Witness: Karen Korsberg

Date: 2004-09-08

Proceedings held September 8, 2004

Called by: People (prosecution)

Phase: Guilt

Examinations: Direct – David Harris; Cross – Mark Geragos; Redirect – David Harris; Recross – Mark Geragos

Day 1 of 1 for this witness

Court: San Mateo County Superior Court, Redwood City (People v. Scott Peterson)

Source: https://pwc-sii.com/CourtDocs/Transcripts/Korsberg.htm

Page/line: not available (source HTML has no page or line markers)

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Direct Examination by David Harris

HARRIS: Miss Korsberg, who are you employed by?

KORSBERG: I'm employed by the Federal Bureau of Investigation Laboratory.

HARRIS: And which part of the laboratory do you work for?

KORSBERG: I work in the Trace Evidence Unit.

HARRIS: Do you have a particular assignment in the Trace Evidence Unit?

KORSBERG: Conduct hair and fibers examinations on items of evidence submitted in criminal cases.

HARRIS: Directing your attention back to 2003. Did you, as part of your employment with the FBI, receive a particular item for review that originally came from the Modesto Police Department?

KORSBERG: Yes, I did.

HARRIS: And was that particular item assigned a laboratory number of 030606003ME?

KORSBERG: Yes, it was.

HARRIS: And when -- I want to go through and talk about that particular item. Prior to you receiving that, had you been advised that Doctor Fisher from the Mitochondrial DNA Unit was going to be conducting some examination on what it was coming from the Modesto Police Department?

KORSBERG: I believe I originally got a call from Connie Fisher that she's been assigned to do --

HARRIS: Doctor Fisher is Doctor Constance Fisher. Everybody calls her Connie?

KORSBERG: Correct.

HARRIS: Now, when -- now, to go through this process, if something is coming into the FBI for Mitochondrial DNA examination, is it the bureau's -- also does through trace evidence?

KORSBERG: Any hairs that come in specifically from Mitochondrial DNA analysis will first go through Trace Evidence for an examination.

HARRIS: And when you first received this particular evidence, did you receive it directly from Doctor Fisher?

KORSBERG: Yes, I did.

HARRIS: And did she provide you some sealed envelopes for you to open and examine?

KORSBERG: Yes, she did.

HARRIS: And did you open up and examine the hair that was inside that particular envelope?

KORSBERG: Yes, I did.

HARRIS: Now, to go through the process of how that was done, did Doctor Fisher identify, pursuant to the FBI's protocols, certain items with Q's and K's?

KORSBERG: She did.

HARRIS: To go back through that, what do the Q's and the K's stand for?

KORSBERG: Q's are questioned items. So that might be something recovered from an item of evidence. That's what I'm going to look for to compare to known, which would be the K's. So the knowns are the sources. Known may be a head hair sample, what I'm typically doing. So I would compare the Q's, the hairs retrieved from items of evidence, compare them to K's to see they are consistent with coming from the same source.

HARRIS: If I can have marked next in order some photographs that match up with some of the previously -- that have been previously been marked.

JUDGE: All right. Let me see, that would be -- that would be 219.

GERAGOS: 219?

JUDGE: mark the photographs separately?

GERAGOS: You say 219, Judge?

JUDGE: 219.

HARRIS: 16 of them.

JUDGE: A through P.

GERAGOS: A through --

JUDGE: A through P. Mr. Geragos, have you seen all this?

GERAGOS: I have seen the pictures, Judge, yes.

HARRIS: Going to start off by showing you a series of pictures. Starting with 190A. Some of these have been previously marked. And do you recognize that particular transport envelope?

KORSBERG: I recognize the laboratory markings.

HARRIS: When you are talking about laboratory markings, that would be -- there is an identifying sticker with information on the front of that particular envelope?

KORSBERG: That's correct.

HARRIS: And if you turn to the next one, that would be the back side of the first envelope that's 190B. Does that have the case number and the identifying information on it -- on that one as well?

KORSBERG: It does.

HARRIS: Going to the next one, which is 190C. And is this one of the transport envelopes that you received from Doctor Fisher?

KORSBERG: Yes, it is.

HARRIS: And this particular item has that identifying number that you were talking about. It also has a Q1 on there?

KORSBERG: Correct.

HARRIS: And is that Doctor Fisher's writing?

KORSBERG: Yes, it is.

HARRIS: Going to the next item, which is 190D. And, again, this has the identifying information on it, Doctor Fisher's writing as well?

KORSBERG: That's correct.

HARRIS: And going to the next one. That would be 219A. That's the back of the previous envelope?

KORSBERG: There is no markings.

