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SUPREME COURT - STATE OF CALIFORNIA

THE PEOPLE OF THE  
STATE OF CALIFORNIA,

Plaintiff-Respondent,

vs.

KEVIN COOPER,

Defendant-Appellant.

SUPREME COURT NO. *Crim 24552*

FROM SAN DIEGO COUNTY

HON. RICHARD C. GARNER,  
JUDGE

San Diego County Superior Court Case No. CR 72787

REPORTERS' TRANSCRIPT

VOLUME *102*

January 16, 1985, Pages 6525 through 6621  
January 17, 1985, Pages 6622 through 6745

*+6890*  
*6555A-F*

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00222600



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1 Q. Where would the Canyon Corral Bar be?  
2 A. Could I get up?  
3 Q. Sure.  
4 A. What's this, Carbon Canyon?  
5 Q. Carbon Canyon.  
6 A. It has got to be up here, around here somewhere.  
7 Q. Right where the "CC" is?  
8 A. Yes.  
9 Q. Is it on the corner essentially --  
10 A. Right.  
11 Q. -- of Carbon Canyon?  
12 A. What's labeled Carbon Canyon Road.  
13 Q. Does that continue on through the hills over to  
14 Orange County?  
15 A. Yes, it does.  
16 Q. Getting from -- well, right past your bar does the  
17 road widen out into about four lanes?  
18 A. No.  
19 Q. Does -- where does it widen out to four lanes?  
20 A. It doesn't at all.  
21 Q. Does it get a lot wider though?  
22 A. No, it's just a single lane all the way through  
23 the --  
24 Q. I'm talking about coming the other way.  
25 A. Coming towards Chino?  
26 Q. Yes. Coming --  
27 Q. After you go from -- if you're coming from Orange  
28 County and it passes the Canyon Corral, does it widen

1           1       SAN DIEGO, CALIFORNIA, WEDNESDAY, JANUARY 16, 1985 9:40 A.M..

2                               --oo0oo--

3  
4           THE COURT: Good morning.

5           MR. NEGUS: Ed Lelko.

6  
7                               EDWARD JOSEPH LELKO,  
8       called as a witness on behalf of the Defendant, having been duly  
9       sworn, testified as follows:

10          THE CLERK: Would you have a seat, please.

11                       Would you state your full name for the record and  
12       spell your last name.

13          THE WITNESS: Edward Joseph Lelko. L-e-l-k-o.

14  
15                               DIRECT EXAMINATION

16       BY MR. NEGUS:

17           Q.     Mr. Lelko, in June of 1983, what was your employer?

18           A.     Canyon Corral.

19           Q.     What is the Canyon Corral.

20           A.     It is a restaurant-bar.

21           Q.     And what was your occupation at that point in time?

22           A.     Bartender.

23           Q.     I'm getting good at that.

24                       Directing your attention to an aerial photograph  
25       being marked as Exhibit 1.

26                       Can you orient yourself on that photograph as to  
27       the Chino area?

28           A.     Right.

1 appreciably right at the intersection there of Peyton?

2 A. No. It essentially widens out a little further  
3 down on the curve there.

4 Q. Okay. And then it goes around a bend then directly  
5 down to Highway 71?

6 A. Oh, yeah, I see where you are going. Pipeline and  
7 then 71.

8 Q. Going back the other way through the canyon, the  
9 highway, Carbon Canyon, is a rather narrow windy two-lane road.

10 A. Right.

11 Q. At the -- did you become aware in June of 1983 of  
12 the Ryen murders?

13 A. Yes.

14 Q. Do you remember the date?

15 A. 3rd or 4th, I think.

16 Q. Okay. The week -- the week after the Ryen murders,  
17 did a detective come out and take a statement from you?

18 A. Yes.

19 Q. And did that statement relate to some observations  
20 you had made on the Saturday night prior to his taking the  
21 statements?

22 A. Yes.

23 Q. Do you know if his name was Phil Dana?

24 A. I saw him outside. I don't know who he is. I  
25 don't know his name.

26 Q. On -- in the Canyon Corral Bar, what was the  
27 clientele like?

28 A. Mostly regulars, cowboys, people who lived up in

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1 the hills.

2 Q. On that Saturday night, before you were interviewed  
3 by the detective, did you notice some unusual people in the bar?

4 A. Yes.

5 Q. Who did you notice?

6 A. Oh, three guys looked like they were in the Marines  
7 or something, in the service. They had short hair and kind of  
8 looked like they were young kids.

9 Q. Okay. What time did you first notice these people?

10 A. Well, just before 9:00 o'clock; before the band  
11 started.

12 Q. What time does your band normally start?

13 A. 9:00 o'clock.

14 Q. Did you wait on them yourself?

15 A. No.

16 Q. Where were you during the time that they were in  
17 there?

18 A. I was standing behind the bar.

19 Q. Showing you Exhibit 721, a three by five  
20 photograph. Do you recognize what that depicts?

21 A. Yes. The dance floor area of the bar.

22 Q. Can you see the bar in that as well?

23 A. No, you can't. It is off to the left there.

24 Q. Okay. Does that depict the table at which these  
25 three young males were seated?

26 A. Yes.

27 Q. And has that been previously marked with some sort  
28 of marking on it?



1 A. Yes. There's a "5" or something here.  
2 Q. The table where the orange marking is?  
3 A. Right.  
4 Q. And showing you Exhibit 720.  
5 Is that another photograph of the same table?  
6 A. Yes, it is.  
7 Q. Do you recall what the young men ordered the first  
8 time that they were in the bar?  
9 A. Three beers. A couple Bud's and a Coor's.  
10 Q. And going over -- in preparing for your testimony  
11 today I showed you a copy of Mr. Dana's report of your  
12 conversation on June the 8th; is that right?  
13 A. Right.  
14 Q. Did that help to refresh your recollection about  
15 some of these details?  
16 A. A little bit. It's been in my mind ever since San  
17 Bernardino, so, --  
18 Q. You have testified once before.  
19 A. Yes, I have.  
20 Q. When the -- did the first time that they were in  
21 the bar, did the young men -- did the young men cause any  
22 commotion?  
23 A. No.  
24 Q. Did they stay for more than one drink?  
25 A. No. Just had the one and left.  
26 Q. Do you remember how long they were there?  
27 A. Fifteen, twenty minutes, possibly, at the most.  
28 Q. Can you -- do you have a recollection of what each

1 one of them looked like?

2 A. Basically.

3 Q. Could you describe them sort of 1, 2 and 3.

4 A. Uh-huh. They're tall, about the same height and

5 build. They were like about five nine, five ten, thin build,

6 about 145, 155. That was about it. They just looked about the

7 same size when they walked through the door.

8 Q. Do you remember what clothing they were wearing?

9 A. Well, they had just T-shirts on, and levis.

10 Q. What race were they?

11 A. Caucasian.

12 Q. The haircuts that they had, was there anything

13 about the haircuts which caught your attention especially?

14 A. That is why I thought they were in the military.

15 Real short. Looked like Marines out on the weekend, something

16 like that. Navy,

17 Q. Are there any military facilities in Chino?

18 A. No.

19 Q. There are some Air Force bases on the east of Chino

20 out towards Riverside, San Bernardino. Right?

21 A. Right.

22 Q. But if you looking for Navy or Marine facilities,

23 the closest one would be down either at El Toro, or if you're

24 Navy, Long Beach.

25 A. Right.

26 Q. Did those people come back again a second time that

27 night?

28 A. Yes, they did.

1 Q. Was there anything different about them the second  
2 time that they came in?

3 A. Well, one of them was extremely drunk and I refused  
4 to serve them, so they all left.

5 Q. How did you refuse to serve them?

6 A. I didn't. I told the waitress, I shook my head and  
7 she knew what I meant, and she just went up and told them to  
8 leave, and they left.

9 Q. Did one of the young men have a yellowish or beige  
10 T-shirt?

11 A. Yes.

12 Q. What time did they leave the second time?

13 A. The second time?

14 Q. Yes.

15 A. It was around 11:30. Maybe 11:35.

16 Q. And did you see where they went when they left your  
17 establishment?

18 A. They just walked out the door, that is all I know.

19 Q. You walk out the front door of the Canyon Corral,  
20 what street are you going to be on?

21 A. Carbon Canyon.

22 Q. From your place in the bar, can you see vehicles  
23 out front; parked out front?

24 A. No.

25 Q. Is there a parking place both out front of the  
26 place and also in the back?

27 A. Yes.

28 Q. If you are going into the parking lot, if you are a

1 customer in the back, you still have to go out the front door?

2 A. No.

3 Q. How do you get out --

4 A. There's a back door.

5 Q. -- going through the back?

6 Showing you Exhibit 661. Does that appear to be a

7 photograph taken of the back parking lot of the Canyon Corral.

8 A. Yes, it is.

9 Q. Does the Canyon Corral Bar, or excuse me, in June

10 of 1983 did the Canyon Corral Bar sell bottles of Miller beer in

11 the light clear bottles?

12 A. No, sir.

13 Q. Where, in that particular vicinity, would you be

14 able to purchase that item?

15 A. Well, there was a liquor store down by Pipeline and

16 Carbon Canyon, and then there's one in the canyon about four

17 miles down the road in the canyon.

18 Q. Okay. So Pipeline, the liquor store at Pipeline

19 and Carbon Canyon would be in the shopping center that I'm

20 pointing at right here?

21 A. Yes.

22 Q. And then the other liquor store would be up the

23 canyon off the photograph.

24 A. Right.

25 Q. How many other bars, besides the Canyon Corral,

26 were there in the general vicinity of Carbon Canyon?

27 A. La Vita.

28 Q. That is down in the Orange County end of the

1 canyon?

2 A. Right.

3 Q. Any others?

4 A. No, not in that area.

5 Q. The other bars that would be the closest other bars  
6 would be up in the City of Chino or down at the airport, which  
7 is on the other side of the --

8 A. Right.

9 Q. -- photograph here.

10 The yellowish or beige T-shirt that the young men  
11 were wearing, was there anything particularly distinctive about  
12 it that you can recall?

13 A. Not really. Just maybe a pocket or something in  
14 them, or -- they were the type like that, which were just --

15 Q. I have showed you this T-shirt before.

16 A. Yes.

17 Q. Showing you Exhibit 169, a previously identified  
18 T-shirt with blood consistent with Doug Ryen on it.

19 You can't say positively that it is, but at least  
20 this is a similar type T-shirt as to what the person was  
21 wearing.

22 A. Yes.

23 MR. NEGUS: Thank you. I have nothing further.

24

25 CROSS EXAMINATION

26 BY MR. KOTTMEIER:

27 Q. Mr. Lelko, the Canyon Corral bar is just a beer  
28 bar?

1           A.     No, sir.

2           Q.     It has other hard alcohol available; is that

3     correct?

4           A.     Yes, sir.

5           Q.     The bar itself also on Friday and Saturday nights

6     has a band there.

7           A.     Yes, sir.

8           Q.     And you change the lighting after the dinner hour,

9     reduce it substantially when the band starts?

10          A.     Well, if there -- the dinner hour goes to 10:00 or

11     11:00 o'clock that night, so we kind of dim them a little bit.

12     Then after 11:00 we dim them more.

13          Q.     Were you drinking while serving the night of

14     Saturday, June the 4th?

15          A.     I might have had one or two, yes.

16          Q.     Do you know what you were drinking?

17          A.     Probably a bourbon and water.

18          Q.     Now, you told us, I believe, that the first time

19     you saw these three young men was around what time?

20          A.     9:00 o'clock.

21          Q.     In the evening?

22          A.     Yes.

23          Q.     And I believe you described them as Marines; is

24     that correct?

25          A.     Marine type. Military type.

26          Q.     Military of any kind?

27          A.     Right.

28          Q.     Nothing at all that distinguishes them as

1 Marines --

2 A. No.

3 Q. -- as opposed to Air Force.

4 A. No.

5 Q. And of course, you are aware that in Riverside

6 there was March Air Force Base; is that correct?

7 A. Right.

8 Q. That is a extremely large military facility.

9 A. Right.

10 Q. Also in San Bernardino they have Norton Air Force

11 Base; is that correct?

12 A. Right.

13 Q. And also there are Marine bases in San Bernardino

14 County, and Army bases as well.

15 A. Yes.

16 Q. Now, the only thing that gave you the feeling that

17 these young men may have some, as far as military connection, is

18 the shortness of hair.

19 A. Yeah. They were young, looked like they were in

20 shape, that is why I checked their I.D. Not old like me..

21 Q. Well, is being in shape something that's unusual

22 for the patrons of the Canyon Corral Bar? That may end your

23 business right then and there.

24 A. I don't work there anymore so it doesn't matter.

25 Q. Anyway, the three young men arrived around 9:00

26 o'clock and stayed for about 15 or 20 minutes.

27 A. Right.

28 Q. And during that time each of them had one beer.

1 A. Right.

2 Q. And two beers that were served or two of the beers

3 that were served were Budweiser and one was Coor's.

4 A. Yes, sir.

5 Q. And they left.

6 A. Right.

7 Q. Did they appear to be particularly intoxicated at

8 that point in time?

9 A. No.

10 Q. Do you recall what they were wearing when they came

11 in the first time?

12 A. Just the T-shirts that's all. That is all.

13 Q. And levis?

14 A. Levis and T-shirts. That's all.

15 Q. None of the three was wearing coveralls.

16 A. No.

17 Q. And in particular, none of the three were wearing a

18 jumpsuit type of coverall with long sleeves.

19 A. No.

20 Q. And you saw them again at about 11:00 o'clock; is

21 that correct?

22 A. 11:30.

23 Q. 11:30 is when they came in --

24 A. Yes.

25 Q. -- the second time?

26 A. Yes.

27 Q. When you saw them around 11:30, were they still

28 wearing the same clothes you saw before?



1 A. Yes, sir.

2 Q. No change whatsoever?

3 A. No.

4 Q. And the time that you saw them you were behind the

5 bar area itself of the Canyon Corral Bar?

6 A. Yes, sir.

7 Q. You never got out and walked around toward the

8 table area.

9 A. No.

10 Q. So the closest that you would have gotten to them

11 would have been, oh, fifteen feet or so.

12 A. No. About five or six feet.

13 Q. So that the table is five or six feet away?

14 A. Away from the bar. From the end of the bar.

15 Q. Do you recall testifying previously that the

16 closest you got was twelve to fifteen feet?

17 A. No, because I walked down the bar. The regulars

18 sit right here. Where there table is is just like from here to

19 that table right here.

20 MR. KOTTMEIER: Referring to Volume XXXII, Page 1753.

21 MR. NEGUS: Could I look at your copy? I didn't bring

22 mine.

23 MR. KOTTMEIER: Lines 16 through 19.

24 "Question: What is the closest you ever got to the

25 three men?

26 "Answer: About from me to you, probably.

27 "Question: How far would you estimate in feet that

28 is?

1 "Answer: Twelve to fifteen feet."

2 THE WITNESS: Well, just like from here to that table  
3 right there is about as far as I was from them. So that --  
4 maybe it might be that far.

