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Robert S. Mink
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June 8, 2015

Honorable Ms. Muriel Ellis
Clerk, Supreme Court of Mississippi
450 High Street
Jackson, MS 39205-0117

Re: Willie Jerome Manning v. State of Mississippi; Supreme Court Case No. 2013-DR-00491-SCT; Oktibbeha County Circuit Court No. 2001-0144-CV

Dear Ms. Ellis:

Responding to your letter dated June 2, 2015, requesting a status update in the above-referenced matter:

Today we received a letter from Cellmark Forensics providing an update on the initial screening and testing of evidence. A copy of that letter is enclosed.

In my last status letter I reported that the parties were unable to agree on an expert to perform fingerprint analysis. The parties have since agreed on that point, as demonstrated by the enclosed Agreed Order for Delivery of Fingerprint Evidence, which was signed and entered by the Circuit Court on June 5, 2015.

Please let me know if I can be of further assistance at this time.

Respectfully,

WYATT, TARRANT & COMBS, LLP

A handwritten signature in blue ink, appearing to read 'RSM', is written over the printed name of the firm.

Robert S. Mink

RSM/ct

Enclosures

cc: Honorable Lee J. Howard, Circuit Court Judge (w/Cellmark Forensics letter)
Honorable Glenn Hamilton, Circuit Clerk, Oktibbeha County (w/Cellmark Forensics letter)
Marvin L. White, Jr., Special Assistant Attorney General (w/o Enclosures)
Jason L. Davis, Special Assistant Attorney General (w/o Enclosures)
David Voisin, Attorney (w/o Enclosures)

FAX COVER



LabCorp Specialty Testing Group

13988 Diplomat Drive
Suite 100
Dallas, TX 75234

Date June 8, 2015

Number of pages including cover sheet 4

To: Robert S. Mink 601-987-5353

Jason L. Davis 601-359-3796

David Voisin 601-354-7854

From: Jill Cramer

Phone _____

Fax Phone _____

CC: _____

Phone 214-271-8327

Fax Phone 214-271-8322

REMARKS:

- Urgent For your review Reply ASAP Please comment

Gentlemen,
Please see the attached letter for an update on testing for your case involving Willie Jerome Manning.

Thank you!

STATEMENT OF CONFIDENTIALITY

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June 5, 2015

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Jackson, MS 39211

David Voisin, Attorney
Post Office Box 13984
Jackson, MS 39236

Special Assistant Attorney General Jason L. Davis
Office of the Attorney General
Post Office Box 220
Jackson, MS 39205-0220

RE: Willie Jerome Manning v. State of Mississippi

Gentlemen:

The following letter provides an update of initial screening and testing of the items of evidence described in Jennifer Smith's letter dated November 24, 2014, in the case of Willie Jerome Manning. I, Jill Cramer, am currently assigned as the DNA analyst for the processing of evidence for this case.

1. The swabs from the Miller rape kit underwent serological testing to screen for the presence of semen. One rape kit swab tested positive for semen using the prostate-specific antigen (P30) serology test. The results for P30 testing on the other two rape kit swab types were inconclusive for semen. All three rape kit swab types had negative results for acid phosphatase (AP) which is a presumptive test for semen. My findings for each swab are as follows:

01.01-(Ex. 8-6) Swab from the Rape Kit- AP negative, Sperm Search negative, P30 inconclusive= inconclusive for semen

02.02-(Ex. 8-7a) Swab from the Rape Kit- AP negative, Sperm Search negative, P30 inconclusive= inconclusive for semen

03.01-(Ex. 8-9) Swab from the Rape Kit- AP negative, Sperm Search negative, P30 positive= positive for semen

AP serology testing is considered a presumptive test and is used in combination with additional confirmatory tests such as P30 and microscopic sperm search to test for semen. It is possible we will find male DNA in the sample from Ex. 8-9 (03.01) specifically because it is P30 positive. The other swabs inconclusive for semen, Ex. 8-6 (01.01) and Ex. 8-7a (02.02), will also undergo DNA extraction and quantitation for the purpose of determining whether any male DNA is present.



