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May 7, 2013

Marc J. Victor, Esq.
Law Firm of Marc J. Victor, P.C.
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RE: State of Arizona Superior Court Case Hogue, et. al. vs. Mark Goudeau, et. al. CV2010-092705, CV2010-099221, CV2012-095372, CV2012-095373, CV2012-095374 (Consolidated). Rebuttal Report of City of Phoenix Forensic DNA Expert Rhonda K. Roby, whose anticipated testimony is contained within Defendant's Second Supplemental Consolidated Disclosure Statement - Cumulative Format.

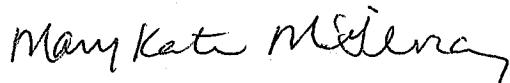
Dear Attorney Victor,

1. According to the Defendant's Disclosure Statement, Rhonda Roby will offer testimony regarding Y-STR testing.
 - a. It is my opinion that Y-STR testing has no relevance to the issue at hand. The Phoenix Police Department Laboratory Services Bureau (PPD LSB) could have obtained STR results attributable to the perpetrator through testing of the evidence in the Lara case and they could have searched the results through the state's DNA database of offender profiles. If they had done that then Mark Goudeau's name would have been revealed by that database search. Y-STR testing would not have been necessary to determine the name of the perpetrator of the sexual assault on Alejandra Lara; only the STR results of the perpetrator would be needed.
 - b. There was sufficient DNA on the left breast swabs to conduct both STR testing and Y-STR testing. In fact, the Arizona Department of Public Safety conducted both STR and Y-STR testing on the DNA from the left breast swabs. If the PPD LSB had conducted STR testing as described above, Y-STR testing could have been conducted after the STR testing, if necessary. For example, if preparations for the criminal trial of Mark Goudeau necessitated a strategy that included not only STR results but additional Y-STR testing on the DNA from the left breast swabs, then the Y-STR testing could have been done at any point after the STR testing.
2. According to the Defendant's Disclosure Statement, Rhonda Roby will offer

testimony regarding the federal CODIS database, including federal CODIS requirements, restrictions and fines that can be levied against an agency for violation of those restrictions.

- a. It is my opinion that the federal DNA database called the National DNA Index System (NDIS) has no relevance to the issue at hand. Mark Goudeau's STR DNA profile was contained within the state of Arizona's DNA database, a State DNA Index System (SDIS). Though Mark Goudeau's DNA profile might also have been present in NDIS, a search of NDIS was not necessary to reveal the identity of the perpetrator who sexually assaulted Alejandra Lara; only a search of the AZ state offender database or any local DNA database that contained Mark Goudeau's STR DNA profile was needed.
- b. Requirements for what DNA data can be searched or input in NDIS are separate and distinct from what can be input or searched in a state or local DNA database. The DNA profile of the perpetrator from the Alejandra Lara case did not need to be searched in NDIS to reveal the name of the perpetrator; thus data requirements for NDIS are irrelevant.

Sincerely,



Mary Kate McGilvray
Forensic DNA Consultant
Quality Forensic and Investigative Services, LLC