GERAGOS: There is a motion to strike. There is no foundation. The question is leading.

JUDGE: What number is it?

HARRIS: 219A is a photograph of the back of the envelope. If we go to the next --

JUDGE: We'll strike that.

HARRIS: 219B. That has the identifying information, Doctor Fisher's initials?

KORSBERG: It does.

HARRIS: Is this the envelope that you received from her that had Questioned 1, hair from the Modesto Police Department?

KORSBERG: It is.

HARRIS: Going to the next photograph. Again, that's the back side of that envelope 219C?

GERAGOS: Well, there is -- it is leading. I assume -- I would ask that you just ask the question as to what it is.

JUDGE: I'm going to give him a little leeway to ask leading questions so we can get through this foundation.

GERAGOS: Okay.

KORSBERG: What's the question?

HARRIS: Is that the back side of the previous envelope?

KORSBERG: It appeared to be. But, again, there is no marking specific to the Q number.

HARRIS: Okay. Look at the next one, 219D. This particular photograph for the envelope, does it show the FBI identifying number and also Doctor Fisher's initials?

KORSBERG: It does.

HARRIS: Does that appear to be the back of that envelope, and the next one, 219E?

KORSBERG: Yes. Again, there is no FBI markings. It would only be on the front.

HARRIS: All right. Looking at 219F. Is this another envelope that has the FBI identifying information and Doctor Fisher's initials on it?

KORSBERG: It is.

HARRIS: Is this one of the envelopes that you received from her?

KORSBERG: It is. It's the -- it's marked Q2.

HARRIS: Go to the next photograph, 219G. Does that appear to be the back of the previous envelope?

KORSBERG: It does. But, again, it's not marked in.

HARRIS: No FBI information on it?

KORSBERG: Correct.

HARRIS: That would be just another picture of the same envelope, 219H?

KORSBERG: Okay.

HARRIS: Going to the next photograph, 219I. Does that have the identifying information for the FBI and the numbers K1 and K2, Doctor Fisher's information?

KORSBERG: It does.

HARRIS: Is that one of the envelopes you received from her?

KORSBERG: It is. K1 and K2.

HARRIS: Going to the next photograph, 219J. Does that appear to be the back of the previous envelope that we were looking at?

KORSBERG: Appeared to be. But, again, there is no FBI markings on the back.

HARRIS: And looking at 219K, that's not an envelope that you have dealt with. That would be something that just bears FBI information and Doctor Fisher's initials?

KORSBERG: That's correct.

HARRIS: Looking at 219L, what appear to be the back of that previous envelope?

KORSBERG: Yes. But, again, there is no FBI markings.

HARRIS: And then 219M. Again, that would not be an envelope that you dealt with, but it does have the FBI identifying information and Doctor Fisher's initials and the identifier K4?

KORSBERG: That's correct.

HARRIS: Going to the next photograph, 219N. Does that appear to be the back of the previous envelope?

KORSBERG: It does.

HARRIS: Doesn't have the FBI identifying information?

KORSBERG: That's correct.

HARRIS: All right, 219O. That would be another envelope that has the identifying information from the FBI, Doctor Fisher's initials, and the identifying number K5?

KORSBERG: It does.

HARRIS: That's not an envelope that you have dealt with?

KORSBERG: That's correct.

HARRIS: All right. Going to the next one, 219P. Does that appear to be the back of the previous envelope?

KORSBERG: It does.

HARRIS: But, again, no identifying FBI information?

KORSBERG: That's correct.

HARRIS: I'll just leave those up there with you. So as part of the protocol for the FBI, anything that's going to go to Mitochondrial DNA, if it's a hair it has to be reviewed by Trace Evidence

before?

KORSBERG: That's correct.

HARRIS: Now, the envelope that has the identifier Q1. Would you pull that particular picture out? If you could let me know what the exhibit number for that one is.

KORSBERG: It's 219B, as in Boy.

HARRIS: Now, that particular envelope, did you receive that from Doctor Fisher in a sealed condition?

KORSBERG: I did.

HARRIS: So it's opened. And did you remove -- or the contents are removed from that particular item for examination?

KORSBERG: That's correct.

HARRIS: And what were the contents of that particular item?

KORSBERG: Within this envelope was another sealed envelope. Within that was a paper fold in which there were two hairs.

HARRIS: And did you do the following protocol for the FBI, look at those hairs, and see if they would be appropriate to go to the Mitochondrial DNA Unit?

KORSBERG: I examined them, characterized them, and compared them to the known samples that I had available.

HARRIS: The known samples that you had available, that would be the photographs that you have identified, the envelopes that had that number, or the designation of K1 and K2?

