

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT
SANGAMON COUNTY, ILLINOIS

THE PEOPLE OF THE STATE OF ILLINOIS,)
)
) Plaintiff,)
)
) v.) NO. 90-CF-328
)
 THOMAS MCMILLEAN,)
) Defendant.)

State of Illinois)
)ss
County of Sangamon)

AFFIDAVIT OF RICHARD EIKELENBOOM

I, RICHARD EIKELENBOOM, affirm the following:

1. I am a forensic scientist specializing in DNA trace evidence recovery and DNA testing, of the recovered DNA trace evidence. I am co-owner of Independent Forensic Services located in Hulshorst, The Netherlands. Our laboratory performs DNA testing on trace evidence recovered from clothing of crime victims. (See attached Curriculum Vitae; see also <http://www.forensic-services.nl/>). Our laboratory is in compliance with the International Organization for Standardization, Laboratory, Standard 17025, which is the international standard which accredited laboratories have to meet and uses the same state-of-the art equipment as that used in the United States. Standard 17025 is very similar to the ASCLAD accreditation standard which is applied to laboratories in the United States.

2. Independent Forensic Services specializes in a DNA trace evidence recovery method known as "Touch DNA". I have been doing this method of DNA trace evidence recovery for over a decade in Europe. This method of trace evidence

recovery collects skin epithelial cells or body fluids that may come from a perpetrator and which become embedded into the fabric of clothing worn by a victim of a violent crime. The focus of this recovery method is to identify areas of the crime victim's clothing to which a perpetrator may have come into contact in other than a casual manner. For it is at those points that there would be expected a greater likelihood of finding cell material left by a perpetrator.

3. "Touch DNA" refers to the DNA that is left behind from cell material when a person touches or comes into contact with an item. "Touch DNA" is the term given to the collective process of recovering and testing trace amounts of DNA recovered from cell material. This trace evidence may be recovered from the fabric of clothing of a victim of a violent crime where the trace evidence has become embedded by reason of a perpetrator having touched the victim's clothing. "Touch DNA" focuses on recovery of DNA samples from areas on the victim's clothing at locations where the crime file analysis would indicate where a perpetrator may have had contact. For it is at these areas that one would expect a greater likelihood of finding cell material of a perpetrator. Once the trace evidence is recovered, it is analyzed for the presence of DNA in order to develop a DNA profile. Standard recognized STR DNA testing techniques are utilized.

4. In 2006, Independent Forensic Services was court appointed to perform Touch DNA testing in the case of *State of Colorado v. Timothy Lee Masters*, Dist. Court of Larimer County #98-CR-1149. I conducted the trace evidence recovery from the clothing of the crime victim, Peggy Hettrick. On Feb. 11, 1987, the body of Peggy Hettrick was discovered by a bicyclist in a field south of Fort Collins, Colorado. She had been stabbed to death, and her genitalia had been surgically mutilated. Timothy

Masters, 15-years old at the time, lived near the scene and had walked by the body on his way to school but failed to notify authorities. Eleven years later, in 1998, Masters was arrested for the murder. He was convicted the following year and was sentenced to life in prison. We were able to match three DNA profiles of another individual who was initially a suspect in the case. The DNA was found on three locations of Peggy Hettrick's clothing where the crime perpetrator grabbed hold of her clothing, including her underwear. Tim Master's DNA could not be found on the victim's clothing. Based on the Touch DNA test results, prosecutors decided in January of 2008 to vacate the conviction of Timothy Masters.

5. Independent Forensic Services has submitted a proposal to conduct Touch DNA trace evidence recovery and DNA testing for the Downstate Illinois Innocence Project in the case of *People of the State of Illinois v. Thomas McMillan*, Sangamon County Circuit Court Docket No. 90-CF-328, which case involved the homicide of Melissa Koontz.

6. Independent Forensic Services has been provided with documentation from the Downstate Innocence Project from the trial record in the McMillan case, as well as several reports from the case investigation underlying that criminal case. Included in the documentation was the report of the autopsy conducted July 2, 1989 by Dr. Grant Johnson at Memorial Medical Center, Springfield, Illinois, some eight days after the discovery of the body of Melissa Koontz, the crime victim. This autopsy report reflected that the body was clothed; that there were several stab wounds through the clothing and to the body; and that items of clothing, including the brassiere and panties, evidenced that they may have been touched, unfastened and/or torn.

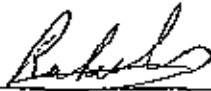
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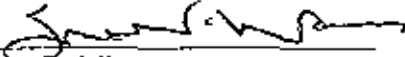
7. Based upon a preliminary evaluation of the crime scene evidence as reflected in those documents, I believe this is a suitable case for Touch DNA testing of the clothing of Ms. Koontz, particularly since the observations of Dr. Johnson would indicate that the perpetrator may have forcefully come into contact with the fabric of the clothing where the perpetrator's cell material on the clothing might be found.

FURTHER YOUR AFFIANT SAYETH NOT



RICHARD EIKELNBOOM

Subscribed and sworn to before me
This 20th day of October, 2009



Notary Public