5 BY MR. KOTTMEIER:

6 Q. Now, in regard to the T-shirts, do you know what  
7 color the T-shirts were?

8 A. They were light color. I said, beige, yellow.

9 Q. White?

10 A. No, they weren't white.

11 Q. Light blue?

12 A. No. They were yellow or beige or brown.

13 Q. How is it that you are able to reconstruct what  
14 color they were?

15 A. That's what I said from the beginning, that they  
16 were light colored. Yellowish or beigish.

17 MR. KOTTMEIER: Referring to Page 1754, Volume XXI.

18 MR. NEGUS: I don't --

19 MR. KOTTMEIER: Did you testify in San Bernardino --

20 MR. NEGUS: I would object. I don't believe this is  
21 inconsistent. If we could show you.

22 THE COURT: I have to see it, Mr. Kottmeier.

23 Lines, please.

24 MR. KOTTMEIER: It is underlined, your Honor. It may  
25 help as far as context if you want to look at the preceding  
26 question that starts on the page before.

27 THE COURT: Counsel, I will overrule it.

28 MR. KOTTMEIER: (Reading)

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1                   "Question: Do you recall at this time whether it  
2                   was tan, yellow or beige?

3                   "Answer: No.

4                   THE WITNESS: Oh, it was a light color. It was one of  
5                   those colors.

6                   BY MR. KOTTMEIER:

7                   Q. But as far as anything consistent with the beige  
8                   shirt that you have been shown, it could have been yellow just  
9                   as well as beige?

10                  A. Right. I just said it was similar to that type  
11                  of -- and it was light colored.

12                  Q. Now, wasn't Shirley Killian the manager of the  
13                  Canyon Corral Bar at that time?

14                  A. Yes, sir.

15                  Q. And Shirley Killian was in the bar during that same  
16                  period that the three young men were there the second time; is  
17                  that correct?

18                  A. I don't know if she got back that night or not by  
19                  then. I can't remember if she got back then.

20                  Q. Wasn't it Shirley Killian that told you "No more  
21                  beer for the three guys over there."?

22                  A. No. I saw them walk in and stumble in and I told  
23                  the waitress no.

24                  Q. Did any of them have any beer with them when they  
25                  came in?

26                  A. No.

27                  Q. Did any of the have beer served to them at all the  
28                  second time?

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1 A. No.

2 Q. Did anyone of them leave with a beer in their hand?

3 A. No.

4 Q. You wouldn't allow anyone to bring an open beer

5 container into the bar itself, would you?

6 A. No, sir.

7 Q. Would you allow anyone to leave with an open beer

8 container?

9 A. No, sir.

10 Q. Other than the fact that they were stumbling when

11 they came in, was there anything that attracted your attention

12 to them the second time?

13 A. No, not really. They were just kind of stumbling

14 and knockin' against the walls, and I said no.

15 Q. Did they fall over furniture?

16 A. No.

17 Q. Were they trying to hold each other up?

18 A. Not really, no.

19 Q. You don't sell Miller High Life in any form within

20 the bars itself?

21 A. Miller Lite.

22 Q. Miller Lite.

23 A. It is a dark bottle.

24 Q. But not High Life.

25 A. No.

26 Q. Do you know what hours the liquor stores are open

27 down Highway 71 and Carbon Canyon Road on Saturday nights?

28 A. I can't say for sure. I was usually working

1        nights. I never went down there.

2                Q.     How many people were in the bar at 9:00 o'clock or  
3        9:30 when you first saw these men?

4                A.     Twenty-five or thirty.

5                Q.     And how many were there at 11:30?

6                A.     There was probably about fifty or sixty in there  
7        then.

8                Q.     During that period of time, was the clientele  
9        within the Canyon Corral Bar changing?

10              A.     Not too much. Most of the --

11              Q.     Go ahead.

12              A.     Most of them were regulars and they'd stay until  
13        closing time. They had their token seats and few people went in  
14        and out from the dinner time. They didn't want to hear loud  
15        music and they'd leave.

16              Q.     What I'm referring to, Mr. Lelko, is, during the  
17        period of June of 1983, and that particular summer, you saw more  
18        and more people, didn't you, that were not regular customers of  
19        the Canyon Corral Bar.

20              A.     Yes.

21              Q.     So that later on, the fact that you had people that  
22        you hadn't seen before wasn't particularly unusual, was it?

23              A.     Not really, no.

24              Q.     Now, in regard to these three young men. When they  
25        returned all of them had a shirt on.

26              A.     Yes, sir.

27              Q.     In fact, you have to have a shirt to be served at  
28        the Canyon Corral Bar, don't you?

1 A. Yes, sir.

2 Q. During the time that you saw them, when they left,  
3 did they leave all three as a group or two of them leave and one  
4 stay.

5 A. No. All three left at the same time.

6 Q. During the time that you were observing you saw the  
7 waitress go over and talk to the three gentlemen and say,  
8 "Sorry, no beer."?

9 A. Yes.

10 Q. And what was their response?

11 A. No problem. They just got up and left.

12 Q. Those were the kind of patrons that you like to see  
13 at your bar, aren't they?

14 A. Yes. That is why I watched them because sometimes  
15 I have to come out from behind the bar and help them leave.

16 Q. But, basically these three were polite --

17 A. Right.

18 Q. -- gentlemen.

19 A. Yes.

20 Q. In fact, you have seen in the past difficulty based  
21 upon what you have said with cutting someone off as far as  
22 refusing to go serve them.

23 A. Yes, I have.

24 Q. But this wasn't the case with these three men.

25 A. No.

26 Q. In fact, for classification, from bartender talk,  
27 these were what you would classify as "happy drunks".

28 A. Yeah.

1 Q. Having a good time.  
2 A. Yeah.  
3 Q. Earlier in the evening did you see a lady in a red,  
4 white and blue blouse?  
5 A. Not that I can recall.  
6 Q. Every hear anyone say to his friend, "Stand up and  
7 salute the blouse."?  
8 A. No.  
9 Q. You didn't hear any threats from these men at any  
10 time.  
11 A. No.  
12 Q. Didn't hear any swearing.  
13 A. No.  
14 Q. No verbal abuse of any kind.  
15 A. None.  
16 Q. No arguments.  
17 A. No.  
18 Q. Didn't see any injuries on them.  
19 A. No.  
20 Q. They didn't smoke.  
21 A. Not that I recall, no.  
22 Q. Didn't see any of them using roll-your-own type  
23 tobacco with papers.  
24 A. No.  
25 A. You smiled.  
26 A. Even the cowboys don't even do that anymore.  
27 Q. Didn't see any weapons.  
28 A. No.

1 Q. Didn't see any blood or bloodstains.  
2 A. No.  
3 Q. No injuries of any kind on them.  
4 A. No.  
5 Q. In fact, these three guys, other than just being  
6 out of your regular clientele, had nothing about them that  
7 really drew your attention to them.  
8 A. No. Just short hair and no cowboy hats or  
9 anything.  
10 Q. Well, when you were contacted by the detective  
11 initially you didn't even recall these three guys, did you?  
12 A. Not at first, no.  
13 Q. In fact, the detective had to press you and say,  
14 all right, anybody at all that you could think of that might  
15 have been in the bar that Saturday night?  
16 A. No, he didn't, because I went home and my girl  
17 friend reminded me, I told her when we got off, we sat and drank  
18 some coffee after work and we were talkin', I told her about the  
19 the three guys because she wasn't there and she reminded me and  
20 that's when I called and went back to the bar.  
21 Q. So even during that conversation with the detective  
22 you didn't recall it despite his questions at that point in  
23 time.  
24 A. Not at 8:30 in the morning when I get off at 3:00  
25 or 4:00.  
26 Q. Later you called him back and said, let me tell you  
27 about three customers that weren't in our regular clientele.  
28 A. Right.



1 Q. Did you ever see the three gentlemen come back?

2 A. No.

3 MR. KOTTMEIER: I have nothing further, your Honor.

4 MR. NEGUS: I have no further questions.

5 THE COURT: Thank you, Mr. Leiko. You may be excused.

6 MR. NEGUS: Rick Eckley.

7 THE COURT: Any of you that have filled up your notepads,  
8 you can give it to the bailiff and he will give it to the clerk  
9 and she'll keep it safe and provide it for your use later on.

10 I don't know if you are using one pad or not. They  
11 can keep it safe for you.

12

13 FREDERICK E. ECKLEY,

14 called as a witness on behalf of the Defendant, having been duly  
15 sworn, testified as follows:

16 THE CLERK: Thank you. Would you be seated, please.

17 Would you state your full name for the record and  
18 spell your last name.

19 THE WITNESS: Frederick E. Eckley. E-c-k-l-e-y.

20 THE CLERK: Thank you,

21

22 DIRECT EXAMINATION

23 BY MR. NEGUS:

24 Q. Mr. Eckley, what's your occupation?

25 A. Deputy Sheriff with San Bernardino County.

26 Q. And on June 9th, 1983, were you assigned as a  
27 deputy Sheriff working patrol to the Yucaipa substation.

28 A. Yes.

1 Q. And were you working swing shift?

2 A. I don't recall, but I believe so.

3 Q. At approximately 5:00 o'clock that particular  
4 evening, were you dispatched to go to the residence of a Diane  
5 Furrow, also known as Diane Loper, also known as Diane Kellison  
6 on Agate in Mentone?

7 A. Yes.

8 Q. When you arrived there, did you take an interview,  
9 tape an interview with her or did you interview her?

10 A. Yes.

11 Q. And did she indicate to you that she had some  
12 evidence concerning the Ryen homicide?

13 MR. KOCHIS: Objection, that would call for hearsay.

14 THE COURT: Yes, sustained.

15 BY MR. NEGUS:

16 Q. Did you receive some evidence from her?

17 A. I received a pair of coveralls.

18 Q. And did you take those coveralls into evidence?

19 A. Yes, sir.

20 Q. And in the -- in the Sheriff's Department do you  
21 have a system of logging items into evidence by a D.R. Number?

22 A. The property is logged by a property tag number  
23 under a D.R. Number.

24 Q. Okay. What is the D.R. Number?

25 A. It's a case number.

26 Q. And in this particular case the case number you  
27 used was the case number for the Ryen homicides?

28 A. Yes, sir.

1 Q. The particular coveralls that you received from  
2 this woman, were they -- did they have anything on them?  
3 A. Yes, sir.  
4 Q. What was that?  
5 A. Some hair.  
6 Q. Okay.  
7 A. And some dirt, mud or manure, and what Diane  
8 believed to be blood.  
9 Q. You say, "Diane believed to be blood," did it look  
10 like blood to you?  
11 A. It could have been.  
12 Q. Well, after you -- after you got the coveralls, did  
13 you also write a report under the -- for the Ryen murder  
14 investigation about this?  
15 A. Yes, sir.  
16 Q. And in the report did you describe those stains as  
17 bloodstains?  
18 A. Yes, sir.  
19 Q. How much of the coveralls had bloodstains on them?  
20 A. A portion from the knee down.  
21 Q. How big a portion?  
22 A. I don't understand your question.  
23 Q. Well, I mean, was it like soaked from the knee down  
24 or just spots, how much of the -- how much of the coveralls were  
25 bloody?  
26 A. How much is from the knee down.  
27 Q. Okay. All of the -- everything from the knee down?  
28 A. No. If you mean pattern, it was kind of a

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1 splattered, splashed type pattern.

2 Q. Was it like heavily splattered?

3 A. No.

4 Q. Well, it certainly looked to you like blood, right?

5 A. It possibly could have, yes.

6 Q. At previous times have you been more positive in

7 your description of it?

8 A. Yes.

9 Q. And did you tell Mr. Forbush during the interview

10 he had with you at the Yucaipa Substation that -- that it was

11 heavily splattered?

12 A. I don't recall.

13 Q. Mr. Forbush talked to you at the Yucaipa

14 Substation, did he not, before you had an opportunity to discuss

15 these coveralls with any member of homicide or the prosecution?

16 A. Yes.

17 Q. Since that time you have had a chance to discuss

18 the coveralls with homicide and the prosecution?

19 A. Yes.

20 Q. Was there also any blood anyplace else besides

21 the -- besides below the knees?

22 A. Not that I remember.

23 Q. Where was the hair?

24 A. Primarily at the hips and back pocket area and a

25 little bit on the arms.

26 Q. Could you tell whether the hair was animal or

27 human?

28 A. No, sir.

1 Q. Did you attempt to package the coveralls in such a  
2 way that the hair would not get lost from them?

3 A. No, sir.

4 Q. Just -- did you shake the hair off?

5 A. No, sir.

6 Q. Just left it on the coveralls like the way they  
7 were given to you?

8 A. Yes, sir.

9 Q. Showing you Exhibit 722, do you recognize that  
10 document?

11 A. Yes, sir.

12 Q. What is it.

13 A. It's a page from my evidence book.

14 Q. Okay. Everything that you take into evidence you  
15 log into that particular book?

16 A. Yes, sir.

17 Q. At that point in time were you the person who had,  
18 in fact, charge of the evidence at the Yucaipa Substation?

19 A. Yes, sir.

20 Q. When you got these coveralls did you then attempt  
21 to contact some investigators in the Ryen murder investigation?

22 A. Yes, sir.

23 Q. And did you make contact with a member of the  
24 Career Criminal Division by the name of Greg Bengé?

25 A. Yes, sir.

26 Q. Did he give you any instructions as to what to do  
27 with the coveralls?

28 A. Just to tag them and put them in our evidence

1 locker.

2 Q. Did he give you any instructions as to what sort of  
3 documentation to provide?

4 A. Forward to the Homicide Division my report.

5 Q. Did you then prepare a typewritten report?

6 A. Yes, sir.

7 Q. Did he give you any particular person within the  
8 Homicide Division that you should forward the report to?

9 A. Sergeant Arthur.

10 Q. Bill Arthur?

11 A. Yes, sir.

12 Q. And did you do that?

13 A. I forwarded it to homicide with his name. I don't  
14 know if he ever got it.

15 Q. But as far as you knew you did everything you could  
16 to get the report to Sergeant Arthur.

17 A. Yes, sir.

18 Q. After you forwarded that report, were you ever  
19 contacted by homicide about the coveralls?

20 A. No, sir.

21 Q. Well, in, I think it was May of 1984, did a Mr.  
22 Stalnaker from homicide come out to talk to you about them?

23 A. No, he didn't talk to me.

24 Q. Did -- how long did you keep those coveralls?

25 A. Somewhere near a period of six months.

26 Q. Do you have -- what did you do with them  
27 when you -- after the six months?

28 A. Threw them away.

1 Q. Where?  
2 A. In a dempsey-dumpster.  
3 Q. Before you threw them away did you make any attempt  
4 to contact homicide?  
5 A. I'm not sure that I understand your question.  
6 Q. Before you threw the coveralls away, did you make  
7 any attempt to contact homicide?  
8 A. Yes.  
9 Q. When was that?  
10 A. I don't recall the period or which specific date.  
11 There were several attempts.  
12 Q. During this -- this was just before you threw them  
13 away?  
14 A. Probably not just before, no.  
15 Q. Back in June?  
16 A. There were probably several in June and July.  
17 Q. Homicide never got back in touch with you though?  
18 A. No, sir.  
19 Q. When you -- when you made your decision to throw  
20 the coveralls away, did -- had you had them analyzed by anybody  
21 to see if the stuff on them was, in fact, blood?  
22 A. No, sir.  
23 Q. At that point in time did you call up anybody and  
24 ask if it was okay to throw them away?  
25 A. No, sir.  
26 Q. Were you aware that the investigation into the Ryen  
27 murders hadn't been closed, that the case was still going on?  
28 A. I was aware of that, yes.

