

IN THE SUPREME COURT OF FLORIDA

DAVID EUGENE JOHNSTON,  
Appellant,

v.

CASE NO. SC09-839  
Lower Ct. Case No. CR83-5401  
\*\*DEATH WARRANT\*\*

STATE OF FLORIDA,  
Appellee.

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STATE'S NOTICE OF FILING DNA TEST RESULTS REPORT

COMES NOW the State of Florida, by and through the undersigned counsel, and hereby files the following:

1. DNA Test Results Report, dated June 12, 2009.

Respectfully submitted,

BILL MCCOLLUM  
ATTORNEY GENERAL



KENNETH S. NUNNELLEY  
Senior Assistant Attorney General  
Florida Bar #998818  
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Daytona Beach, FL 32118  
(386) 238-4990  
FAX (386) 226-0457

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the State's Notice of Filing DNA Test Results Report has been furnished by **e-mail**, and **U.S. Mail** to: The Honorable Bob Wattles, Circuit Court Judge, Ninth Judicial Circuit, 425 N.

Orange Avenue, Suite 1140, Orlando, FL 32801; Jeff Ashton, ASA, Ninth Judicial Circuit, 415 N. Orange Avenue, Suite 400, Orlando, FL 32801; and Todd D. Doss, Esquire, 725 S.E. Baya Dr., Suite 102, Lake City, FL 32025 on this 12th day of June, 2009.

*Barrada Davis*

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Of Counsel

# FLORIDA DEPARTMENT OF LAW ENFORCEMENT



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## ORLANDO REGIONAL OPERATIONS CENTER

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Investigations Fax: (407) 245-0824

Forensics Fax: (407) 650-5140

Administration Fax: (407) 540-3806

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DATE: 6-12-09

TO: Robin Clint

(386) 226-0457

FROM: Corey Crumbley

NO. OF PAGES: 4

(including cover page)

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Comments:

*Johnston Case*

*FL Sup. Ct. Case# SC09-839*

*Orange Co Case# 83-5401*



Florida Department of  
Law Enforcement

Gerald M. Bailey  
Commissioner

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Charlie Crist, Governor  
Bill McCollum, Attorney General  
Alex Sink, Chief Financial Officer  
Charles H. Bronson, Commissioner of  
Agriculture

June 10, 2009

**TO:** Chief Val B. Demings  
Orlando Police Department  
100 South Hughey Avenue  
Orlando, FL 32801-0913

**FDLE NUMBER:** 20090505794  
**SUBMISSION:** 1 and 2  
**AGENCY NUMBER:** 08326N

**ATTN:** Dave Vernon

SUBPOENAS PERTAINING TO THIS CASE  
SHOULD REFER TO THE FDLE NUMBER.

**VICTIM(S):** MARY HAMMOND

**SUBJECT(S):** DAVID E JOHNSTON

**OFFENSE(S):** Death Investigation  
Orange County  
11/7/1983

Corey Crumbley  
Crime Laboratory Analyst  
Biology Section

**REFERENCE:**

This report is in reference to the following evidence submitted to the Florida Department of Law Enforcement on May 29, 2009 and on June 03, 2009 by David Vernon. This report may contain conclusions, opinions, and/or interpretations made by the author.

This report is cross-referenced to the Florida Department of Law Enforcement case number 831156599 report dated January 20, 1984.

**EVIDENCE:**

FDLE Item#	Agency Exhibit#	Description
1	K4 thru K7	K4 - blood from Hammond K5 - body hair from Hammond K6 - head hair from Hammond K7a - right fingernails from Hammond K7b - left fingernails from Hammond
2	K-2	K-2 - 1 pair of red shorts from Johnston
3	K-36	K-36 - 1 right tennis shoe belonging to Johnston
4	K-37	K-37 - 1 left tennis shoe belonging to Johnston
5	K-41	K-41 - socks from Johnston K41a- striped sock K41b- plain white sock
6	K-42	K-42 - socks from Johnston K42a- big sock K42b- small sock
7	K-8	K-8 buccal swabs from David Johnston



FDLE NUMBER: 20090505794 Submissions: 1 and 2

CAC

**RESULTS:**

Due to its unsuitable condition, no testing was performed on Exhibit K4.

Exhibit K5 was not examined.

A hair suitable for STR DNA analysis was identified on K6.

K7a and K7b gave chemical indications for the presence of blood.

K2, K36, K37, K41a, K41b, K42a and K42b failed to give chemical indications for the presence of blood.

STR DNA analysis was performed on samples from the following exhibits utilizing the AmpF/STR Profiler Plus and AmpF/STR COfiler PCR Amplification Kits.

**K6 Head hair from Hammond**

A partial DNA profile was obtained from Exhibit K6.

**K8 Buccal swabs from David Johnston**

A complete DNA profile was obtained from Exhibit K8.

**K7a Right fingernails from Hammond**

DNA results foreign to Mary Hammond (K6) were obtained from Exhibit K7a. Due to the limited nature of these results, this data is insufficient for inclusion purposes. However, the results are consistent with originating from a male individual.

*Further analysis such as Y-STR DNA testing at an accredited laboratory is suggested for Exhibit K7a.*

**K7b Left fingernails from Hammond**

No DNA results foreign to Mary Hammond (K6) were found on Exhibit K7b.

*Based on Y- quantitation results, further analysis such as Y-STR DNA testing at an accredited laboratory is suggested for Exhibit K7b.*

**K36 Right tennis shoe from Johnston**

**K37 Left tennis shoe from Johnston**

**K41b Plain white sock from Johnston**

**K42a Big sock from Johnston**

No DNA results were obtained from Exhibits K36 (stains a through e), K37 (stains a, c and d), K41b (stain 1) and K42a (stains 2 and 3).

Based on DNA quantitation results, no further testing was performed on Exhibit K37 (stain b).

Due to the limited DNA results obtained from Exhibit K42a (stain 1), this data is insufficient for inclusion purposes. Results are consistent with originating from a male individual.

**FDLE NUMBER:** 20090505794 Submissions: 1 and 2

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**REMARKS:**

The DNA profile developed from Exhibit K8 has been entered into CODIS.

AmpF/STR Profiler Plus PCR Amplification Kit: amelogenin, D3S1358, vWA, FGA, D8S1179, D21S11, D18S51, D5S818, D13S317, D7S820

AmpF/STR COfiler PCR Amplification Kit: amelogenin, D3S1358, D16S539, TH01, TPOX, CSF1PO, D7S820

Abbreviations that may appear in this report are: CODIS *Combined DNA Index System*; DNA *deoxyribonucleic acid*; STR *short tandem repeat*; FBI *Federal Bureau of Investigation*; and JFS *Journal of Forensic Sciences*.

The above exhibits and all DNA extracts should be picked up at your earliest convenience. If this is not feasible, please contact the Evidence Section at (407) 650-5100.

Questions regarding this report should be addressed to: coreycrumbley@fdle.state.fl.us.