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2. The pubic hair and pubic hair combings from the victim (Miller) were rinsed/washed and processed in order to examine the washings under a microscope for sperm and for P30 testing. Microscopic sperm search examination was negative for the presence of sperm for both items. P30 testing was inconclusive for the presence of semen on the pubic hair combings (Q27, Ex. 8.3), and negative for semen on the pubic hair sample (K8, Ex. 8.4), as indicated below:

08.01-(Q27, Ex. 8.3) Pubic Hair Combings (Miller)- Sperm Search negative, P30 inconclusive= inconclusive for semen

09.01-(K8, Ex. 8.4) Pubic Hair (Miller)- Sperm Search negative, P30 negative= negative for semen

The pubic hair combings Q27, Ex. 8.3 (08.01) will now move forward to DNA extraction and quantitation for the purpose of determining whether any male DNA is present. We will halt testing on the pubic hair sample K8, Ex. 8.4 (09.01) at this time.

3. The four boxes containing fingernail scrapings of both victims did not contain any debris visible to the naked eye. The inside of each box was swabbed and sent forward to DNA extraction and quantitation to determine the concentration of human and male DNA present. The concentrations are noted below.

04.01-(Ex. 9) Fingernail scrapings- Right Hand (Miller)- Quantitated 0.239ng/ul total human and 0.00ng/ul male DNA.

05.01-(Ex. 10) Fingernail scrapings- Left Hand (Miller)- Quantitated 0.00ng/ul total human and 0.00ng/ul male DNA.

06.01-(Ex. 19) Fingernail scrapings- Right Hand (Steckler)- Quantitated 0.00ng/ul total human and 0.00ng/ul male DNA.

07.01-(Ex. 20) Fingernail scrapings- Left Hand (Steckler)- Quantitated 0.0026ng/ul total human and 0.00ng/ul male DNA.

The extracts from the fingernail scrapings will now undergo a process to increase the concentration of DNA, and these samples will also undergo DNA typing for the purpose of determining whether any male DNA profile is present foreign from the victims.

4. I have examined the evidence said to contain hairs found in the victims' hands to see if they have roots suitable for STR testing. No hairs were present in the evidence marked as "hair in Miller's right hand (Q26)" or the evidence marked as "hair in Steckler's left hand (Q29)".



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5. Negative results from presumptive screening tests and 0.00ng/ul quantitation values do not signify the absence of sufficient DNA from which to develop a profile, especially in older cases in which there is a limited amount of sample or degradation has occurred. Further processing may yield sufficient DNA from which to develop a profile. Similarly, further testing is recommended even if there are 0.00ng/ul quantitation values for male DNA. On occasion male DNA may be masked by the presence of female DNA. When this occurs it may be recommended to proceed with Y-STR DNA testing.

6. Other items of evidence remain to be screened after completing the testing on the samples identified in this letter. An official Cellmark Forensics report of my findings will be generated upon request.

Respectfully,

A handwritten signature in black ink that reads "Jill Cramer". The signature is written in a cursive style with a large initial "J".

Jill Cramer, B.S.

Senior Forensic DNA Analyst

214-271-8327

Jill.Cramer@LabCorp.com

IN THE CIRCUIT COURT OF OKTIBBEHA COUNTY, MISSISSIPPI

WILLIE JEROME MANNING

PETITIONER

versus

Cause No. 2001-0144-CV
(Supreme Court No. 2013-DR-00491-SCT)

STATE OF MISSISSIPPI

RESPONDENT

AGREED ORDER FOR DELIVERY OF FINGERPRINT EVIDENCE
AND PROTOCOL FOR FINGERPRINT ANALYSIS

Evidence in this matter suitable for fingerprint analysis has been located in the custody of the Oktibbeha County Sheriff's Department. Attached as Exhibit "A" to this Order is a list of the original latent lifts that shall undergo fingerprint analysis in accordance with the protocol set forth below.

1. Within thirty days of the date of this order, the Oktibbeha County Sheriff's Department shall transmit by Federal Express all items in its possession and identified in Exhibit "A" to the Mississippi Crime Lab.

2. The Oktibbeha County Sheriff's Department is directed to bill the Federal Express charges to counsel for Petitioner, Robert S. Mink, whose office shall provide the number of its Federal Express account upon request.

3. The Oktibbeha County Sheriff's Department shall observe all necessary precautions to preserve the integrity of the evidence and the chain of custody. Counsel for both parties shall be given reasonable notice of the date and time of packaging, and counsel shall have the right to be present to observe the packaging unless the right is waived after receipt of reasonable notice.