1 Q. When you threw them away -- what date was that, by  
2 the way, do you have that listed down there?

3 A. December 1st of 1983.

4 Q. That was right in the middle of the preliminary  
5 hearing of this case, was it not?

6 A. I have no idea.

7 Q. Did you make any attempt to contact any member of  
8 the defense and tell them that you were going to throw them  
9 away?

10 A. No, sir.

11 Q. In the report that you submitted to Sergeant  
12 Arthur, did you indicate that Diane Furrow had further  
13 information about the coveralls that she would not reveal to you  
14 but wanted to give to Homicide Division?

15 A. I don't recall it was about the coveralls, but she  
16 had more information and she wanted to talk to homicide  
17 detectives.

18 Q. That was about the Ryen murders?

19 A. Yes.

20 Q. And in the report that you submitted to homicide,  
21 did you indicate that the -- Diane Furrow believed that these  
22 bloody coveralls were connected with the Ryen homicides?

23 A. Say that one more time.

24 Q. In the report that you submitted to homicide, that  
25 you sent to Sergeant Arthur, did you indicate that Diane Furrow  
26 suspected that the bloody coveralls are from the Chino murders?

27 MR. KOTTMEIER: Objection. Irrelevant, calls for  
28 hearsay.

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1 MR. NEGUS: It's not offered for the truth of the matter  
2 asserted, but it's only offered the -- on the issue of what it  
3 shows about the investigation.

4 MR. KOTTMEIER: You have to assume that it's true.

5 THE COURT: Excuse me, counsel. I will sustain the  
6 objection. Sustained.

7 BY MR. NEGUS:

8 Q. Did you also report what had transpired to your  
9 supervisor?

10 A. Regarding what?

11 Q. The coveralls.

12 A. Yes.

13 Q. And was that in June of 1983 a Sergeant Stodelle?

14 A. Yes, sir.

15 Q. In your presence did Sergeant Stodelle ever make  
16 any attempts to contact homicide?

17 A. In my presence, no.

18 Q. Showing you Exhibit 724, is that a Xeroxed copy of  
19 the report that you sent to Sergeant Arthur?

20 A. Yes.

21 Q. In the report there is three parts of it that have  
22 underlining; that was not in the report when you sent it off, is  
23 that right, the underlining?

24 A. Do what?

25 Q. There's parts of the report that in this particular  
26 piece of paper that I'm handing you has some red underlining and  
27 some blue underlining on it.

28 A. Okay.

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1 Q. That stuff wasn't there when you sent it off,  
2 right, the underlining?

3 A. I don't understand the question.

4 Q. The report that you sent to Sergeant Arthur --

5 A. Yes.

6 Q. -- was it underlined in the fashion that this  
7 particular piece of paper that I have before you is underlined?

8 A. No.

9 Q. Other than that, is that identical to the piece of  
10 paper that you sent to Sergeant Arthur?

11 A. Yes, sir.

12 Q. Where is Mentone located?

13 A. It is would be east of Yucaipa about six miles.

14 Q. And how far is that from Chino?

15 A. Guessing I would say 40 to 60 miles.

16 Q. For the benefit of those people that aren't  
17 familiar with that particular part of the world, where is  
18 Yucaipa?

19 A. It would be east of San Bernadino neighboring  
20 Redlands.

21 Q. And to get from Mentone to Chino, would you  
22 essentially take the Interstate 10, go south on one of a number  
23 of routes, and then get on Interstate 60 and travel to Chino?

24 A. It is would be the easiest way yes.

25 Q. Thank you.

26 I have nothing further.

27

28

CROSS-EXAMINATION

COMPUTERIZED TRANSCRIPT

1 BY MR. KOTTMEIER:

2 Q. Well, as long as we're covering tour guides to  
3 Chino, once you get on 60 you still have to drop down a  
4 substantial distance to get into the area of Chino Hills, don't  
5 you?

6 A. Yes, sir.

7 Q. And as far as time, we've talking maybe hour and a  
8 half or so in travel time from Chino Hills area to Mentone?

9 A. I guess, yes.

10 Q. In regard to this particular copy, there's an  
11 additional difference, isn't there, Deputy Eckley, down at the  
12 bottom right-hand corner is a Page No. 1002 relating the number  
13 of discovery when that page was given to the defense. That  
14 wasn't on your original report?

15 A. No, sir.

16 Q. Did you ever get any requests from Mr. Negus, Mr.  
17 Forbush, or anyone associated with the defense, that they were  
18 at all interested in the coveralls?

19 A. No, sir.

20 Q. Ever even get a phone call?

21 A. No, sir.

22 Q. The first time that any interest was shown by the  
23 defense was after they found out that they were no longer  
24 available?

25 A. First time I was aware of it when I was interviewed  
26 by Mr. Forbush.

27 Q. That was after they were no longer available?

28 A. Yes, sir.

1 Q. I've had marked as Exhibit 703 -- excuse me, 723,  
2 for the record, a jumpsuit type of coveralls. Did you bring  
3 these down Deputy Eckley?

4 A. Yes, sir.

5 Q. These are not the same color as the coveralls you  
6 saw, are they?

7 A. No, sir.

8 Q. In fact, as far as the material itself, it is not  
9 the same type of material, is it?

10 A. No, sir.

11 Q. In regard to style though, that is, with the zipper  
12 front, the long sleeves, the high neck on the particular  
13 coveralls, are they the same?

14 A. Yes, sir.

15 Q. You described in your earlier testimony verbally  
16 that the area that had the stain on it was somewhere below the  
17 knee.

18 Would you take this piece of string, please, and  
19 tie off where approximately on one of the legs the stain would  
20 have begun. And if you'd tie it real tight so it doesn't slide  
21 up or down.

22 A. (Witness complied.)

23 Q. And that is -- borrowing a ruler from the clerk --  
24 for the record, would you measure the distance from the bottom  
25 edge of the cuff up to the string that you've placed on that  
26 exhibit.

27 A. It's about nine inches, eight-and-three-quarters,  
28 somewhere in there.

020303

1 Q. Now you told us that the stain was a splattered  
2 type pattern along the bottom portion of this particular area;  
3 is that correct?

4 A. Yes, sir.

5 Q. Were there any areas where, for example, oh, say  
6 the size of a quarter, it was just completely covered in stain  
7 to where you'd look at it and that whole area just had nothing  
8 but the stain itself?

9 A. There might be a few spaces the size of a quarter,  
10 yeah.

11 Q. Were there any spaces that were larger than the  
12 size of a quarter?

13 A. As I recall there were some in the back.

14 Q. By "the back" you mean the back portion of the  
15 cuff?

16 A. Yes, sir. Yes, sir.

17 Q. And in regard to these particular splatters, did  
18 they appear to be random?

19 A. Yes, sir.

20 Q. No particular pattern that you could describe?

21 A. No, sir.

22 Q. Now, you saw no splatters or color anywhere on the  
23 overalls or coveralls other than this area that you've tied off  
24 on each leg?

25 A. I did not see any, no, sir.

26 Q. How would you describe the color that you saw on  
27 those coveralls of the splatters?

28 A. Kind of a reddish-orangish color.

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1 Q. Not brown?

2 A. No, sir.

3 Q. Not red?

4 A. Not a true red, no.

5 Q. Did it appear to be lighter than a bloodstain based  
6 upon the bloodstains that you've seen?

7 A. Yes, sir.

8 Q. Based upon personal contact, if you have had any,  
9 are you aware of whether any of the Roper's or their  
10 acquaintances rode motorcycles?

11 A. I don't recall any of them riding motorcycles, no.

12 MR. KOTTMEIER: I have no further questions at this time,  
13 your Honor.

14

15 REDIRECT EXAMINATION

16 BY MR. NEGUS:

17 Q. You say it looked lighter than blood to you?

18 A. Lighter than --

19 Q. Bloodstain?

20 A. Things that I know that are bloodstains, yeah.

21 Q. Remember Mr. Forbush asking you the question:  
22 "Were the coveralls in fact bloody?" And answering: "Yeah. In  
23 my opinion it looked like blood to me."?

24 A. Yes.

25 Q. Why did you say that if it was lighter than blood?

26 A. I don't know.

27 Q. Did you ever take a picture of the coveralls?

28 A. No, sir.

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1 Q. Did -- were you present when Mr. Stalnaker came out  
2 and discovered that the coveralls had been destroyed?

3 A. I had walked through and he was there, and I later  
4 asked why or I found out why or was told. I don't remember  
5 which.

6 Q. Well, did you go up and sort of explain to him how  
7 the ledger book that you have there in front of you worked?

8 A. No, sir.

9 MR. KOTTMEIER: Objection irrelevant.

10 THE COURT: The answer is in now. It may remain.

11 BY MR. NEGUS:

12 Q. Did you tell Mr. Forbush that you did?

13 MR. KOTTMEIER: Objection. Irrelevant.

14 THE COURT: No. Overruled.

15 Did you, sir?

16 THE WITNESS: I don't recall if I did or not, sir.

17 MR. NEGUS: I have nothing further.

18 MR. KOTTMEIER: I have no further questions, your Honor.

19 THE COURT: Thank you, Deputy Eckley. You may be  
20 excused.

21 MR. NEGUS: Could we take the break? I'm feeling a  
22 little sick actually. I'm not sure --

23 THE COURT: All right. We will take the morning recess.  
24 Remember the admonition, please.

25 (Recess.)

26

27 MR. NEGUS Phil Danna.

28 THE COURT: Phil Danna.

0020306

1 THE CLERK: Raise your right hand.

2

3

PHILLIP DANNA,

4 called as a witness on behalf of the Defendant, having been duly  
5 sworn, testified as follows:

6 THE CLERK: Would you state your full name for the record  
7 and spell your last name.

8 THE WITNESS: My name is Phillip, with two L's.  
9 D-a-n-n-a, Danna.

10 THE CLERK: Thank you.

11

12

DIRECT EXAMINATION

13 BY MR. NEGUS:

14 Q. Mr. Danna. in June of 1983 were you a deputy  
15 sheriff at, that point in time with the rank of detective,  
16 assigned to the West End Sheriff's Department?

17 A. Yes, I was.

18 Q. And at that -- on Sunday June the 5th, 1983, were  
19 you, as it were, the on-call detective for that particular  
20 weekend for the West End Sheriff's Department?

21 A. Yes.

22 Q. And were you dispatched to go to 2943 English Road  
23 in the Chino Hills sometime that afternoon?

24 A. Yes.

25 Q. Do you know what time that you arrived?

26 A. Sometime around noon.

27 Q. How many people were at that location when you did  
28 arrive there?

0020377



1           A.     There was a deputy with a marked vehicle by what I  
2     would call an a roadblock. And then there was two others by the  
3     house.

4           Q.     Two other uniformed deputies?

5           A.     No. Plain clothes.

6           Q.     Okay. Do you know the names of these folks?

7           A.     Yes.

8           Q.     What were they?

9           A.     Sergeant Bill Arthur and Detective Mike Hall.

10          Q.     And the deputy at the roadblock was Mr. Beltz?

11          A.     Yes.

12          Q.     When you arrived there at the house, did you  
13     enter -- did you enter into the residence at that point in time?

14          A.     Shortly thereafter, yes.

15          Q.     Do you know approximately what time that was?

16          A.     A short time afternoon.

17          Q.     What areas of the house did you go in on that  
18     occasion?

19          A.     My first entry was via the bedroom where the bodies  
20     were.

21          Q.     And how much time did you spend in that bedroom?

22          A.     Just a few moments.

23          Q.     Did you go through the rest of the house at that  
24     point in time?

25          A.     I went -- after I left that bedroom I went through  
26     the hallway and through the, I believe, the family room and then  
27     out the front door.

28          Q.     And did you come back to the house on two other

00203008

1 occasions on -- on that date?

2 A. Yes.

3 Q. On both occasions did you go into the bedroom?

4 A. No.

5 Q. Did you -- where -- did you eventually get

6 throughout the house in the three different times that you were

7 there inside it, to all the different rooms?

8 A. No.

9 Q. Which rooms did you not go into?

10 A. The only rooms that I entered were the -- I guess

11 it's the family room, and that bedroom and the hallway. I

12 couldn't tell you what other rooms I didn't enter.

13 Q. Did you ever go in the living room area?

14 A. When I spoke to Sergeant Arthur, I believe it was

15 either the living room or the family room, one of the two. It

16 was right inside the front door.

17 Q. After that first day that you were in the house,

18 did you ever go back again?

19 A. Yes.

20 Q. When was that?

21 A. Days later.

22 Q. And which rooms did you go into at that point in

23 time?

24 A. I went to the barn area of the house.

25 Q. You went into the barn?

26 A. Yes.

27 Q. Did you enter the residence?

28 A. No.

0020309

1 Q. After June the 5th did you ever enter the residence  
2 again?

3 A. No.

4 Q. Do you know what kind of shoes you were wearing on  
5 June the 7th, 1983?

6 A. Yes.

7 Q. What was that?

8 A. I believe they were the Wellington boots that I  
9 owned.

10 Q. You wear the same set of shoes to work every day?

11 A. Yes.

12 Q. I'm placing on the board Exhibit 226, and we have  
13 your name already written up here in big bold letters.

14 Could you put a "6-5" for "master bedroom".

15 A. (Witness complied.)

16 Q. And you believe it was a little bit after noon, so  
17 could you put "circa 1200," or something like that.

18 A. (Witness complied.)

19 Q. And while you were in the -- entering the house,  
20 did you also go on the patio at approximately the same time?

21 A. When I entered the house I crossed over the patio.

22 Q. Could you put a "6-5" under "patio".

23 A. (Witness complied.)

24 Q. During the Ryen investigation did you ever work  
25 with a Deputy Dale Sharp?

26 A. Yes.

27 Q. At some point in time were you and Mr. Sharp  
28 attempting to locate an employee of the Ryens by the name of

0020310

1 Cindy?

2 A. Yes.

3 Q. And in so doing did the two of you go back, in  
4 fact, inside the house and search and actually discover address  
5 books belonging to the Ryens?

6 A. No.

7 Q. Did you ever get ahold of an address book belonging  
8 to the Ryens?

9 A. No.

10 Q. Did you eventually make contact with a Cindy  
11 Reynolds?

12 A. I believe so.

13 Q. When you did that, did you -- did you have Mr.  
14 Sharp write the report?

15 A. I believe so.

16 Q. Did you ever drive Mr. Sharp up to the Ryen  
17 residence?

18 A. No.

19 Q. Do you remember what you were doing at 9:00 o'clock  
20 in the morning on June the 7th?

21 A. June the 7th I was probably either at the  
22 substation working on my other responsibilities or possibly  
23 still looking for the station wagon.

