272/M	Left Hand Nail				NA	10 NA			TE AMP	3926	4 <sup>4</sup> /07
D30275/M	Extraction Blank				NA	10 NA					

Comments: M = M1 screen procedure for contamination + 100 uL TE Buffer Date MAY 27 2005 Technical Reviewer and

05-2-2005 AD

File: Q0089 H  
 Print Date: Wednesday, May 17, 2006 13:48:18  
 User: MAINLAB  
 Plate Type: Absolute Quantification  
 PCR Volume: 25 µL

Document Information

Operator: VS  
 Run Date: Wednesday, May 17, 2006 11:26:40  
 Last Modified: Wednesday, May 17, 2006 13:33:33  
 Instrument Type: Applied Biosystems 7500 Real-Time PCR System

Well	Sample Name	Detector	Task	Ct	StdDev Ct	Qty	Mean Qty	StdDev Qty
A4	D30273	Human	Unknown	29.83		2.34e-001		
		IPC	Unknown	28.54	0.600			
B4	D30274	Human	Unknown	30.88		1.07e-001		
		IPC	Unknown	28.15	0.872			
C3	D30267	Human	Unknown	33.98		1.09e-002		
		IPC	Unknown	27.98	0.940			
C4	D30275	Human	Unknown	Undet.		NA		
		IPC	Unknown	28.12	0.845			
D3	D30268	Human	Unknown	36.37		1.86e-003		
		IPC	Unknown	28.03	0.856			
E3	D30269	Human	Unknown	33.51		1.55e-002		
		IPC	Unknown	27.97	0.869			
F3	D30270	Human	Unknown	33.05		2.17e-002		
		IPC	Unknown	28.04	0.893			
G3	D30271	Human	Unknown	30.69		1.24e-001	0.124 ng/ml of human	
		IPC	Unknown	28.00	0.877			
H3	D30272	Human	Unknown	29.95		2.14e-001	0.214 ng/ml human	
		IPC	Unknown	28.08	0.854			

MMV 9 7 2006

Q0089 M ' 6 9 2 3 ' 0 6 / H

File: Q0089 *Y*  
 Print Date: Wednesday, May 17, 2006 13:48:54  
 User: MAINLAB  
 Plate Type: Absolute Quantification  
 PCR Volume: 25  $\mu$ L

Document Information

Operator: vs  
 Run Date: Wednesday, May 17, 2006 11:26:40  
 Last Modified: Wednesday, May 17, 2006 13:33:33  
 Instrument Type: Applied Biosystems 7500 Real-Time PCR System

Well	Sample Name	Detector	Task	Ct	StdDev Ct	Qty	Mean Qty	StdDev Qty
A12	D30273	IPC	Unknown	29.38	0.600			
		HumanY	Unknown	Undet.		N/A		
B12	D30274	IPC	Unknown	29.38	0.872			
		HumanY	Unknown	Undet.		N/A		
C11	D30267	IPC	Unknown	29.31	0.940			
		HumanY	Unknown	Undet.		N/A		
C12	D30275	IPC	Unknown	29.31	0.845			
		HumanY	Unknown	Undet.		N/A		
D11	D30268	IPC	Unknown	29.24	0.856			
		HumanY	Unknown	Undet.		N/A		
E11	D30269	IPC	Unknown	29.20	0.869			
		HumanY	Unknown	Undet.		N/A		
F11	D30270	IPC	Unknown	29.30	0.893			
		HumanY	Unknown	Undet.		N/A		
G11	D30271	IPC	Unknown	29.24	0.877			
		HumanY	Unknown	37.10		5.71e-003	0.006 ng/ $\mu$ L of male	
H11	D30272	IPC	Unknown	29.29	0.854			
		HumanY	Unknown	36.95		6.34e-003	0.006 ng/ $\mu$ L of male	

# **EXHIBIT 76**



**BERT GRAHAM**  
FIRST ASSISTANT



**DISTRICT ATTORNEY'S BUILDING**  
1201 FRANKLIN, SUITE 600  
HOUSTON, TEXAS 77002-1901

**CHARLES A. ROSENTHAL, JR.**  
DISTRICT ATTORNEY  
HARRIS COUNTY, TEXAS

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**F A X C O V E R S H E E T**