KORSBERG: I compared them to K1, because I identified the Q1 hairs as head hairs. There was no reason to look at the K1 sample, which is a pubic hair sample. I also compared it to K2, which were identified as as hairs from the hair brush. MR.

HARRIS: The report number, it would 20409.

GERAGOS: Thank you. 20409.

HARRIS: I just want to go back through that for a second. The Q1, which is identified on the envelope has being hair from pliers 144A, you determined those hairs to be the head hairs?

KORSBERG: Correct.

HARRIS: Then you -- when you were looking at K1 and K2, the known samples from the defendant, you were looking at head hairs; so you didn't use the K2 standards, which were the pubic hair standards?

KORSBERG: That's correct.

HARRIS: Just want to be sure we're clear about that. In your review of Q1, let me just back up for a second. The FBI doesn't keep the same numbers an agency might send it in. It's part of the standard protocol to assign this Q1 and K numbers?

KORSBERG: That's correct.

HARRIS: When you were done with your comparison, as part of the FBI protocol, do you have another analyst also look at your results?

KORSBERG: If I have made an association in a case, if I have said that hair is consistent with coming from the same source as a known sample, that association is confirmed by another examiner.

HARRIS: In this particular case, did you provide the samples the Q1 sample to another examiner?

KORSBERG: Along with the K2, as well as the K1.

HARRIS: And who is the second examiner?

KORSBERG: Her name is Kim Reubush. R-e-u-b-u-s-h.

HARRIS: Now, when you looked at the K1, the head hair samples of the defendant, could you include or exclude the defendant's hairs from being that Q1 sample?

KORSBERG: They are microscopically dissimilar. He was excluded.

HARRIS: After your review of all this, prior to Miss Reubush looking at it, did you feel that this hair was appropriate to go to the Mitochondrial DNA for testing?

KORSBERG: Q1 hair, yes.

HARRIS: People have no other questions.

Cross Examination by Mark Geragos

GERAGOS: Good morning.

KORSBERG: Good morning.

GERAGOS: Basically, you -- when you say you are in the Trace Evidence, you do the hair analysis, at least in this particular instance?

KORSBERG: That's correct.

GERAGOS: And what you had was, you had a something that was identified as a hair from pliers; is that correct?

KORSBERG: That's correct.

GERAGOS: Okay. That's what you said was Q1?

KORSBERG: Correct.

GERAGOS: Okay. Then you had a hair from a black-blue hairbrush?

KORSBERG: Correct.

GERAGOS: Is that right?

KORSBERG: Correct.

GERAGOS: What you were doing is -- and then also you had a head hair sample from my client, from Scott Peterson?

KORSBERG: That's correct.

GERAGOS: That was known as K1?

KORSBERG: Right.

GERAGOS: So we got -- basically you have two hairs that come from a pliers, right?

KORSBERG: Yes.

GERAGOS: Okay. You got how many hairs that come from the black-blue hair brush to compare?

KORSBERG: I didn't count them. I was using it as a known sample essentially.

GERAGOS: If it's -- if it's a known sample from the black-blue hairbrush, would it matter if somebody else used that hairbrush the day before?

KORSBERG: If they left hairs. But I would expect to be able to see that there were hairs that were dissimilar to the majority of the hairs in the brush.

GERAGOS: Would it matter if it was -- assuming that the black-blue hairbrush was collected because it was Laci Peterson's hairbrush, so you are assuming that it's Laci Peterson's hair -- I mean that's kind of what we're operating on?

KORSBERG: That's my understanding.

GERAGOS: So what you are trying to do basically is, you are trying to compare these two hairs from the pliers and determine if it's the similar to the hairs from a hairbrush that Laci Peterson is using, correct?

KORSBERG: Correct.

GERAGOS: Okay. Because we keep talking about Q's and K's. I follow that. You are looking at hair, you believe it's Laci Peterson's? That's Laci's hair, you would compare it with the hairs from the pliers see if they look similar, correct?

KORSBERG: Correct.

GERAGOS: And then, in addition do that, you are going to take a look at the head hair sample from Scott and determine whether or not the hairs from the pliers look like it's the head hair from -- or the hairs that were found in the pliers, correct? Compare Scott's hair to the pliers hair?

KORSBERG: Yes.

GERAGOS: So you are looking at it, you can say, okay, looks dissimilar -- the hairs from the pliers look dissimilar from the hairs that were -- that are Scott's. The pliers and Scott's don't look alike?

KORSBERG: That's correct.

GERAGOS: And the hairs from the pliers look similar to the hairs from the hairbrush.

KORSBERG: They were consistent. They exhibited all the same microscopic characteristics. They were consistent with coming from the same source.