24 I believe I also interviewed a Mr. Lease that  
25 particular day.

26 Q. Could that have been June the 8th that you  
27 interviewed Mr. Lease?

28 A. I think it was June the -- June the 7th.

1 Q. The report -- the interview with Mr. Lease, did you  
2 put a date on that report?

3 A. I'd have to take a look at my report.

4 Q. Help yourself.

5 A. No, I didn't.

6 Q. Showing you pages 820 and 821 of the discovery, a  
7 report that's by Mr. Sharp that's dated as June 6th, although I  
8 am telling you just so you will know that in the testimony he  
9 corrected that date to June the 7th.

2

10 Does looking at that particular report, does that  
11 refresh your recollection of your having gone with Mr. Sharp to  
12 the Ryen residence?

13 A. It must have been with someone else, it wasn't with  
14 me.

15 Q. It was you, however, who interviewed Cindy Reynolds  
16 with Mr. Sharp?

17 A. If she's the girl that worked at the donut shop,  
18 yes.

19 Q. Were you ever contacted by anybody trying to make a  
20 list of who was in the Ryen house at various times?

21 A. No. Much later on the homicide detectives were  
22 involved in that.

23 Q. Okay. Did they contact you?

24 A. Yes.

25 Q. Did they ask -- how much later on was that?

26 A. Weeks after.

27 Q. Did they -- did she ask you who you had been at the  
28 house with?

1 A. I don't recall.

2 Q. When you talked to Larry Lease, was that after  
3 evidence had been discovered in the 2991 residence?

4 A. Yes.

5 Q. Was it also after the discovery of a hatchet by Mr.  
6 Roper down by the intersection of English Road and Peyton Road?

7 A. Yes.

8 Q. During that interview with Mr. Lease, did he  
9 describe a hatchet that had been kept at the 2991 residence and  
10 tell you where it had been kept?

11 A. Yes.

12 Q. And was that in response to your questions about  
13 the hatchet that had been found down by the intersection of  
14 English Road and Peyton Road?

15 A. Yes.

16 Q. Where did Mr. Lease tell you that the hatchet was  
17 normally kept?

18 MR. KOCHIS: I would object. That would call for  
19 hearsay.

20 MR. NEGUS: Inconsistent statement.

21 MR. KOCHIS: I don't believe it's inconsistent with what  
22 he testified to at the trial. He testified to two hatchets, two  
23 descriptions, two locations.

24 MR. NEGUS: He also -- Well, Mr. Lease testified that the  
25 hatchet that he described to Mr. Danna was the metal-handled  
26 hatchet that was suspected to have been lost.

27 THE COURT: If there is any doubt about it, counsel, I  
28 will permit it in. It only takes a little more time.

0020317

- 1 MR. NEGUS: I happen to have the pages if you need them.
- 2 THE COURT: Go ahead, Mr. Negus.
- 3 BY MR. NEGUS:
- 4 Q. Did he tell you where that particular hatchet was
- 5 kept?
- 6 A. Yes.
- 7 Q. And where was that?
- 8 A. By the front porch of the home.
- 9 Q. Out by the front door?
- 10 A. I would assume by the front porch.
- 11 Q. Well, in your report did you indicate that he
- 12 stated that it was usually laying outside on the porch area by
- 13 the front door?
- 14 A. I probably did put it in that.
- 15 Q. Do you have your report there in front of you?
- 16 Could you check that. Second to the last paragraph.
- 17 A. Yes.
- 18 Q. In the days after the Ryen homicides, did you
- 19 interview a series of witnesses from the Canyon Corral Bar?
- 20 A. Yes.
- 21 Q. And as you interviewed each of those witnesses were
- 22 you accompanied by Dale Sharp?
- 23 A. Yes.
- 24 Q. As you were interviewing them, did you obtain from
- 25 Mr. Sharp any information about statements given to him by Josh
- 26 Ryen as to the identity of the suspect?
- 27 A. No.
- 28 Q. Did you discuss that with him at all?

1           A.     No.

2           Q.     Did you have any knowledge as to what Josh had told

3     Mr. Sharp?

4           A.     No.

5           Q.     In -- did you in particular question a man named Ed

6     Lelko?

7           A.     Yes.

8           Q.     And did you ask Mr. Lelko about three suspicious

9     white males?

10          A.     Yes.

11          MR. KOCHIS: Your Honor, I would object. I move to

12     strike the answer. It's hearsay what he may have said to Mr.

13     Lelko and vice versa.

14          THE COURT: What's the purpose of offering it?

15          MR. NEGUS: Well, Mr. Kottmeier made a point as to --

16          THE COURT: No. Does it go to a nonhearsay purpose?

17          MR. NEGUS: I believe it goes to the point about -- about

18     whether the suspects were suspicious or not. It goes to impeach

19     Mr. Lelko.

20          THE COURT: I will sustain the objection. Order the

21     question to be stricken, about "suspicious white males" to be

22     stricken from the record. Disregard it.

23                 Go ahead.

24     BY MR. NEGUS:

25           Q.     Did Mr. Lelko ever use that word "suspicious"?

26           A.     I don't believe so.

27           MR. KOCHIS: The same -- same objection.

28           THE COURT: Did he deny that in court here, sir? I don't

002037-15



1 recall the word coming up on the question of Mr. Lelko.

2 MR. NEGUS: Mr. Kottmeier went -- asked Mr. Lelko --

3 THE COURT: On direct or cross?

4 MR. NEGUS: Cross.

5 THE COURT: Did he deny using a word?

6 MR. NEGUS: Mr. Kottmeier I believe asked repeatedly  
7 "nothing suspicious, out of the ordinary, or anything like  
8 that." with respect the to Mr. Lelko's description.

9 THE COURT: Then the objection is good. You are not  
10 impeaching Mr. Lelko.

11 MR. NEGUS: Come again.

12 THE COURT: Sustained. Unless there's a contradictory  
13 statement of Mr. Lelko you are not impeaching, therefore, it's  
14 hearsay.

15 MR. NEGUS: Well, Mr. Lelko essentially testified there  
16 was nothing out of the ordinary about these people or anything  
17 like that. He may not have actually used the word "suspicious".

18 THE COURT: But we are getting into argument now as  
19 opposed to contradictory statement. Sustained.

20 BY MR. NEGUS:

21 Q. Did Mr. Lelko give you a description of these three  
22 people?

23 A. Yes.

24 Q. What was the description?

25 A. He described --

26 MR. KOCHIS: Excuse me. Your Honor, --

27 THE COURT: Mr. Kochis.

28 MR. KOCHIS: It's hearsay. I'm looking at the

0  
2  
0  
3  
1  
6

1 descriptions. I don't see inconsistencies.

2 MR. NEGUS: Mr. Lelko could only give the three people  
3 all approximately the same height, at this point in time, with  
4 military haircuts. His description to Mr. --

5 THE COURT: You have the it there in front of you, the  
6 descriptions that he gave you?

7 MR. KOCHIS: Mr. Lelko gave a height and a weight for all  
8 people in court today.

9 MR. NEGUS: And at the time you will note that they vary,  
10 they are more particularized. They are not all the same. And  
11 he has different kinds of shirts.

12 THE COURT: There seems to be some general inconsistency.  
13 Overruled.

14 BY MR. NEGUS:

15 Q. Could you give the description that he gave of the  
16 three different suspects?

17 A. First one. white male, six foot, 170, blonde, short  
18 hair, yellow or beige T-shirt.

19 The second person approximately five ten, 145 in  
20 weight, short dark brown hair.

21 Q. Are we reading the same report or are you  
22 testifying from --

23 A. I'm testifying from my notes.

24 Q. According to what you have in your report, you have  
25 five ten, 145 to 150 pounds; is that right?

26 A. I'm sorry.

27 Q. And had short black hair?

28 A. Yes.

1 Q. And a fair complexion?  
2 A. Yes.  
3 Q. And wearing some sort of pullover shirt, not sure  
4 of the color?  
5 A. That's correct.  
6 Q. And as to the third one?  
7 A. Third one. approximately six foot tall, dark brown  
8 short hair, approximately 170 pounds in weight, and possibly  
9 wearing a pullover type shirt, however with an unknown color.  
10 Q. You said -- you said you're testifying from your  
11 notes. You don't still actually have the notes that you made of  
12 that --  
13 A. No. These are notes that I made just today from my  
14 report.  
15 Q. So, you made notes from your report to testify  
16 today in court?  
17 A. Yes.  
18 Q. But the notes that you made from Mr. Lelko when he  
19 was giving you the description, you threw those away; is that  
20 right?  
21 A. Yes. They are gone.  
22 Q. Did you also ask Mr. Lelko if the people had been  
23 smoking?  
24 A. Yes.  
25 Q. And what did he tell you?  
26 MR. KOCHIS: Well, your Honor, I would object. That  
27 would call for hearsay, and I don't believe it's inconsistent.  
28 The Court can look at the police report and see what he said.

0020318

1 But he was asked today if he saw anybody smoke, and he said no.  
2 And that's not inconsistent with what he told Mr. Danna.

3 THE COURT: Mr. Negus, don't belabor it, counsel, unless  
4 it's a true inconsistency. Sustained.

5 MR. NEGUS: Well, can I show you what it is? I think  
6 that -- it doesn't have to be word-for-word inconsistent at any  
7 time.

8 THE COURT: I will permit it if it's by inference  
9 inconsistent.

10 MR. NEGUS: The last photograph.

11 THE COURT: Counsel, I will overrule your objection.

12 BY MR. NEGUS:

13 Q. What did Mr. Lelko tell you about the subject  
14 smoking?

15 A. He said that he believed they were smoking. He  
16 observed a crumpled up pack of Winstons or Camels that were left  
17 on the bar when the subjects left.

18 Q. Did Mr. Lelko also give you a further description  
19 as to -- as to the color of the -- one of the other person's  
20 T-shirts, one of the three people's T-shirts, did he tell you it  
21 was a black T-shirt with some unknown white lettering?

22 A. Yes.

23 Q. That was later on in the interview?

24 A. Yes.

25 Q. After -- after getting the description from Mr.  
26 Lelko and talking to other witnesses at the Canyon Corral Bar,  
27 did you do anything else to try to locate these three  
28 individuals?

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1 A. Yes.

2 Q. What was that?

3 A. We drove westbound on Carbon Canyon to LaVida Hot

4 Springs.

5 Q. And you talked to some people there?

6 A. Yes.

7 Q. And did you do anything else?

8 A. No.

9 Q. Did you ever locate them?

10 A. No.

11 Q. The -- during the three times that you were in the

12 Ryen house on June the 5th, do you recall the hours for the

13 second and the third time?

14 A. The second time was about 20 to 30 minutes after I

15 exited the first time.

16 Q. What was your purpose for going back in a second

17 time?

18 A. To find out from Sergeant Arthur what exactly he

19 wanted me to do.

20 Q. And where did that take place?

21 A. Just inside the front door in a room.

22 Q. And the third time?

23 A. The third time was later on that night, probably

24 about 7:00, maybe 8:00 o'clock that night.

25 Q. Was it dark outside?

26 A. Yes.

27 Q. At that point in time, the third time, how many

28 people were in the house that you saw?

1 A. Perhaps four, maybe five.  
2 Q. And where were they?  
3 A. In the same room that's just inside the front door.  
4 Q. The sunken living room?  
5 A. I don't believe it was sunken. It was the -- I  
6 guess, the family room.  
7 Q. Did the room -- did that room have a bunch of  
8 trophys and stuff in it?  
9 A. I don't know. I didn't notice.  
10 Q. Showing you Exhibit 187, does that appear to be the  
11 room that you're talking about or is it a different room?  
12 A. No. It's a different room.  
13 Q. Do you remember who those four or five people were?  
14 A. Sergeant Arthur, and I could just say other  
15 investigators. I just don't -- I don't know.  
16 Q. Were they people with the rank of lieutenant and  
17 above?  
18 A. I just don't recall who was in that room. I know  
19 that Sergeant Arthur was there because I had business with him.  
20 Q. Basically then, were you just coming in to report  
21 to Sergeant Arthur about the interviews that you had been doing?  
22 A. Yes.  
23 Q. And in doing that there was nobody preventing you  
24 from going in and out of the house?  
25 A. No.  
26 Q. Did you see other officers with information to  
27 report to Sergeant Arthur entering the house to give him  
28 information?

1 A. No.

2 Q. Did you see officer Tim Wilson at the house that  
3 day?

4 A. No.

5 Q. Did you see him outside?

6 A. I didn't see Tim Wilson that day.

7 Q. That's all I have.

8 THE COURT: Mr. Kochis.

9 MR. KOCHIS: Yes, your Honor.

10

11

CROSS-EXAMINATION

12 BY MR. KOCHIS:

13 Q. Is it still detective or sergeant now?

14 A. Sergeant.

15 Q. Sergeant, the second and third times you went into  
16 the Ryen home on that Sunday, you did not go into the master  
17 bedroom where the bodies were?

18 A. That's correct.

19 Q. And on that Sunday, on the 5th, were you wearing  
20 tennis shoes?

21 A. No.

22 Q. Do you even own a pair of Pro Keds with the diamond  
23 patterns on them?

24 A. No.

25 Q. Do you recall what the sole pattern was of the shoe  
26 that you wore when you walked into the Ryen home on that Sunday?

27 A. It's a kind of a horizontal rippled nonslip  
28 Neoprene type sole.

1 Q. Does it have lines or waves?  
2 A. I think they are waves, thin waves going across.  
3 Q. Where was the roadblock that you passed on that  
4 Sunday that was manned by Deputy Beltz?  
5 A. Down the hill from the residence.  
6 Q. About how far from the residence, if you could  
7 estimate?  
8 A. Probably a couple of -- probably a hundred yards,  
9 somewhere in that vicinity.  
10 Q. At that time you were stationed at the West End  
11 Sheriff's Substation?  
12 A. Yes.  
13 Q. So was Deputy Beltz?  
14 A. Yes.  
15 Q. You had worked with him in the same office on a  
16 day-to-day basis?  
17 A. Yes.  
18 Q. So he would recognize you as a law enforcement  
19 officer coming up the hill?  
20 A. Yes.  
21 Q. Then your purpose for going to the Ryen home was to  
22 assist Sergeant Arthur?  
23 A. Yes.  
24 Q. Did you get specific assignments from him on that  
25 Sunday when you were first at the house?  
26 A. Yes.  
27 Q. Did that involve, for example, interviewing  
28 neighbors?



1 A. That's correct.

2 Q. And you did that?

3 A. Yes.

4 Q. Did you report back to him later around dark as to  
5 what the results of those interviews were?

6 A. Yes.

7 Q. When you interviewed Mr. Lelko, did you write notes  
8 of the content of that interview?

9 A. Yes.

10 Q. Then is the procedure you follow to go back to the  
11 substation and with your notes get ahold of a tape recorder and  
12 dictate, talk into the machine, dictate a report?

13 A. Yes.

14 Q. Do you have to do your own typing?

15 A. No.

16 Q. Do you then get a typewritten report which you  
17 compare with your notes?

18 A. Yes.

19 Q. Did you do that in this case?

20 A. Yes.

21 Q. Of your interview with Mr. Lelko, did the  
22 typewritten report accurately reflect, for example, your  
23 handwritten notes?