4. The Mississippi Crime Lab shall make high quality scans of each latent print at 1200 ppi, copy the scans to a DVD, and deliver the DVD by Federal Express to:

Ron Smith and Associates, Inc.
Mailing Address: P.O. Box 670
Shipping Address: 9335 Highway 19 North
Collinsville, MS 39325

Attention: Jon S. Byrd, Director of Laboratory Services
(Phone: 601-626-1100; Cell: 601-481-5031)
email address: jon@ronsmithandassociates.com

5. Ron Smith & Associates, Inc. shall attempt to identify latent lifts of value that are searchable in various databases, such as Automated Fingerprint Identification System ("AFIS") and the Federal Bureau of Investigation's Integrated Automated Fingerprint Identification System ("IAFIS"). If Ron Smith & Associates, Inc. identifies latent lifts of value, then it shall identify those lifts for the Mississippi Crime Lab. The Mississippi Crime Lab shall upload the latent lifts of value identified by Ron Smith & Associates, Inc. to AFIS, IAFIS, or other searchable databases.

6. If there are potential matches from the search of the databases, the Mississippi Crime Lab shall send a list of all potential matches and the corresponding reference prints to Ron Smith & Associates, Inc. for its determination of actual matching.

7. All parties and agents acting on behalf of parties concerned in this Order shall exercise their responsibilities under this Order in a reasonable timeframe and without undue delay. All parties and agents who come into possession of fingerprint evidence as directed by this Order shall exercise maximum caution to prevent contamination of the evidence and shall ensure that a proper chain of custody is maintained at all times. All such parties and agents shall provide documentation of chain of custody to this Court.

8. The Mississippi Crime Lab shall take all maximum precautions to ensure that any latent lifts may subsequently undergo an analysis to determine the presence of DNA.

9. The Mississippi Crime Lab and Ron Smith & Associates, Inc. shall provide in a timely manner reports of their findings, including any lab reports and analyst's notes, to this Court and the attorneys of record in this case.

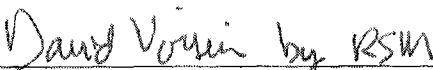
10. Upon completion of all forensic testing, the Mississippi Crime Lab shall return all fingerprint evidence in this case to the Oktibbeha County Sheriff's Department, which shall exercise maximum precautions to avoid contamination in the event that DNA testing is necessary.

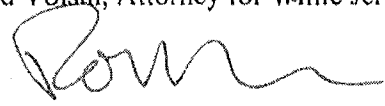
11. The State of Mississippi and Willie Jerome Manning retain the right to engage another fingerprint analyst, at their own cost, to test the evidence and/or to review the reports of Ron Smith & Associates, Inc., and to offer expert testimony concerning the fingerprint evidence relevant to the case. Any such analysts shall exercise maximum precautions to avoid contamination in the event that DNA testing of fingerprint lifts is necessary.

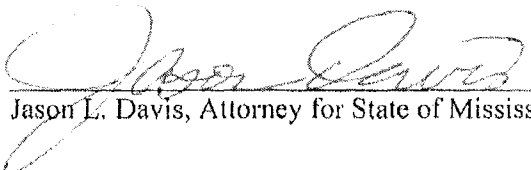
SO ORDERED, this the 5th day of June, 2015.

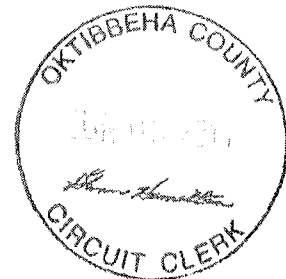

CIRCUIT COURT JUDGE

APPROVED AND AGREED:


David Voisin, Attorney for Willie Jerome Manning


Robert S. Mink, Attorney for Willie Jerome Manning


Jason L. Davis, Attorney for State of Mississippi



*Items to be shipped to
Mississippi Crime Lab
for fingerprint analysis*

**Evidence in possession of
Oktibbeha County Sheriff's Department**

i. fingerprint lifts		<u>Photo reference</u>
- prints EA thru EU	MCL Ex. 32	5743
- thirty-one latent lifts from Miller's car	MCL Ex. 55	5783
- latent lifts from Jon Wise's car	MCL Ex. 53	5744
- FBI fingerprint lifts, inside Miller passenger window		5751
- FBI fingerprint lifts, outside Miller passenger window		5750
- inked prints of possible suspects	MCL Ex. 54(A-U)	n/a

61350533.1

EX. A