GERAGOS: Now, the two hairs -- two hairs that you -- did you measure them?

KORSBERG: One was --

GERAGOS: Two that came from the pliers?

KORSBERG: One was longer, and it was about four inches. The other was about three quarters of an inch.

GERAGOS: Okay. Now, they were marked -- those two hairs were with another letter and number, correct?

KORSBERG: The longer hair that was eventually removed and submitted for Mitochondrial DNA was designated as Q1.1.

GERAGOS: Q1.1?

KORSBERG: Correct.

GERAGOS: Q1.1. The other hair that was included did not get tested for Mitochondrial DNA, as far as you are aware of?

KORSBERG: As far as I'm aware, yes.

GERAGOS: You have two hairs, one that's tested, one that's not, as far as you are aware?

KORSBERG: Correct.

GERAGOS: Now, did they ever -- did anybody, as far as you are aware -- as I understand, you are sent -- you had a pubic hair sample of Scott Peterson also, right?

KORSBERG: That's correct.

GERAGOS: That is -- that's what you labeled on your report K2?

KORSBERG: Correct.

GERAGOS: Were you aware there was a pubic hair sample on the duct tape that was found on the outside of the remains of Laci Peterson?

KORSBERG: I wasn't aware of that.

GERAGOS: So you weren't aware -- I assume nobody ever sent that pubic hair sample to the FBI to either be compared to Scott Peterson, or to do Mitochondrial testing, correct?

KORSBERG: Correct.

GERAGOS: Is the FBI equipped to do Mitochondrial testing on pubic hair?

KORSBERG: Yes.

GERAGOS: And the reason for that is because, if you don't -- even if you don't have the root -- get into this I'm sure adnauseam in a moment. If you -- even if you don't have the root you can do the Mitochondrial test?

KORSBERG: It doesn't require the root. You can have the shaft itself.

GERAGOS: So would you be able to -- if that pubic hair that was on the duct tape on the -- found on the remains of Laci Peterson, and if you had a known hair sample from Laci, you had done the Mitochondrial on that, would you be then able to compare the pubic hair unknown, I guess is what you call the -- "Q" stands for "Questioned", right?

KORSBERG: Correct.

GERAGOS: The "K" stands for "Known"?

KORSBERG: Correct.

GERAGOS: Would you be able to compare this unknown pubic hair that was on the duct tape that was found on the remains with her Mitochondrial and see whether or not it was her pubic hair or somebody else's?

KORSBERG: All I would do is the microscopic portion. So if I had that questioned hair, I could compare it to her known sample, make a determination if they are consistent, coming from the same source.

GERAGOS: So you could do the same thing that you did here.

KORSBERG: Correct.

GERAGOS: Okay. So if we had that, we could do a comparison with you. And then once -- if it looked similar, or consistent I think is the term you used, then you could further try to refine this analysis by sending sit over to Mitochondrial?

KORSBERG: Right. If either made an association or an inconclusive result as well, it would go to Mito.

GERAGOS: And was there -- did anybody -- am I correct that the only samples that you were given to compare back and forth were Scott Peterson's head hair and known sample from the -- I say known -- hairbrush hairs, and then the two hairs from the pliers. That's kind of the total universe of what you were given?

KORSBERG: That's right.

GERAGOS: Would it matter if her mother -- if Laci's mother had used the hairbrush the day before it was collected? Would that affect any of this analysis?

KORSBERG: Well, I didn't have a known sample from the mother. All of the hairs in the hairbrush look consistent with one another. It didn't look like there had been more than one user. Not knowing what her hair looks like, I couldn't say for sure. Obviously they would have the same Mitochondrial sequence as well.

GERAGOS: We'll get into that in a second. Obviously the same Mitochondrial sequences. But I'm asking -- I guess your area of expertise here is comparing the hair evidence itself, or the trace evidence with -- would it matter, or does it matter if her mother had used the hairbrush the day before it was collected?

KORSBERG: Again, I would expect to be able to tell the difference, to see that there were a hair or hairs that were dissimilar to the rest.

GERAGOS: Did anybody give you a sample -- I assume the answer is no -- of Sharon Rocha's hair?

KORSBERG: No. But, again, all the hairs that I saw were consistent with one another.

GERAGOS: When you say consistent, in terms of color, and size, or width, or --

KORSBERG: Right. All the characteristics present. There didn't appear to be hairs that were dissimilar to the majority of the hairs.

GERAGOS: Okay. And how many of the known samples did you use to compare it from the hairbrush to the questioned sample?

KORSBERG: We don't count. I don't know.

GERAGOS: Okay. You say you save those -- retain those for a period of time, correct?