24 A. Yes.

25 Q. Then do you destroy your handwritten notes?

26 A. They were eventually discarded.

27 Q. And would that be the same procedure that was  
28 followed with the interviews of other persons?

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1 A. Yes.

2 Q. Do you have your report of the interview with Mr.  
3 Lelko with you on the witness stand?

4 A. Yes.

5 Q. Did Mr. Lelko ever tell you during that interview  
6 that he actually saw anyone of the three young men smoking a  
7 cigarette?

8 A. No.

9 Q. Did he ever tell you that he saw at the table, not  
10 at the bar but at the table where they were seated, any  
11 cigarette packs left when they left the bar?

12 A. No.

13 Q. Did Mr. Lelko ever give you a name of any one of  
14 the three persons?

15 A. No.

16 Q. Did he ever give you a license plate number of a  
17 car that they may have left in?

18 A. No.

19 Q. Did he ever give you a driver's license number of  
20 any of the three persons?

21 A. No.

22 MR. KOCHIS: I have nothing further.

23 THE COURT: Mr. Negus.

24

25 REDIRECT EXAMINATION

26 BY MR. NEGUS:

27 Q. Mr. Danna, at this particular point in time, were a  
28 lot of reports coming -- were you dictating an awful lot of

1 reports about the Ryen investigation?

2 A. On which particular time?

3 Q. In June of 1983.

4 A. Yeah. There was a period where I was.

5 Q. Did it get to be -- did it get to be that there  
6 were so many of them that you didn't get a chance to check them  
7 over against your notes?

8 A. No. There wasn't that many.

9 Q. Well, it's your -- it's your practice, is it not,  
10 to always put the date and time of the report on the interview;  
11 is that right?

12 A. Normally I do, yes.

13 Q. And, for example, in your -- in your report of your  
14 interview with Larry Lease you neglect that?

15 A. Yes.

16 Q. Did you notice that when you were going over that  
17 particular report and comparing it against your notes?

18 A. I must have.

19 Q. Well, you didn't do anything to correct it?

20 A. Obviously not.

21 Q. Is that the purpose of going over the reports is to  
22 correct them?

23 A. The purpose is to make certain that the reports are  
24 accurate to the notes.

25 Q. And make corrections?

26 A. If need be, yes.

27 MR. NEGUS: Thank you. I have nothing further.

28 MR. KOCHIS: Nor do I.

1 THE COURT: Thank you, deputy.

2 MR. NEGUS: Tim Wilson.

3 THE COURT: Tim Wilson?

4 MR. NEGUS: Yes.

5

6 TIMOTHY WILSON,

7 called as a witness on behalf of the Defendant, having been duly

8 sworn, testified as follows:

9 THE CLERK: Thank you. Would you be seated, please.

10 Would you state your full name for the record and  
11 spell your last name.

12 THE WITNESS: Timothy Wilson. W-i-l-s-o-n.

13 THE CLERK: Thank you.

14

15 DIRECT EXAMINATION

16 BY MR. NEGUS:

17 Q. Mr. Wilson, you are a deputy Sheriff for the County  
18 of San Bernardino in June of 1983 having the rank of a detective  
19 assigned to the homicide division, correct?

20 A. Yes, sir.

21 Q. And on June 5th, 1983, did you go to 2943 English  
22 Road in the Chino Hills?

23 A. Yes, sir. I did.

24 Q. On that date, after you arrived there, did you go  
25 out and interview a bunch of neighbors?

26 A. Yes, I did.

27 Q. What time did you get back to the -- to that  
28 particular area?

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1           A.     I returned to that location on two occasions, the  
2     first being about dusk, the second being about midnight.

3           Q.     Okay. What about approximately between 5:30 and  
4     6:00. Were you back up there between 5:30 and 6:00?

5           A.     I believe I was at the Edwards residence, which is  
6     the first house south.

7           Q.     Did you -- well, while you were at the Edwards  
8     residence, did you ever walk up to the Ryen residence?

9           A.     On that occasion, no, sir.

10          Q.     In the homicide department, was your partner Mike  
11     Hall?

12          A.     Yes, sir.

13          Q.     To your knowledge was Mr. Hall working inside the  
14     master bedroom on June the 5th at approximately 5:30 to 6:00 in  
15     the evening?

16          A.     By time. I honestly don't know.

17          Q.     During that -- during that particular day was he  
18     working inside the Ryen house for most of the day?

19          A.     Yes, he was.

20          MR. KOCHIS: I move to strike, there is no foundation, it  
21     calls for speculation if he's not there.

22          THE COURT: Well, I thought he said at a particular time.

23                 Did you see him at any time during that day in the  
24     master bedroom?

25          THE WITNESS: In the master bedroom itself? No, sir.

26          THE COURT: I'm sorry. No?

27          THE WITNESS: No, sir.

28          THE COURT: The motion is granted, the answer is

1 stricken, disregard it.

2 When I request that you strike something, anything  
3 you put in any notes, you strike it out, disregard it.

4 Go ahead.

5 BY MR. NEGUS:

6 Q. Did you ever see Mr. Hall in the house at all that  
7 day?

8 A. I don't believe I saw him inside the house, no,  
9 sir.

10 Q. Do you know a deputy coroner by the name of Dave  
11 Hammock?

12 A. Yes, sir.

13 Q. Did you see him on the June the 5th, 1983?

14 A. I don't recall having seen Mr. Hammock on that  
15 date.

16 Q. Were -- do you know Mr. Hammock fairly well so that  
17 you know each other, would you recognize him if you see him  
18 several times?

19 A. Yes, sir.

20 Q. Has he ever called you by the wrong name, mistaken  
21 you for somebody else?

22 A. Perhaps. I honestly don't know.

23 Q. To your knowledge, have you ever heard him?

24 A. To my knowledge and recollection, no.

25 Q. Well, did you see Mr. Hammock between, around 5:30  
26 and 6:00 -- between 5:30 and 6:00 in the Ryen master bedroom?

27 A. No, sir.

28 Q. When was the first time that you entered the Ryen

1 residence?

2 A. I believe it would have been on Monday the 6th.

3 Q. No way you could have been in there the first day?

4 A. I don't believe so.

5 Q. What time was it on Monday that you entered the

6 residence?

7 A. It was during the early evening hours.

8 Q. And did you go throughout the residence or just a

9 particular part of it?

10 A. I walked through the hallways of the residence, and

11 I briefly stepped into each of the bedrooms.

12 Q. Master bedroom included?

13 A. Yes, sir.

14 Q. Let's -- using a red marker under No. 15 on Exhibit

15 225 then could you put 6-6 under the column for "Master Bedroom"

16 and also under the column "Rest of House."

17 A. (Witness complied).

18 Q. On the 5th of June were you ever on the patio

19 outside the master bedroom?

20 A. Yes, sir.

21 Q. Could you put that in red, then, 6-5, "Patio

22 outside Master Bedroom" then?

23 A. (Witness complied.)

24 Q. You can be be seated again.

25 During the time that -- during subsequent months

26 after the, after June the 5th, were you ever consulted about

27 what times you had been inside the house, consulted by members

28 of the homicide department?

0020330

1 A. I believe, yes, sir.  
2 Q. Who asked you about that?  
3 A. I don't recall.  
4 Q. At the time that you were asked, did you still have  
5 your notes available to you as to what you're investigative  
6 activities had been on June 5th, 6th 1983?  
7 A. My written notes from that day?  
8 Q. Yeah. The handwritten notes that you made as you  
9 were doing the investigation.  
10 A. I don't believe so. No, sir.  
11 Q. On June the 7th, 1983, did you go to a motel called  
12 the Ha Penny on Harbor Boulevard in Costa Mesa?  
13 A. Yes, sir.  
14 Q. And specifically did you go to a room 809?  
15 A. Yes, sir, I did.  
16 Q. Did you collect any evidence from that room?  
17 A. Yes, sir, I did.  
18 Q. What evidence was it that you collected?  
19 A. Photographs and blood samples.  
20 Q. Did you take the photographs yourself?  
21 A. No, I did not.  
22 Q. Were they photographs that had been, or film that  
23 had been previously taken by the Costa Mesa Police Department?  
24 A. No, sir. The photographs were taken at the time  
25 and under my direction.  
26 Q. By whom?  
27 A. By Officer Piper from the Costa Mesa Police  
28 Department.



1 Q. And he gave you the film to take back with you to  
2 the Sheriff's Department?

3 A. Yes, sir.

4 Q. The blood samples that you collected, where did you  
5 collect those from?

6 A. I collected blood samples from the inside door  
7 molding of the entry door, from the front and rear facing or the  
8 east and west side of a pillar, at the end of a breakfast bar  
9 that divides the kitchenette and the sleeping area.

10 Q. How did you collect them?

11 A. By using a cotton swab and distilled water.

12 Q. Did you -- by that method were you able to get all  
13 the blood that was on those particular spots?

14 A. No, sir.

15 Q. What happened to the rest of it?

16 A. It was left as it was.

17 Q. Did you make any attempt to take a knife or other  
18 sharp instrument and scrape the blood samples off and put them  
19 into pillboxes or envelopes?

20 A. I don't recall if I used scrapings or not.

21 Q. While you were at that particular location did you  
22 physically collect any other evidence?

23 A. I don't recall.

24 Q. Do you have a report?

25 A. Yes, sir, I do.

26 Q. Would your report indicate whether you did or not?

27 A. It should indicate, yes.

28 Q. Could you look and see.

1           A.    My report doesn't indicate anything other than the  
2   blood samples and the film.

3           Q.    Did you go to Costa Mesa with your partner, Mike  
4   Hall?

5           A.    No.

6           Q.    Was he there were you on that occasion, however?

7           A.    He stopped by but he was not with me as a partner  
8   at that time. He was on a different assignment.

9           Q.    While you were in Costa Mesa on the 7th -- well,  
10   let me back up.

11                   On June the 11th did you go to Long Beach,  
12   California?

13           A.    Yes, sir, I did.

14           Q.    And did you have an opportunity to see an  
15   automobile that was recovered, the Ryen automobile?

16           A.    Yes, sir, I did.

17           Q.    While you were in Costa Mesa, did you personally  
18   see any vehicle which resembled the Ryen automobile?

19           A.    I did got, no.

20           MR. NEGUS: Thank you. That's all I have.

21

22                   CROSS EXAMINATION

23   BY MR. KOCHIS:

24           Q.    Detective Wilson, the motel in Costa Mesa, in terms  
25   of miles, can you give the jury an idea of how far it was from  
26   the Ryen home? About.

27           A.    I'd be estimating, but I'd guess anywhere from 30  
28   to 45 miles.

1 Q. What would be the approximate travel down by car?

2 A. Depending on the day, and the traffic, because  
3 Harbor is a very busy roadway. It could take anywhere from 30  
4 minutes to an hour and a half.

5 Q. What was the approximate distance in miles from the  
6 hotel in Costa Mesa to the parking lot behind the church where  
7 you saw the Ryen station wagon?

8 A. I don't know.

9 Q. Were you given some assignments by Sergeant Arthur  
10 on Sunday, June the 5th?

11 A. Yes, I was.

12 Q. Was that to interview approximately fifteen of the  
13 neighbors in the Chino Hills area?

14 A. My assignment was to contact and interview  
15 neighbors to develop background and possible lead information.

16 Q. Did that take you until about 11:30 p.m. to  
17 complete?

18 A. Easily. Yes.

19 Q. Do you recall what time on that particular day you  
20 stood on the patio outside the Ryen master bedroom?

21 A. I believe it was shortly after I arrived.

22 Q. Can you give us an hour?

23 A. Approximately 2:00 o'clock in the afternoon.

24 Q. What type of footwear did you wear on that  
25 particular day?

26 A. I was wearing Wrangler brand cowboy boots.

27 Q. Not tennis shoes?

28 A. No, sir.

1 Q. Do they have a tread pattern on the sole?

2 A. No, sir.

3 Q. The following day, on Monday the 6th, do you  
4 remember about what time it was that you actually entered the  
5 Ryen home?

6 A. It would have been in the early evening. It was  
7 after a contact. I would estimate it between 1758 hours, which  
8 is 5:58 in the afternoon, and 2030 hours, which is 8:30 in the  
9 evening.

10 Q. Were you wearing cowboy boots on that date as well?

11 A. Yes.

12 Q. Was there any furniture in the Ryen master bedroom  
13 when you were at the home on that Monday?

14 A. I don't recall.

15 MR. KOCHIS: Thank you. I have nothing further.

16 THE COURT: Mr. Negus.

17

18 REDIRECT EXAMINATION

19 BY MR. NEGUS:

20 Q. To travel from Chino to Costa Mesa, is the easiest  
21 route to go down to Highway 71, turn onto the 91 Freeway, travel  
22 the 91 Freeway into Orange County until you get to the highway,  
23 55 Freeway, take that down, pick up the Harbor right near the  
24 intersection?

25 A. I wouldn't travel that route, I would take 57  
26 south.

27 Q. That means you go back up to the north to the 60  
28 then take 57 down south.

02027755

1           A.     You wouldn't have to go to 60. You could take the  
2     71 right there in Pomona, take it in a northwesterly direction  
3     and take the 57 south from Pomona, or Walnut.

4           Q.     You have to go on 60 a little bit to get to that,  
5     don't you?

6           A.     You don't have to catch 60, but I suppose you  
7     could.

8           Q.     71 comes, intersects 60 on the eastern side of  
9     Kellogg Hill in the Chino Hills.

10          A.     It would be on the eastern side approximately Gary  
11     Avenue, I believe.

12          Q.     And the 57 doesn't take off going south until you  
13     get down to the western side of those hills; is that right?

14          A.     No, sir.

15          Q.     From the Chino Hills Gary Avenue is going to be on  
16     the north side of Chino Hills, it is a north/south street.

17          A.     71 runs from the Pomona-Walnut area down into  
18     Corona. It would be on the north side of the hills, and  
19     approximately five miles from the 57.

20          Q.     Let's see. Showing you Exhibit 1.

21                   The Pomona Freeway goes up over the hills past the  
22     Phillips Ranch, comes back around on over to Diamond Bar; is  
23     that right?

24          A.     That would be the 60?

25          Q.     Yes.

26          A.     Yes, sir.

27          Q.     And it is over at Diamond Bar, the other side of  
28     those hills, that the 57 goes off going south; is that right?



1        1        SAN DIEGO, CALIFORNIA, WEDNESDAY, JANUARY 16, 1985 1:40 P.M..

2                                --oo0oo--

3  
4                                (Chambers conference reported.)

5                THE COURT: I guess we're in chambers.

6                                Ernie told you before that I thought we were  
7 getting into a bad habit of starting about ten minutes late all  
8 the time, and then the first time after that I'm the one.

9                                All right, the defendant and all three counsel are  
10 in chambers.

11                                What's up?

12                                MR. NEGUS: I just wanted to tell you that we may -- I  
13 have four witnesses here this afternoon. It may -- I made a  
14 mistake yesterday afternoon in trying to schedule them.

