

Affidavit of Samuel Palenick

In the Criminal District Court No.3

Dallas County, Texas

DARLIE LYNN ROUTIER

No. F96-39973-MJ

IN THE CRIMINAL DISTRICT COURT NO. 3 OF

DALLAS COUNTY, TEXAS

**AFFIDAVIT OF SAMUEL PALENICK IN SUPPORT OF PETITIONER
DARLIE LYNN ROUTIER'S FIRST APPLICATION FOR POST-
CONVICTION WRIT OF HABEAS CORPUS PURUANT TO TEXAS
CODE OF CRIMINAL PROCEDURE ARTICLE 11.071**

Before me, the undersigned notary, one this day, personally appeared Samuel Palenick, a person whose identity is known to me. After I administrated an oath to him, upon his oath, he said:

1. My name is Samuel Palenick, I am over twenty-one years old and I reside in Elgin, Illinois. I am capable and fully competent to make this Affidavit. This affidavit is submitted in support of Petitioner Darlie Lynn Routier's First Application for Post Conviction Writ of Habeas Corpus Pursuant to Texas Code of Criminal Procedure Article 11.071. The statement herein are true and correct to the best of my personal knowledge.

2. I received a B.S. in Chemistry (with emphasis on analytical methods) from the University of Illinois at Chicago in 1974. Since graduating from the University of Illinois at Chicago, I have worked as a Research Microscopist and eventually a Senior Research Associate at McCrone Associates and a Senior Research Microscopist at Microtrace.

3. I am presently employed as the President and Senior Research Microscopist at Microtrace and have been so employed since 1992. As part of my work as a forensic microscopist, I analyze microscopic physical evidence left at crime scenes to determine its identity and origin and to compare it to suspect sources employing state of the art techniques of microanalysis.

4. I am a member of several forensic science and scientific societies including the American Academy of Forensic Sciences, Midwestern Association of Criminalists, the Canadian Society of Forensic Sciences, Midwestern Association of Forensic Sciences, the Royal Microscopical Society (UK), and the American Chemical Society.

5. I have reviewed testimony from *State of Texas v. Darlie Lynn Routier*, Trial Court No. F96-39973-J, related to the fiber that was recovered from Knife Number 4, the bread knife from the knife block found in the kitchen of 5801 Eagle Drive, Rowlett, Texas. I have also reviewed slides that purport to compare this removed fiber with material from the garage screen window, photographs of the garage window screen, and a sample of window screen similar to the torn screen at 5801 Eagle Drive, Rowlett, Texas. I have not been able to view the actual fiber itself. I understand that the fiber is in the State's custody and that defense counsel has been refused access to it.

6. Based on my review of the testimony, photographs, slides, and sample window screen, it is my opinion that the origin of the fiber removed from Knife Number 7 can be determined more definitively than has been done previously by a study of the microscopic morphology alone. The optical properties, in particular the refractive index and the elemental composition of the fiber can be established with certainty using polarized light and/or interference microscopy for the latter and x-ray spectroscopy in the scanning electron microscope for the latter. The composition of what appears to be the elastomeric binder can be established in infrared microspectrophotometry. To do this, it will be necessary to isolate the materials from the microscope slide, wash them off, and subject them to the appropriate tests.

7. I also have reviewed Charles Linch's testimony in *State of Texas v. Darlie Lynn Routier*, Trial Court No. F96-39973-J, related to four defects in the right shoulder area of the Victoria Secret's nightshirt that Darlie Lynn Routier was wearing on the night of the events at 3801 Eagle Drive, Rowlett, Texas. I have not been able to examine that actual nightshirt because I understand that it too is in the State's custody and that defense counsel has been refused access to it.

8. Based on the information I have about the nightshirt, it is my opinion that it may be possible to determine, by microscopical examination, if the four defects were created by the same instrument as the nightshirt defects that corresponded to Darlie Lynn Routier's injuries.

9. To conduct the above-described testing, I would need access to Knife Number 7, the fiber removed from Knife Number 4, a sample of the actual torn garage window screen at 5801 Eagle Drive, Rowlett, Texas, Knife Number 2 (the murder weapon), and the Victoria Secret's nightshirt.

None of the testing that I propose to do on Knife Number 4 fiber and the Victoria Secret's nightshirt would destroy the physical sample.

10. It is my understanding that Charles Linch testified for the State at trial that the fiber recovered from Knife Number 4 was "consistent" with the material from the garage window screen. It is my opinion that if Knife Number 4 was dusted using a brush and fingerprint powder, and if the knives in the same block were also dusted using a brush and fingerprint powder, then it is possible that the fibers in Knife Number 4 came from the brush used to dust the knives found in the kitchen, rather than from the garage window screen.

I declare under penalty of perjury that the foregoing ten numbered paragraphs are true and correct.

STATE OF WASHINGTON

COUNTY OF KING COURT

SWORN TO and SUBSCRIBED before me by Samuel Palenik on July 11, 2002

[signed]

Notary Public, State of Washington

Dated: Sworn to before me this 11 day of July 2002

[signed]

Samuel Palenik