Affidavit of Charles Linch

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

First Affidavit Of Charles A. Linch

COMMONWEATH OF VIRGINIA

COUNTY OF HENRICO

I, Charles A. Linch, being dully sworn and under penalty of perjury, declare as follows:

1. My name is Charles Arian Linch. I am 49 years of age and am competent to make this Affidavit. I have personal knowledge of the facts stated in this Affidavit, and those facts are all true and correct.

2. I am currently employed with the Virginia Division of Forensic Science, Trace Evidence Laboratory, 700 North Fifth Street, Richmond, Virginia, 23218, as a Forensic Scientist Senior (FS III) and have been so employed since September, 1999. The Division of Forensic Science is a Nationally Accredited Forensic Laboratory (ASCLD) and as such I was required to pass hair and fiber identification/comparison tests and pass a mock trial prior to being allowed to do casework. Since the spring of 2001, I have also worked part-time as an Adjunct Instructor at Virginia Commonwealth University in the Masters Program of Forensic Science. I have authored or co-authored six papers concerning forensic hair examination. In my position as a Forensic Scientist Senior, I am subpoenaed to testify as an expert witness in criminal cases for both the Commonwealth and the defense regarding my forensic analysis of hair and fiber evidence.

3. Prior to my employment with the Virginia Division of Forensic Science, I was a Trace Evidence Analyst at the Southwestern Institute of Forensic Science (SWIFS), Dallas, Texas. I held the position of Trace Evidence Analyst at SWIFS from 1990-1999, with the exception of a four-month recess between June 1994 and September 1994. As a Trace Evidence Analyst, I specialized in the fields of hair and fiber examination, gunshot residue analysis and glass examination. In that role I testified in numerous criminal cases regarding the forensic analysis of hair and fiber evidence.

4. On or about June 6, 1996, during my employment at SWIFS, I became involved as a forensic analyst for the State in the murders of Devon and Damon Routier. In addition to collecting certain trace evidence at the crime scene, I was provided with numerous pieces of evidence at the SWIFS laboratory. I performed both hair and fiber analysis of the evidence collected from the crime scene. Based on the results of this analysis, I ultimately testified as an expert witness for the State of Texas in the trial of Darlie Routier.

5. On August 23, 1996, I was visited at the SWIFS laboratory by Darlie Routier's original defense counsel, Douglas Parks and Wayne Huff, as well as the defense's Investigator, Cliff Jenkins. On at least two occasions prior to that date, I had met with Douglas Parks, Wayne Huff and/or Investigator Jenkins in order to provide them with access to the evidence in the State's custody and discuss my findings regarding that evidence.

6. On August 23, 1996, Douglas Parks, Wayne Huff, and Cliff Jenkins were accompanied by two forensic scientist, Bart Epstein and Terry Laber. It was my understanding that Bart Epstein and Terry Laber had been retained by Douglas Parks and Wayne Huff to conduct a forensic analysis of the physical and trace evidence in my custody. Bart Epstein, Terry Laber and I met for approximately three hours to discuss the evidence in the Routier case. During that meeting, Bart Epstein and Terry Laber reviewed the evidence in my possession, including, but not limited to:

a. All microscope slides I had prepared;

b. The nightshirt worn by Darlie Routier on the night of the murders;

c. The Hover vacuum cleaner;

d. The large maroon pillow;

e. Pieces of carpet and flooring containing blood stains and spatters; and

f. Darin Routier's blood-stained blue jeans.

The microscope slides I prepared contained screen material, hairs, fibers, and glass, including (but not limited to) fiber and opaque material I removed from the knife found on the Routier kitchen counter; and fibers from tests I performed on the garage window screen.

7. During the course of our August 23, 1996 meeting, Bart Epstein and Terry Laber performed a detailed analysis of the evidence I provided. Bart Epstein conducted a microscopic comparison of all the microscope slides I had prepared. Terry Laber collected samples from some of the larger pieces of evidence, such as Darlie Routier's nightshirt, and took detailed notes regarding the evidence examined.

8. I was not informed of Bart Epstein and Terry Labers' conclusion based on their analysis of the Routier evidence. However, the evidence tested by Bart Epstein and Terry Laber may have enabled them to form conclusions that contradicted, or called into question, the State's theory of the case.

9. I was not contacted by either Bart Epstein or Terry Laber following our August 23, 1996 meeting at SWIFS. I do not know if they conducted further tests on the evidence they collected from me. Bart Epstein and Terry Laber's absence from Darlie Routier's trial team coincided with the appointment of Douglas Mulder and Richard Mosty, who assumed the representation of Darlie Routier from Douglas Parks and Wayne Huff. Following my August 23, 1996 meeting with Bart Epstein and Terry Laber, I was not contacted by any other trace evidence experts for the defense in the Routier case.

10. As a trace evidence analyst, it is my professional opinion that further forensic testing on this evidence would have been appropriate in order to adequately investigate the factual bases of the prosecution's theories. Specifically, it is my professional opinion that if Bart Epstein and Terry Laber were released from their retention as expert witnesses for Darlie Routier's defense, such release constituted a grave error on the part of Darlie Routier's defense counsel.

I declare under penalty of perjury that the foregoing ten (10) numbered paragraphs are true and correct.

Dated: July 11, 2002

[signed]

Charles A. Linch

COMMONWEATH OF VIRGINIA

COUNTY OF HENRICO