15                                I was -- the one officer who I thought would take a  
16 long time, it turns out to be I picked the wrong guy. We were  
17 trying to rearrange things. So, I may have three witnesses. Of  
18 the three civilians only one of them may end up testifying  
19 depending upon what they say. I have the other two as sort of  
20 back-ups. Then the officer will not be as long as I thought.

21                                I thought the officer would be at least an hour and  
22 a half. He's not going to be very long. So, I may end up  
23 ending early today.

24                                I also may end up just ending early because I'm  
25 running out of energy.

26                                THE COURT: There ought to be a suitable penalty or  
27 tithing to pay or something like that.

28                                MR. NEGUS: You can send me back to Ontario and make me

1 stay in the closet.

2 THE COURT: I am sure you're doing the best you can.

3 All right, let's get started.

4 (Chambers conference concluded.)

5

6 (The following proceedings were held in  
7 open court in the presence of the jury:)

8 THE COURT: Mr. Negus, whose next.

9 MR. NEGUS: Douglas Leonard.

10 THE COURT: The delay this time after 1:30 is my fault.  
11 Before I could point at somebody else, but this time it is my  
12 fault.

13 I have discussed with counsel, however, and we have  
14 got a little problem with witnesses. We may let you out early  
15 again today.

16

17 DOUGLAS ANDREW LEONARD,  
18 called as a witness on behalf of the Defendant, having been duly  
19 sworn, testified as follows:

20 THE CLERK: Thank you. Would you please be seated.

21 Would you state your full name for the record and  
22 spell your last name.

23 THE WITNESS: Douglas Andrew Leonard. L-e-o-n-a-r-d.

24

25 DIRECT EXAMINATION

26 BY MR. NEGUS:

27 Q. Mr. Leonard, what community do you reside in?

28 A. Apple Valley.

020339



- 1 Q. And, well, in June, 1983, where were you living?  
2 A. Yucca Valley.  
3 Q. Where is Yucca Valley?  
4 A. About twenty some miles north of Palm Springs.  
5 Q. Is it in San Bernardino County?  
6 A. Right.  
7 Q. On June the 4th, 1983, a Saturday, did you and your  
8 wife and some friends of yours go to the races.  
9 A. Uh-huh.  
10 Q. You have to say yes or no because he's taking it  
11 all down.  
12 A. Yes.  
13 Q. And where did you go to the races?  
14 A. Los Alamitos.  
15 Q. Is that down near Long Beach.  
16 A. Right.  
17 Q. Are the races in Los Alamitos day races or night  
18 races?  
19 A. Night races.  
20 Q. After the races did you go back to the Chino Hills  
21 area?  
22 A. Yes.  
23 Q. Were you basically familiar with that area?  
24 A. No.  
25 Q. Why did you go back there?  
26 A. One of the trainers that was -- that had a horse  
27 running that night lived there, and so we took him home.  
28 Q. How many people were in your car as you drove back

020340

1     there?

2             A.     About five.

3             Q.     Do you remember who they were?

4             A.     Yes.

5             Q.     Who.

6             A.     Myself, my wife, Jamie Osler, James Menyard and  
7     David Key.

8             Q.     Do you recall whether -- well, when you were going  
9     to Chino Hills, did the person going with you give you  
10    directions?

11            A.     No, I followed him. A friend was riding with him,  
12    so we followed him to his house, and then the friend that rode  
13    with him got in our car and -- no, I'm sorry.

14            The trainer was riding with our friends in her  
15    truck. We followed them to his house, he got out, and then we  
16    left.

17            Q.     Okay. Do you know what the main road was that his  
18    house was on?

19            A.     No.

20            Q.     Are you familiar with the road called Carbon  
21    Canyon?

22            A.     Yes.

23            Q.     Were you on that road that night?

24            A.     Yes.

25            Q.     How far from Carbon Canyon was the -- was the house  
26    of the trainer?

27            A.     Maybe three quarters of a mile to maybe a mile  
28    north of Carbon Canyon.

020334-1

**2**

1 A. It was coming down the road.

2 Q. Was it going fast?

3 A. Um, that time of night I don't know if it'd be

4 considered fast. There wasn't anyone else on the road. It was

5 a little quicker, and -- I was going to go ahead and go on out

6 into the street, but he was coming a little quicker than I had

7 thought so I stopped.

8 Q. When the vehicle passed you did you pay much

9 attention to it at that point in time?

10 A. Not a whole lot.

11 Q. Do you know what make of vehicle it was?

12 Did you ever get close enough so you could read

13 what make of vehicle it was?

14 A. No.

15 Q. Was it a sports car, sedan, station wagon?

16 A. Station wagon.

17 Q. Do you know what color it was?

18 A. No.

19 Q. Was it two-tone or just one tone?

20 A. A light color.

21 Q. Do you know if it had wood panelling on it or not?

22 A. Not for sure.

23 Q. Did it have a trailer hitch?

24 A. Yes.

25 Q. Of what type?

26 A. The insert type.

27 Q. Did it have any wires hanging from it.

28 A. I had seen some wires out of the taillights where

0203343

1 you connect a trailer to.

2 Q. Now, could you, from the distance that you were at,  
3 could you tell for sure that those were wires or could they just  
4 be something hanging back out of the tailgate?

5 A. I believe they were wires.

6 Q. Did the car have a luggage rack on top?

7 A. I believe so.

8 Q. Showing you Exhibit 181, a photograph of a station  
9 wagon.

10 With the exception of there not being any wires  
11 hanging out of the back of that particular -- of those  
12 particular lights, is there anything that you could say which is  
13 different from the vehicle that you saw?

14 A. It doesn't have the wires and the taillights.

15 Q. Anything else?

16 A. No.

17 Q. Did you follow the vehicle for any distance?

18 A. As we came out of the driveway, and I pulled out  
19 behind him, we went to the intersection of Carbon Canyon and the  
20 street I was on and then we both turned left.

21 Q. Okay. And which -- do you know the name of the  
22 street that you turned left on?

23 A. Carbon Canyon.

24 Q. Okay. And which way did you go then on Carbon  
25 Canyon? Back into the canyon out toward Chino again?

26 A. No. South or east.

27 Q. Did you see how far the vehicle went on Carbon  
28 Canyon going east?

1 A. No.

2 Q. Did it go faster than you were going?

3 A. Yes.

4 Q. When you first -- you said that -- you used the

5 word "he" in describing the driver.

6 When you first observed the driver of the vehicle,

7 what did -- what did he look like?

8 A. I couldn't tell, other than it was a male.

9 Q. Okay. Was he a white male or a black male?

10 A. I couldn't tell you for sure.

11 Q. Well, when you -- do you remember what kind of

12 shirt he had on?

13 A. It was a plaid.

14 Q. Do you remember the colors of the plaid?

15 A. No.

16 Q. Did you -- shortly after the time in question, did

17 you have occasion to talk with your wife, to a Lieutenant

18 Knadler from the San Bernardino Sheriff's Department?

19 A. We spoke to someone, I am not sure of his name. He

20 came to the house.

21 Q. At that point in time was your memory considerably

22 more clearly than it is now?

23 A. I'm not sure if it was anymore so than now or not.

24 Q. Did you describe to Lieutenant Knadler, a young

25 male, White, under 30?

26 A. I believe so.

27 Q. Is that what the person looked like to you?

28 A. As far as I could tell.

0020345

1 Q. Could you see the person's arm outside the window  
2 of the vehicle?

3 A. Yes.

4 Q. Did you speak to an investigator, likewise not too  
5 long ago, named Ron Forbush?

6 A. Yes.

7 Q. Did he show you a photograph of a shirt?

8 A. Yes.

9 Q. And was the photograph that I showed you,  
10 possible -- consistent at least with the shirt that you saw on  
11 the person?

12 A. I think so.

13 Q. Excuse me, I thought I did it.

14 Showing you Exhibit 164.

15 Is that the picture that Mr. Forbush showed you?

16 A. I think so.

17 Q. And as far as you could tell, at least from that  
18 particular light, that could have been the shirt?

19 A. It could have been.

20 Q. But nothing distinctive about it other than just  
21 the pattern that you could really tell.

22 A. Right.

23 Q. Could you -- could you also see under that outer  
24 shirt, a T-shirt underneath?

25 A. It was unbuttoned and rolled up once or twice.

26 Q. Could you tell what color the T-shirt was?

27 A. White, I believe.

28 Q. Could it have been another light color?

0020346

1 A. Light tan, maybe. Possibly.  
2 Q. What time was this that you saw this vehicle?  
3 A. 12:30, 1:00 o'clock in the morning.  
4 Q. So it would have been actually Sunday morning the  
5 5th then.  
6 A. Yes.  
7 Q. While you were following the vehicle, did it in  
8 fact pass that bar that we talked about?  
9 A. I think so.  
10 MR. NEGUS: Thank you. I have nothing further.  
11 THE COURT: Mr. Kochis.

## CROSS EXAMINATION

14 BY MR. KOCHIS:  
15 Q. Mr. Leonard, is there some -- is there any doubt in  
16 your mind at this point as to the race of the driver of the car?  
17 A. Yes.  
18 Q. Are you sure now today whether the person inside  
19 the car was Caucasian or Black?  
20 A. I couldn't tell you which.  
21 Q. So it could have been a White person?  
22 A. Yes.  
23 Q. Could have been a Black person?  
24 A. Yes.  
25 Q. Was it dark out at the time you saw this car?  
26 A. Yeah.  
27 Q. Were there any street lights in the area when you  
28 first saw this car?

00203347



1 A. I don't think so.

2 Q. Do you wear glasses?

3 A. No.

4 Q. How fast was the car going when you first saw it?

5 A. I couldn't tell you. I was stopped at the end of

6 the driveway, he was coming down the road maybe 40, 45 miles an

7 hour.

8 Q. Well, do you remember going to the substation in

9 Morongo basin back in June, about the 10th of June talking to a

10 lieutenant, Sheriff's lieutenant?

11 A. No. I went to the Sheriff's station.

12 Q. Do you remember talking on a Thursday -- I'm sorry,

13 at your residence in June to a lieutenant from the Sheriff's

14 office?

15 A. I am not sure of the date when he did come to the

16 house.

17 Q. And did you tell the Sheriff's lieutenant that what

18 attracted your attention to the car was that it was moving at a

19 fairly high rate of speed?

20 A. When I was coming out of the driveway I was going

21 ahead and going on out onto the street, and my wife, or someone

22 else in the car said, you know, stop, evidently thinking I

23 couldn't see the car coming. So, I stopped,

24 Q. Did you ever tell the lieutenant that the car was

25 going at a fairly high rate of speed?

26 A. I could have.

27 Q. Is it fair to say that the only lights that

28 illuminated the car were the lights from your headlight?

1           A.     Yes.

2           Q.     And how long at 45 to 50 miles an hour was that car  
3     in front of the headlights of your car? Fractions of a second?

4           A.     Possibly.

5           Q.     Who was in the front seat with you?

6           A.     My wife, and I believe Jamie.

7           Q.     Do you think you would be able to recognize this  
8     person, whose race you can't determine, if you saw him again?

9           A.     No.

10          Q.     Did you tell the lieutenant when you talked to him  
11     that the car that you saw you thought was a Ford?

12          A.     I thought it was a Ford.

13          Q.     Did you tell him that you thought the shirt was  
14     Maroon?

15          A.     I don't know if I told him it was a Maroon or -- I  
16     said plaid.

17          Q.     To you, what color is Maroon? Can you give the  
18     jury an example?

19          A.     A reddish.

20          Q.     Maroon to you would not be the color of the shirt  
21     in Exhibit 164.

22          A.     No.

23          Q.     Did you tell the lieutenant that there were, in  
24     this car, the car that you thought to be a Ford, there were  
25     wires hanging out of the taillights?

26          A.     Right.

27          Q.     Did you tell him that the latch to the rear door  
28     was loose, that it was banging around?

00203349

1 A. Yes.

2 Q. To your knowledge, from what you saw, was the only  
3 occupant of the car the driver?

4 A. As far as I could tell.

5 Q. You saw no one in the second seat?

6 A. No. The window was half up and then. The other  
7 windows were all the way up, just the glare from the headlights,  
8 all I could see was the driver.

9 Q. Did you get a license plate number of the car?

10 A. No.

11 Q. And do you know the make of the car?

12 A. No.

13 Q. And the car you saw you don't believe had wood  
14 panelling on it.

15 A. Possibly could have, I'm not sure.

16 Q. Did you tell the lieutenant, Lieutenant Knadler,  
17 that to the best of your recollection the car did not have wood  
18 panelling on it?

19 A. I don't remember if I told him that it did or  
20 didn't have wood panelling.

21 Q. Was your recollection of what this car looked like  
22 fresher in June of 1983 than it is in January of 1985?

23 A. I would think so.

24 MR. KOCHIS: I have nothing further.

25

26 REDIRECT EXAMINATION

27 BY MR. NEGUS:

28 Q. Mr. Leonard, at the time that you talked to Mr.

00203750

1 Knadler, had you seen anything on television about Kevin Cooper?

2 A. I believe so.

3 Q. Did you know when you talked to Lieutenant Knadler  
4 that Mr. Cooper had been accused of this particular crime or is  
5 that before he had been accused?

6 A. I believe before.

7 Q. And since that time have you been -- have you seen  
8 some of the television reports?

9 A. A few.

10 Q. You knew that the only person accused of the crime  
11 now is a Black person; is that right?

12 A. Right.

13 Q. If the media coverage that the person in the  
14 vehicle was that the person whose accused of the crime was  
15 Black, does that influence your inability now to tell the race?

16 A. I don't think so.

17 Q. Well, when you talked to Mr. Knadler, did you  
18 indicate any doubt that it was a White person?

19 A. I think so, because I couldn't tell what it was.

20 Q. You said White male, right?

21 A. I believe so.

22 Q. Young.

23 A. Young.

24 Q. Under 30.

25 A. Uh-huh. Yes.

26 Q. Yes.

27 A. Yes.

28 Q. Scrawny?

00203351

1 A. Long haired, scrawny.  
2 Q. Scraggly hair?  
3 A. Right.  
4 Q. By scraggly, do you mean sort of hanging down?  
5 A. Yeah.  
6 Q. And at that point in time you even believed that  
7 you could tell what color the shirt was.  
8 A. Yes. Not the color other than it being a plaid  
9 shirt, unbuttoned.  
10 Q. Is there any reason why you didn't tell Mr. Knadler  
11 that it might have been a Black man?  
12 A. No.  
13 Q. Was that because the television is what suggested  
14 that to you rather than your own memory?  
15 A. The reason I didn't --  
16 Q. The reason that you think that it might have been a  
17 Black man now, is that because of what you've seen on  
18 television?  
19 A. Possibly.  
20 Q. Thank you.  
21 I have nothing further.  
22 MR. KOCHIS: I have nothing further.  
23 THE COURT: Thank you, Mr. Leonard. You may be excused.  
24 MR. NEGUS: Paula Leonard.  
25 THE COURT: Paula Leonard.  
26 Face the clerk over here, please.  
27  
28 PAULA LEONARD,

1 called as a witness on behalf of the Defendant, having been duly  
2 sworn, testified as follows:

3 THE CLERK: Thank you. Would you have a seat on the  
4 witness stand. Would you state your full name for the record,  
5 please.