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<b>TO:</b>	Sarah Frazier
<b>ATTENTION:</b>	
<b>FAX NUMBER:</b>	713-529-3785

<b>FROM:</b>	Lynn Hardaway
<b>TELEPHONE</b>	(713)755-6657
<b>FAX NUMBER</b>	(713)755-5809
<b>NUMBER OF PAGES (including cover sheet):</b>	3
<b>Date and Time Sent</b>	April 21, 2006, 9:55 AM
<b>REMARKS:</b>	DPS testing results - Raby

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# TEXAS DEPARTMENT OF PUBLIC SAFETY



THOMAS A. DAVIS, JR.  
DIRECTOR

DAVID McEATHRON  
ASST. DIRECTOR

Donald Cohn  
Harris County District Attorney  
1201 Franklin, Suite 600  
Houston, Texas 77002-1923

CRIME LABORATORY  
12230 WEST ROAD  
HOUSTON, TEXAS 77065-4523  
Voice 281-517-1380 Fax 281-517-1395



COMMISSIONER  
ERNEST ANGELO, JR.  
CHAIRMAN

CARLOS H. CABCOB  
COMMISSIONER

April 04, 2006

## Supplemental Serology\DNA Report

Laboratory Case Number

Agency Case Number

Offense Date

~~1211161465~~

~~11371392R~~

~~10/15/92~~

### Suspect(s)

Raby, Charles Douglas DOB 03/22/70

### Victim(s)

Franklin, Edna

Offense: Homicide

County of Offense: Harris (101)

### Evidence Submitted

On February 24, 2006 in person by Donald Cohn (among other items)

1. Brown carpet piece from scene
2. Blue pants from scene
4. Fingernail clippings from victim
  - a. Right
  - b. Left
6. Blood sample from suspect
7. Blue/green panties from scene (not listed on submission form)

### Requested Analysis

Perform DNA analysis and comparison on the submitted items pursuant to Article 64.03 of the Texas Code of Criminal Procedure. Please refer to the previous report by this analyst dated March 08, 2006 for complete case information and evidence disposition.

### Results of Analysis

A blood stain card was made from the suspect's blood specimen.

Portions of the stains from brown carpet piece, the blue pants and the blue/green panties were extracted by a method that yields DNA from blood. A portion of the blood stain card from the suspect was extracted by a similar method.

The extracted DNA was subjected to the Polymerase Chain Reaction (PCR) and examined at the following loci: D8S1179, D21S11, D7S820, CSF1PO, D3S1358, TH01, D13S317, D16S539, D2S1338, D19S433, vWA, TPOX, D18S51, Amelogenin, D5S818, and FGA.

The DNA profile from the blue/green panties cuttings is consistent with an unknown female individual. The unknown DNA profile can be compared to a possible source. If this is necessary, please submit a known reference sample from any potential donor(s). Charles Raby is excluded as the contributor of the stains.

**Laboratory Case Number**  
L2H-161465

**Agency Case Number**  
11371392R

**Offense Date**  
10/15/92

The partial DNA profiles from the blue pants cuttings are consistent with the same unknown female individual. The unknown DNA profiles can be compared to a possible source. If this is necessary, please submit a known reference sample from any potential donor(s). Charles Raby is excluded as the contributor of the stains.

No interpretable DNA profiles were obtained from the brown carpet cutting.

No analysis was performed on the victim's fingernail clippings at this time. The fingernail clippings and the blood sample from the suspect were returned to Donald Cohn in person on March 29, 2006.

The unused portions of the brown carpet piece cutting, the blue pants cuttings, the blue/green panties cutting and the blood stain card from the suspect are being retained by this laboratory. Please make arrangements to pick up the remaining evidence as soon as possible.



