

1 Garst.

2 MS. GARST: Note my exception, Your Honor.

3 COURT: I do. You should disregard the
4 evidence regarding the Visine, ladies and gentlemen.

5

6 Cross Examination by Mr. Albertson:

7 Q. Dr. Kuhlman, have you heard the term shrooms or
8 mushrooms in reference to illegal drugs?

9 A. Yes, mushrooms.

10 Q. Okay. And what is the scientific name for
11 mushrooms or is there several for that?

12 A. There are many different types of mushrooms.

13 Q. Okay. Is it possible that in the chest blood
14 that you tested that there could be mushrooms in that
15 blood or the chemical associated with mushrooms that were
16 not tested for?

17 A. I suppose it is possible because we did not look
18 for any type of mushrooms.

19 Q. Okay. Did you also look for marijuana?

20 A. No.

21 Q. And is this a standard panel of tests that you do
22 or is it a panel selected by the Commonwealth for you to
23 do?

24 A. We have standard panels of testing for different
25 types of medical examiner cases. This case was submitted

1 as an alleged homicide case and we have a standard panel
2 of testing that we do for that type of case. And in that
3 case we look for alcohol or drinking alcohols and
4 commonly found drugs of abuse.

5 Q. Okay. Based on your experience is mushrooms a
6 less commonly seen drug of abuse?

7 A. Yes.

8 Q. Is that one of the reasons that it wasn't tested
9 for in this particular case?

10 A. Well, we did not have any information about
11 testing for it and also my laboratory in Roanoke doesn't
12 have the capabilities to test for it even if it was asked
13 for.

14 Q. Okay. Sir, thank you for answering my questions.

15 MS. GARST: Dr. Kuhlman can be released,
16 Your Honor. Thank you.

17 COURT: You can step down. You're free to
18 leave, sir.

19 MS. GARST: Eric Tyrell.

20 COURT: Come forward and be sworn.

21 CLERK: Raise your right hand, please. Do
22 you solemnly swear or affirm the testimony you're about
23 to give will be the whole truth and nothing but the
24 truth, so help you God?

25 MR. TYRELL: Yes.

As per record



DEPARTMENT OF FORENSIC SCIENCE

CERTIFICATE OF ANALYSIS

Western Laboratory
6600 Northside HS Road
Roanoke, VA 24019-2837

August 20, 2008

Tel. No.: (540) 561-6600
Fax: (540) 561-6608

TO: PAUL BENSON, M.D.
OFFICE OF THE CHIEF MEDICAL EXAMINER
6600 NORTHSIDE H.S. ROAD
ROANOKE, VA 24019-2836

FS Lab # W08-7072

Your Case #: W394-08

Victim(s): STANLEY, Dustin R.

Suspect(s): ---

Evidence Submitted By: Samuel A. Jimenez

Date Received: 07/30/2008

Item TX1 Two (2) vials of chest blood
Item TX2 One (1) vial of vitreous humor
Item TX3 One (1) vial of urine

RESULTS:

Chest Blood: - Ethanol not detected
- Methanol, acetone, isopropanol not detected
- Cocaine/Benzoylcegonine not detected
- Opiates not detected
- Methamphetamine/MDMA not detected
- Phencyclidine not detected
Vitreous Humor: - Not analyzed
Urine: - Not analyzed

RECEIVED

AUG 26 2008

OFFICE OF THE CHIEF MEDICAL EXAMINER-WESTERN DISTRICT

Attest:

I certify that I performed the above analysis or examination as an employee of the Department of Forensic Science and that the above is an accurate record of the results of that analysis or examination.

FILED IN THE CLERK'S OFFICE
ROCKINGHAM COUNTY, VA

James I. Kuhlman, Jr.
James I. Kuhlman, Jr., Ph.D.
Forensic Toxicologist

JJK/tmw

OCT 27 2008

Melanie Haalen DEPUTY CLERK

I CERTIFY THAT THE DOCUMENT TO WHICH THIS AUTHENTICATION IS AFFIXED IS A TRUE COPY OF A RECORD IN THE ROCKINGHAM COUNTY CIRCUIT COURT CLERK'S OFFICE AND THAT I AM THE CUSTODIAN OF THAT RECORD.

10/27/08
DATE

Melanie Haalen
CLERK / DEPUTY CLERK

A COPY TESTE SEP 19 2008

Paul Benson, M.D.
Paul Benson, M.D.

EXHIBIT
NO. 28