6 THE WITNESS: Paula Louise Leonnard.

7

8 DIRECT EXAMINATION

9 BY MR. NEGUS:

10 Q. Mrs. Leonard, you're married to Douglas Leonard who  
11 just got through testifying?

12 A. Uh-huh.

13 Q. You have to say yes or no so she can take it down.

14 A. Yes.

15 Q. And in June of 1983 you and your husband went to  
16 the races, right?

17 A. Uh-huh.

18 Q. On the way back from the races did you drop off a  
19 person in Chino Hills?

20 A. Yes.

21 Q. As you were leaving that person's house, did you  
22 observe a vehicle going at a fast rate down the road?

23 A. Yes.

24 Q. Can you describe that vehicle?

25 A. Well, from what I was -- what I could remember  
26 we -- we used to have a 1972 station wagon, a Chevrolet, and  
27 that's what it reminded me of.

28 Q. Was it the same thing as your station wagon?

002233

1           A.     It was tan, and it had like the wood grain, and  
2     that's what I remember about it.

3           Q.     What do you mean by the "wood grain"?

4           A.     You mean, the wood grain?

5           Q.     Oh, it had -- Look at the photograph in front of  
6     you. That's Exhibit No. 181. Is that what -- was that the type  
7     of pannelling that you're referring to?

8           A.     Sort of.

9           Q.     Okay. The part of the car that was not panelled,  
10    did it appear to be -- to be what color, do you recall?

11          A.     It was like tan, a light color.

12          Q.     Could you tell for sure in the light whether it was  
13    tan or white or cream or --

14          A.     Like a cream, yeah.

15          Q.     In the -- in the -- Did the car have a luggage rack  
16    on top of it?

17          A.     I think so. I'm not sure.

18          Q.     Do you recall whether or not you could see anybody  
19    inside the car?

20          A.     From what I remember, it's been so long, but I  
21    remember thinking that I seen three or four people in the car;  
22    but I can't remember if I actually seen the people or if there  
23    was just stuff, you know, stacked in the car or something; but I  
24    remember seeing three or four people. That's what it looked  
25    like in the car.

26          Q.     Okay. When you -- when you first saw it you  
27    thought there were three or four people in there?

28          A.     Yeah, uh-huh.

0020754

1 Q. The idea that maybe there was something stacked in  
2 the car -- Well, did you talk to a Lieutenant Knadler at the  
3 same time as your husband did?

4 A. Yeah, uh-huh. That was the first one?

5 Q. Right.

6 A. Okay.

7 Q. Two people have talked to you; is that right?

8 A. Yeah.

9 Q. One was a sheriff's detective and the other was a  
10 private investigator?

11 A. Right.

12 Q. The first one that talked to you, he talked to you  
13 just a few days after you made the observations; is that  
14 correct?

15 A. Yeah, uh-huh.

16 Q. And up till the time -- Well, did that -- did that  
17 lieutenant, the man who talked to you a few days after you made  
18 the observations, did he ask you the question as to whether or  
19 not it could be packages?

20 A. I think it was him. I -- if I remember correctly I  
21 believe that's when I said, you know, I thought it could be  
22 packages or something.

23 Q. Okay. So what had happened was that you originally  
24 thought it was three or four people, but then he suggested to  
25 you maybe it was packages and you said it could have been?

26 MR. KOCHIS: Objection. That's leading and suggestive.

27 THE COURT: Sustained. Don't answer.

28 THE WITNESS: Okay.



1 BY MR. NEGUS:

2 Q. Did -- did you have any idea that it could have  
3 been packages before the man asked the question?

4 A. No.

5 Q. You are -- as far as your best recollection at the  
6 present time was it packages or people?

7 A. I can't answer. I -- I don't know.

8 Q. How were -- how were the shapes spaced, was there  
9 like two in the front two in the back, or --

10 A. That's what it -- that's what it appeared to be.

11 Q. Did the -- did the -- Well, you saw -- What did you  
12 see? Could you actually see the object itself or just a  
13 silhouette.

14 A. Like a silhouette. That's what gave me the  
15 impression, well, maybe it was packages or just something  
16 stacked in the car.

17 Q. So there would have been three separate stacks in  
18 addition to the driver?

19 A. Yeah.

20 Q. And did all of the -- did all of the silhouettes  
21 that you saw have the general shape of a head?

22 A. Yeah.

23 Q. Have you ever seen any packages that have that  
24 particular silhouette?

25 A. No.

26 Q. Thank you.

27 I have nothing further.

28

## CROSS-EXAMINATION

- 1  
2 BY MR. KOCHIS:  
3 Q. Mrs. Leonard, when you were first talked to back in  
4 June, was that at your house?  
5 A. Uh-huh.  
6 Q. Is that yes?  
7 A. Yes.  
8 Q. Was your husband with you at the time you talked  
9 to --  
10 A. Yes.  
11 Q. The driver of the car, do you know what race he  
12 was?  
13 A. No, I couldn't, huh-uh.  
14 Q. Do you know whether he was White, Black or  
15 Mexican/American?  
16 A. I couldn't tell.  
17 Q. Do you know what the name of the road was that you  
18 saw this car on?  
19 A. No, huh-uh.  
20 Q. Do you know what the license number was of the car  
21 you saw?  
22 A. The license plate number?  
23 Q. Yes.  
24 A. No, huh-uh.  
25 Q. Do you know what the make of the car was?  
26 A. To me it seemed like a Chevrolet cause it looked  
27 like the car we used to have.  
28 Q. About a '72 Chevrolet?

0202357

1 A. Uh-huh.  
2 Q. Is that a yes?  
3 A. Yes, uh-huh.  
4 Q. Was the first thing that caught your attention  
5 about this car the fact that it was traveling at a high rate of  
6 speed?  
7 A. Yeah.  
8 Q. Is that a yes?  
9 A. Yes.  
10 Q. It's because of the court reporter. She has to  
11 take down the yes or no.  
12 A. Oh.  
13 Q. How fast do you think this car was going when you  
14 saw it?  
15 A. Probably 50, 55, cause I remember we stopped, and  
16 my husband went to go and I told him, "Don't go, this car is  
17 coming really fast," and it went fast.  
18 Q. Is this -- was this a country type of road?  
19 A. No. It's a paved road.  
20 Q. By that I mean, it wasn't a residential tract or  
21 anything?  
22 A. No, huh-uh.  
23 Q. There weren't any street lights in the area?  
24 A. I don't think there was.  
25 Q. Do you wear glasses?  
26 A. Uh-huh.  
27 Q. Is that yes?  
28 A. Yes.

1 Q. How long was this car in the headlights of your  
2 husband's car as it drove past?

3 A. Probably just a couple seconds.

4 Q. How far down the road did it get before your  
5 husband got on to the road?

6 A. Not too far cause just after he passed us, you  
7 know, and was gone a little bit, then he went ahead and he  
8 pulled out in back of it.

9 Q. Did either you or your husband have anything to  
10 drink at the race track, anything of an alcoholic nature?

11 A. I don't cause I don't drink, and I don't think he  
12 did. I don't remember.

13 Q. Do you remember whether this car had a -- the car  
14 you thought was a Chevrolet, did it have a trailer Hitch on the  
15 back?

16 A. I don't -- I didn't even look for that.

17 Q. Did it have any wires hanging out of the  
18 taillights?

19 A. I don't know.

20 Q. Was the rear latch handle loose, is that something  
21 you could tell?

22 A. Now, I remember there was something there cause  
23 ours used to flap all the time, too, and I thought that one does  
24 the same thing that ours does, so --

25 Q. And this car could have been tan to the best of --

26 A. Yeah. Tan, cream, it was a light color.

27 Q. Did you tell the lieutenant when he came to your  
28 home in June that you thought it could have been a driver and

1 some packages in the car, is that what you told him?

2 A. You mean the very first one, the one in June?

3 Q. The first man.

4 A. Well, I remember -- right. I think I told him that  
5 it was either people or it was packages, but that I had seen  
6 people in there.

7 Q. The gentleman that came into court, he's got a blue  
8 suit -- excuse me, a blue shirt on and a light brown suit; you  
9 have talked to him, haven't you?

10 A. Uh-huh.

11 Q. Is that a yes?

12 A. Yes.

13 Q. And did his talking to you change your recollection  
14 of what you actually saw back there in June of 1983?

15 A. Yeah, I think. I can't really say. It's been so  
16 long that, you know, you just kind of forget stuff and then  
17 stuff you hear about and you read about, sometimes it -- mixes  
18 you up.

19 Q. Have you followed some of the publicity in this  
20 case?

21 A. Other than -- I mean, I haven't studied it or  
22 anything but, you know, if I happen to be watching the news and  
23 I see it, then I will listen, but I haven't followed it.

24 Q. Well, what you've heard on the news, do you think  
25 that may effect your memory of what you actually saw?

26 A. Yeah. Like, you know, the color of the car and  
27 just stuff like that.

28 Q. Do you think what Mr. Forbush, the man in court,

020360



1 husband outside of your presence?

2 A. Yeah.

3 Q. And then he came back and talked to you separately?

4 A. Yes.

5 Q. And did he first ask you questions about what you  
6 remembered without showing you any police reports?

7 A. Yeah.

8 Q. And then after he had gotten your answers to those  
9 questions, did he then show you -- read to you from the report  
10 that you had given to Mr. Knadler and asked you whether that  
11 refreshed your recollections?

12 A. Yeah. Not the whole thing, though, just, you know,  
13 pieces.

14 Q. So, he would read to you portions, do you remember  
15 saying this and that, and that sort of thing?

16 A. Yeah.

17 Q. So the way -- the way -- the way -- was that what  
18 you meant by suggesting things to you when he read to you from  
19 the report?

20 A. Yeah. It was like I remembered, but, you know,  
21 when I heard what I said, then I would think, well, maybe that's  
22 what I said. And I just didn't remember.

23 Q. So basically your -- your recollection by the time  
24 that Mr. Forbush talked to you was pretty vague?

25 A. Yeah.

26 Q. Thank you.

27 That's all I have.

28 MR. KOCHIS: I have no recross.

1 THE COURT: Thank you Mrs. Leonard. You may be excused.

2 MR. NEGUS: Gary Stroup.

3 THE COURT: Stroup.

4

5 GARY STROUP,

6 called as a witness on behalf of the Defendant, having been duly  
7 sworn, testified as follows:

8 THE CLERK: Thank you. Would you have a seat on the  
9 witness stand. Would you state your full name for the record  
10 and spell your last name.

11 THE WITNESS: Gary Stroup, S-t-r-o-u-p.

12 THE CLERK: Thank you.

13

14 DIRECT EXAMINATION

15 BY MR. NEGUS:

16 Q. Mr. Stroup, you are a detective that's assigned to  
17 the Career Criminal Division of the San Bernadino County  
18 Sheriff's Department; is that right?

19 A. Yes, I am.

20 Q. And as a detective do -- do you -- in the Career  
21 Criminal Division, do you supervise some of the deputies that  
22 work in the unit?

23 A. Yes, I do.

24 Q. On June the 6th was the Career Criminal Division  
25 assigned to go to 2943 English Road in the Chino Hills?

26 A. If that is the Ryen residence, yes, we were.

27 Q. Okay. Did -- did practically everybody in your  
28 unit who wasn't a sergeant or above go?



1 A. Yes.

2 Q. On that particular date did you yourself enter  
3 the -- enter the residence?

4 A. No.

5 Q. Were you outside the residence as other members of  
6 your unit were going in and out?

7 A. Yes.

8 Q. Was Robert Acevedo a member of your unit on that  
9 date?

10 A. Yes.

11 Q. Was he one of the people that you saw going in and  
12 out?

13 A. No.

14 Q. What about Greg Benge, was he a member of the unit?

15 A. Yes, he was.

16 Q. Did you see him going in and out?

17 A. No, I didn't.

18 Q. James Hill, was he a member?

19 A. He is a member, and I don't recall him going in and  
20 out.

21 Q. Is there anybody you can recall going in and out?

22 A. Yes.

23 Q. Who was that?

24 A. That was Sergeant Swanlund and Deputy Field.

25 Q. Anybody else?

26 A. Not that I can recall right offhand.

27 Q. How many people were involved in going in and out?

28 A. I have no idea.

02007794

1 Q. Were you watching the work that was going on there?

2 A. Off and on I was, yes.

3 Q. When was the first time that you yourself ever went  
4 into the Ryen house?

5 A. I believe it was the following day, which would  
6 have been the 7th.

7 Q. And on this exhibit, which is I believe 229 -- 228,  
8 could you put in red -- in red above your date of 6-6 the date  
9 6-7 up here to indicate that's when you recall first going into  
10 the --

11 A. (Witness complied.)

12 Q. And you went into the master bedroom on that date?

13 A. Yes, I did.

14 Q. Did you also go into the rest of the house?

15 A. I do not believe so, not on the 7th.

16 Q. When did you first go into the rest of the house?

17 A. I believe that would have been the 8th or 9th.

18 Q. Do you recall what you were doing on the day that  
19 you went in the rest of the house?

20 A. I was -- had gone back to the residence with  
21 Sergeant Swanlund and Criminalist Ogino.

22 Q. And did you remove some items on that day?

23 A. Yes. Sergeant Swanlund and I took some molding and  
24 I believe it was the closet doors that day out of the residence.

25 Q. Do you have a report as to what date that was?

26 A. I believe my last transcript indicates which day  
27 that was.

28 Q. Do you have your transcript with you?

0020365

1 A. Yes, I do.

2 Q. Could you check and refresh your recollection?

3 A. I'm sorry. It does not give the date. It was the  
4 7th or the 8th.

5 Q. Okay. Then could you put "6-7/8" for the date you  
6 went to the rest of the house.

7 A. (Witness complied.)

8 Q. On the 6th did you ever -- were you ever on the  
9 patio area outside the master bedroom, the concrete slab with  
10 the jacuzzi on it?

11 A. Yes, I was.

12 Q. Could you put a "6-6" then for that particular  
13 area.

14 A. (Witness complied.)

15 Q. When -- were you ever contacted by anybody in the  
16 Sheriff's Department to determine when you had been in the  
17 house? Did anybody ever call you up and interview you about  
18 that?

19 A. Not that I recall.

20 Q. Specifically, do you know a detective from homicide  
21 named Gary Woods?

22 A. Yes, I do.

23 Q. Do you recall him ever making any attempt to  
24 contact you to find out who you'd seen in the house or where  
25 you'd be in the house?