KORSBERG: Right. They would have been retained, the contributor.

GERAGOS: Thank you. I have no further questions.

Redirect Examination by David Harris

HARRIS: Miss Korsberg, if I were to tell you that Miss Rocha's hair was blonde, would that make it easy for you to exclude that hair from what you saw?

KORSBERG: If that were the case, yes.

HARRIS: Now, with regards to the -- again, so that we are clear about that, you were doing microscopic examination, and then when you were done, if the hair or hairs were appropriate, it would go to Mitochondrial DNA?

KORSBERG: That's correct.

HARRIS: So your involvement with this is just following the protocol of going through the trace evidence portion, not doing the Mitochondrial DNA?

KORSBERG: That's correct. That's right.

HARRIS: Now, you were asked about the -- just so I -- go back and make sure we're clear about this. The FBI uses the Q's and K's. And counsel was asking you about how they are identified, how we know them at this point in time. Each of the envelopes that you used that were identified as either Q1, K2, did they also have identifying information on there, something descriptive about those particular items?

KORSBERG: Yes, they did.

HARRIS: So when we're talking about that Q1, it specifically says on the item, this is hairs from the pliers, 144- A?

KORSBERG: That's correct.

HARRIS: So it's -- from looking at the packaging information, you can actually tell where this item originates from?

KORSBERG: I can tell you how it was identified to me.

HARRIS: And same thing would be true for the known hairs of the defendant, and specifically tells you what part of his hair, or what part of his head each of those items came from?

KORSBERG: That's correct.

HARRIS: And those were identified as -- I believe it's 425 dash 1, going through 4 -- actually it's 4 slash 25 dash 1 to 4 slash 25 dash 7?

KORSBERG: For both the Q1 and K2, that's right.

HARRIS: And the K1's were the head hairs and it's identified on that package where each one of those hairs comes from?

KORSBERG: That's right.

HARRIS: And you were -- the last thing -- or the -- not the last thing. One of the things that you were telling counsel is that you could either make an exclusion -- something -- I thought you said no match, or inconclusive, so I just want you to go through that. When you are describing that, so we understand what you are saying, if the hairs don't match, such as in this case, the defendant's head hairs that you compared to Q1 from the pliers, that was an exclusion?

KORSBERG: That's correct. They were dissimilar.

HARRIS: If you had something that I can't tell, there is a hair, there is not enough characteristics in the hair, you were saying something about that being inconclusive?

KORSBERG: That's correct. It would be also called similarities and differences. It means that there are so many similarities between the questioned and the known hair that I cannot exclude that person as being the source. However, I do see some differences. And generally that is reserved for cases where there is a reasonable explanation as to where I'm seeing a difference. Maybe they got a known sample two or three years later. There is a reasonable explanation as to why I might be seeing a difference. So there is the times where it is inconclusive, or no-conclusion results would be obtained.

HARRIS: And then the kind of the third category is that it's consistent with, I think is the term that you were being asked about?

KORSBERG: That's correct.

HARRIS: That would be if there is nothing significantly different, so the hairs, the known and the questioned, are pretty close to each other?

KORSBERG: They exhibit all the same microscopic characteristics, are therefore consistent with coming from the same source.

HARRIS: Your findings in this particular case is the defendant's hair is excluded as being the contributor for that hair in the pliers?

KORSBERG: Correct.

HARRIS: But the questioned hair, the Q1, the hair from the pliers was consistent with the hairs from the hairbrush of Laci Peterson?

KORSBERG: That's correct.

HARRIS: I have no other questions.

Recross Examination by Mark Geragos

GERAGOS: When you do this examination, where do you do it?

KORSBERG: In my laboratory suite.

GERAGOS: Okay. Is that when you open up the envelope in order to look at the evidence?

KORSBERG: Correct.

GERAGOS: Okay. Is that a -- called your laboratory suite?

KORSBERG: Un-huh.

GERAGOS: Is that some kind of an environment that is kept in a sterile condition?

KORSBERG: I don't know if I would say sterile.

GERAGOS: May be overstating it. I assume when you do that, so that you don't introduce hairs, or contaminate hairs, you do -- you have got a certain protocol?

KORSBERG: Right. The area would be cleaned. Each item would be opened individually to avoid contamination.

GERAGOS: The examination is done, the specific -- you specifically in this case, the examination was done on what day?

KORSBERG: The evidence was received on June 6th. And I did the microscopic examination on the 9th.

GERAGOS: 9th of June?

KORSBERG: Correct.

GERAGOS: You repackaged it and sent it back?

KORSBERG: After everything was complete, yes.

GERAGOS: Thank you. I have no further questions.