Andrew P. McWhorter  
Forensic Scientist  
Texas DPS Houston Laboratory

THE 248TH DISTRICT COURT  
OF HARRIS COUNTY, TEXAS

EX PARTE

§  
§  
§  
§

Writ No. \_\_\_\_\_


CHARLES DOUGLAS RABY

Trial Cause No. 9407130

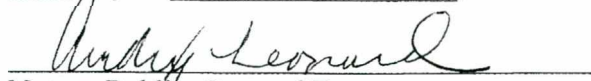
AFFIDAVIT

Before me, the undersigned authority, personally appeared Merry Alice Wilkin, who, being by me duly sworn, deposed as follows:

1. My name is Merry Alice Wilkin. I am over 18 years old. I am of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated.
2. Attached to this affidavit are three photographs of me with Charles Raby. One also shows my newborn son, Christopher.
3. The photographs are exact duplicates of the original photographs that I possessed and then sent to Charles Raby many years ago.
4. The photographs are true and correct copies of what they purport to be.

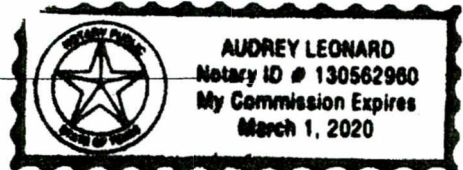
  
Merry Alice Wilkin

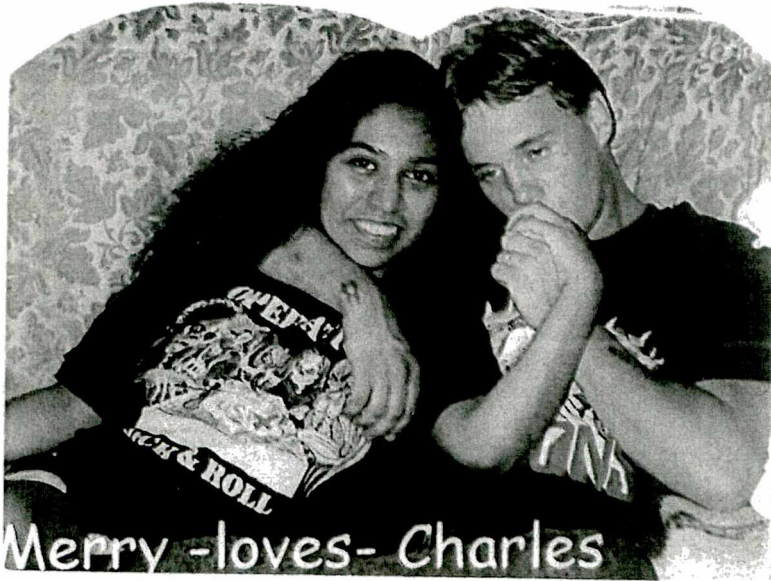
SWORN TO AND SUBSCRIBED before me on the  
7 day of June, 2015.2016

  
Notary Public, State of Texas

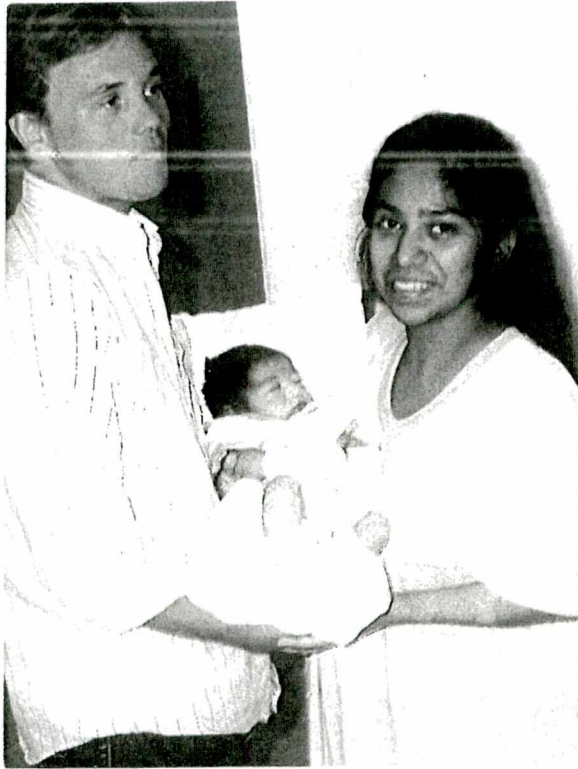
Audrey Leonard  
Notary's printed name:

My commission expires:





Merry -loves- Charles





# **EXHIBIT 114**



# **EXHIBIT 67**