26 A. No. I believe he contacted me reference my shoes  
27 being photographed is all I recall.

28 Q. The date that you went into the rest of the house,

00207396



1 Q. Was it still in place on the spa when you came to  
2 to take it away that day?

3 A. I believe so.

4 Q. The first time you noticed that spa cover, did you  
5 see any footprints on it?

6 A. Yes.

7 Q. How many did you see?

8 A. I believe there were three separate sets of  
9 footprints on it.

10 Q. Were they -- when was that you first noticed those?

11 A. That would have been the 6th, the first day we were  
12 there.

13 Q. And were any of those footprints, did any of them  
14 appear to be in blood or anything of that nature?

15 A. Not that I recall.

16 Q. What were -- in what substance were they made?

17 A. I would assume it was dust or dirt.

18 Q. On that date, on the 6th did you point them out to  
19 anybody?

20 A. No.

21 Q. Was that observation that you made done before or  
22 after the career criminal deputies were going in and out of the  
23 master bedroom door there carrying stuff to the truck?

24 A. That was before as I recall.

25 Q. Did you actually go out to the Ryen residence in  
26 the morning of June the 6th?

27 A. Yes.

28 Q. Is that when you made the observation?

00203768

1           A.     It was sometime prior to noon.

2           Q.     Did you make any notice of the pattern of the

3     three --

4           A.     Just they appeared like tennis shoe prints.

5           Q.     Were they all the same type or were they different?

6           A.     No. They were three different patterns.

7           Q.     During the time that you went to the -- through the

8     rest of Ryen house, not the master bedroom, was that just to see

9     what the house looked like?

10          A.     In the fact I had been assigned to assist in the

11     investigation, for that purpose I needed to see what the scene

12     looked like.

13          Q.     Had you been given any specific assignment which

14     required that you know what the scene looked like?

15          A.     On which day? I received several assignments

16     throughout that week.

17          Q.     Any of the assignments you received throughout the

18     week, did they require a specific knowledge of what the rest of

19     the Ryen house looked like?

20          A.     Just the fact that I was involved in the

21     investigation would require that I have an idea of what the

22     scene looked like.

23          Q.     When you were taking the doors and the molding,

24     were you attempting to take every door and molding that had

25     blood on it?

26          A.     I don't know what the thinking was behind. I was

27     just taking what the crime lab and the District Attorney's

28     Office had advised us to go out and pick up.

0020077909

1 Q. Directing your attention to some closet doors that  
2 say "R.H." question mark next to them on Exhibit 6, did -- were  
3 you instructed to take those doors?

4 A. I don't recall. I'd have to look at the evidence  
5 report from that day.

6 Q. Do you have that with you?

7 A. No, I don't.

8 Q. Well, do you recall whether there were some doors  
9 you were instructed to take that you didn't take?

10 A. No. All the doors that I was advised to take down  
11 were taken down that day.

12 Q. Was -- was Mr. Kottmeier or some member of the  
13 District Attorney's Office there pointing to which doors they  
14 wanted to take?

15 A. No. At that time there was just Sergeant Swanlund  
16 and myself at the house.

17 Q. On the 6th did you see any members of the District  
18 Attorney's Office at the scene?

19 A. Not that I recall.

20 Q. After the -- after the various items were removed  
21 from the house and put in the truck on June the 6th, were you  
22 assigned to as soon as possible supervise the transportation of  
23 those items and the unloading of them at the Identification  
24 Bureau?

25 A. No.

26 Q. Did you go along when the items went back to the  
27 Identification Bureau?

28 A. No.

00203700

1 Q. When you took the doors back that you seized on the  
2 8th, did all those doors that you seized and all the molding  
3 have blood on it?

4 A. As I recall they did.

5 Q. Did you do anything to attempt to take samples of  
6 that blood or to preserve it in any way?

7 A. No.

8 Q. I have nothing further.

9 MR. KOCHIS: Could I have a moment to show a report to  
10 Mr. Negus?

11

12 CROSS-EXAMINATION

13 BY MR. KOCHIS:

14 Q. Detective Stroup, the first time you entered the  
15 Ryen home, was that the day on which you and Sergeant Swanlund  
16 removed the doors and the molding?

17 A. I believe it was.

18 Q. Directing your attention to a report by Sergeant  
19 Swanlund, would reviewing that, specifically the section on the  
20 arrival of Deputy Stroup, refresh your recollection as to the  
21 date on which that activity took place?

22 A. Yes, it would.

23 Q. Which day did you go to the Ryen home, enter it  
24 with Sergeant Swanlund's and remove the molding?

25 A. That was the 9th.

26 Q. When you entered the home with Sergeant Swanlund on  
27 that day, had the carpeting already been taken out of the master  
28 bedroom?

020377-1



1 A. Yes.

2 Q. Had the furniture been taken out as well?

3 A. Yes.

4 Q. And directing your attention back to what has  
5 previously been marked for identification --

6 MR. NEGUS: I believe that's 228, counsel.

7 BY MR. KOCHIS:

8 Q. -- as Exhibit 228, could you perhaps step up to the  
9 diagram and could you indicate "6-9" as to the date that you  
10 were there.

11 A. (Witness complied.)

12 Q. And could you then draw a line through these "6-7"

13 A. (Witness complied.)

14 Q. Were you in the house on the 7th and the 8th then?

15 A. I believe possibly the 8th, but I'm not sure about  
16 the 7th now.

17 Q. On the 6th, on that particular Monday, was the  
18 furniture which was taken out of the Ryen master bedroom placed  
19 on the lawn and then after a truck arrived was it loaded from  
20 the lawn into the truck?

21 A. Yes.

22 Q. Did you assist in that function?

23 A. Yes, I did.

24 Q. Did you happen to see a carpet which at one time  
25 had been in the Ryen master bedroom on that Monday?

26 A. Yes.

27 Q. Did you see the carpet outside the Ryen home?

28 A. Yes.

1 Q. Where was it?

2 A. It was lying out in the grass area beyond where the  
3 furniture had been stacked.

4 Q. Do you remember how it was as it was on the grass?  
5 Was it rolled was it unrolled? Do you remember how it was?

6 A. It was unrolled, laying flat.

7 MR. KOCHIS: I have nothing further.

8 MR. NEGUS: Nothing further.

9 THE COURT: Thank you, Detective Stroup.

10 MR. NEGUS: Like I said, I apologize.

11 THE COURT: I thought you said one more.

12 MR. NEGUS: The other one I decided not to call. I mean,  
13 it was just a back up.

14 MR. KOCHIS: Your Honor, I have one question.

15 BY MR. KOCHIS:

16 Q. Mr. Stroup, the first time you went into the Ryen  
17 home, what type of footwear were you wearing?

18 A. Smooth soled like deserts boots, suede desert  
19 boots.

20 Q. Not tennis shoes.

21 A. No.

22 Q. Did they have a tread pattern on the bottom of  
23 them?

24 A. No. They were smooth, one piece.

25 MR. KOCHIS: I have nothing further.

26 MR. NEGUS: Nothing further.

27 THE COURT: Thank you. Maybe we can get some volunteers  
28 from the audience.

1 MR. NEGUS: Sure.

2 THE COURT: I really regret this, ladies and gentlemen  
3 being. You know, we originally set these hours because of the  
4 well-imagined amount of work that counsel have to do outside,  
5 but I was hoping that we could go to that, but there's a reason  
6 for it again, and things often don't go as planned. So we're  
7 out of witnesses for the day, so we're going to break it early,  
8 resume tomorrow at 9:30.

9 Don't discuss the case. Don't let anybody talk to  
10 you about it. Don't express or form an opinion on it. Enjoy  
11 yourself. Be back tomorrow, please, at 9:30. Thank you.

12 (Adjournment.)  
13  
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1

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN DIEGO

DEPARTMENT NO. 30

HON. RICHARD C. GARNER. JUDGE

THE PEOPLE OF THE STATE  
OF CALIFORNIA.

Plaintiff,

vs.

KEVIN COOPER,

Defendant.

NO. OCR-9319

REPORTERS' TRANSCRIPT  
January 17. 1985

APPEARANCES:

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Official Reporters

COMPUTERIZED TRANSCRIPT

020375

## INDEX OF WITNESSES

## FOR THE DEFENDANT:

	Direct	Cross_	__Redirect	__Recross
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STAUBLY. Micahel R. (Mr. Negus) (Mr. Kochis)	6657	6673		
BARKER. Paul G. (Mr. Negus) (Mr. Kochis)	6684	6695	6697	6698
HALL. Michael D. (Mr. Negus) (Mr. Kochis)	6699	6740	6743	6744

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00203777

1 1 SAN DIEGO. CALIFORNIA. THURSDAY, JANUARY 17, 1985, 9:33 A.M.

2 --ooOoo--

3

4 THE COURT: Good morning.

5 Mr. Negus.

6 MR. NEGUS: Call Dr. Imad Shahhal.

7

8 IMAD SHAHHAL,

9 called as a witness on behalf of the Defendant, having been duly  
10 sworn, testified as follows:

11 THE CLERK: Thank you. Would you have a seat on the  
12 witness stand. Would you state your full name for the record  
13 and, please, spell the entire name.

14 THE WITNESS: Imad Shahhal.

15 THE REPORTER: Spell your full name, please.

16 THE WITNESS: I-m-a-d, S-h-a-h-h-a-l.

17

18 DIRECT EXAMINATION

19 BY MR. NEGUS:

20 Q. Dr. Shahhal, what's your profession?

21 A. I'm a neurosurgery resident at Loma Linda  
22 University Medical Center.

23 Q. And what sort of background and training have you  
24 had in order to qualify you for that particular position?

25 A. Well, you have to be an M.D. first, and then go  
26 through neurosurgical training, which is, I have had now four  
27 years of that at Loma Linda, and just being an M.D., and do one  
28 year of general surgery and then go into neurosurgery in

020378

1 training.

2 Q. So you are in the fourth year of residence then at  
3 Loma Linda as a neurosurgeon?

4 A. I'm right now in the fifth year.

5 Q. In June of 1983 were you likewise so employed?

6 A. Yes.

7 Q. On June 5th, 1983, did you treat a patient whom you  
8 later learned was Josh Ryen?

9 A. Yes.

10 Q. For -- Okay. What -- Did he have multiple injuries  
11 when you saw him?

12 A. Yes.

13 Q. Did you treat him for one particular injury?

14 A. I treated him mainly for his head injury over his  
15 scalp and head in general.

16 Q. Did he have more than one injury to his head area?

17 A. I think so. He had one over his scalp and he had  
18 over his neck, and I can't remember if he had it over his ear as  
19 well.

20 Q. As far as all those injuries, though, the only one  
21 that you yourself treated was the one to the scalp?

22 A. Yes.

23 Q. While you were treating Josh, did you have anybody  
24 assisting you?

25 A. I had a medical student with me.

26 Q. Do you remember the medical student's name?

27 A. No.

28 Q. If I showed you -- Let me show you Exhibit 699.

0020379



1 Do you recognize what that document is?

2 A. Yes. That's the neurosurgery note that we had  
3 wrote on the patient, student wrote it under my supervision and  
4 I had some -- added on some words to it actually at the end  
5 after seeing the patient.

6 Q. Okay. So the way that that particular document  
7 was --

8 Was that prepared in the emergency room at Loma  
9 Linda University Medical Center?

10 A. Yes.

11 Q. Did -- do you recall -- Having seen the name of the  
12 student now, can you recall the name of that a particular  
13 student?

14 A. No. He has a hard handwriting, Beddo (phonetic)  
15 something.

16 Q. Did you know all the students that were there by  
17 name?

18 A. Well, we know them at the time, but we have like 70  
19 pass through a year with us, so it's hard to remember them.

20 Q. Do you remember a student named Randy Bideau?

21 A. Right. Randy Bideau. I don't remember the name,  
22 no.

23 Q. On that document, does -- was that document  
24 prepared entirely in the emergency room or was that prepared at  
25 other times as well?

26 A. Entirely in the emergency room.

27 Q. Do you know approximately what time it was that you  
28 began work on Josh Ryen?

020300

1           A.     I think when he reached the emergency room they  
2     called me down to check him, and I went down. And I don't know  
3     for sure what -- how that fits in time with the time he came in,  
4     but probably within ten minutes or fifteen minutes.

5           Q.     Showing you a document, Exhibit 700, do you  
6     recognize what that document is?

7           A.     Yeah. That's the nursing emergency room record.

8           Q.     And do the nurses keep records of times that  
9     different physicians are involved in different activities on  
10    that particular sheet?

11          A.     Yes; yes.

12          Q.     Turning your attention to the -- to the back of the  
13    sheet, it indicates that at 1358 you were shaving the patient's  
14    head. Was that one of the first steps that did you, or --

15          A.     No. The first step would be that I would check him  
16    out completely, and then I want to check the extent of the  
17    injuries to his head so I shaved his head.

18          Q.     So that would have been after you had already been  
19    examining him for a period of time?

20          A.     Yes; yeah.

21          Q.     As you examined Josh, were you attempting to  
22    determine the extent of the neurological damage, if any, caused  
23    by that scalp laceration?

24          A.     Yes, or any other injury, just in general, the  
25    whole nervous system in general.

26          Q.     What procedure do you use to try and make that  
27    assessment?

28          A.     Well, we go through an extensive neurological

1 examination and check his head area and spinal chord area. That  
2 would be it, just examining him in general.

3 Q. Is that just a visual examination primarily?

4 A. And checking multiple reflexes. And we talk to  
5 him. We -- it's -- it's a specialized process, the neurologic  
6 exam. We examine multiple functions, his consciousness, his  
7 cranial nerves, his motor nerves, his sensual function, his  
8 coordination, his reflexes, and then check his -- the area of  
9 the head, check if he has any other injury to his neck or spinal  
10 chord.

11 Q. In Josh's case did he have any injuries that seemed  
12 to have any neurological effect on him other than the scalp  
13 laceration?

14 A. Yes, he could have because he had a cut on his  
15 neck, and that could have made him unconscious because of  
16 hypoxia. just being unable to breathe would have made him  
17 unconscious.

18 Q. At the time that you saw him was he -- was there --  
19 had anything been done to allow him to breathe?

20 A. Yes. He had a tube in through his neck wound into  
21 his trachea I think.

22 Q. Did that remove the problem of unconsciousness from  
23 that particular source?

24 A. Well, that should, yes. When I first saw him he  
25 was responsive to me. He responded to me immediately.

26 Now, of course, if someone had been hypoxic for  
27 sometime and you removed the problem, then they wouldn't wake up  
28 necessarily immediately, but it will be over five minutes or ten.

2 Q. During the time that Josh was in the emergency  
3 room, was he given any blood transfusions to your knowledge?

5 Q. There a -- is there a -- on that exhibit, the  
6 emergency room notes, is there a place to note that if, in fact,  
7 blood transfusions are given?

9 Q. And is there any such notation on that document?

11 Q. Can just -- can just the loss of fluids cause  
12 problems of consciousness in individuals?

14 Q. If Josh had been lying without any -- lying on a  
15 rug for 12 or 13 hours before he was brought into the emergency  
16 room, could that just not having any fluids plus some blood loss  
17 have caused him to have a diminution of consciousness based on  
18 that?

20 Q. If he were administered an IV in the -- in the  
21 emergency room, would that have the effect of bringing him back  
22 to consciousness?

24 Q. And does the record indicate that he was, in fact,  
25 an IV was started once he got to the emergency room?

26           A.     Yes; yes. He was given fluids immediately  
27 afterwards, within three minutes; yeah.

**COMPUTERIZED TRANSCRIPT**

1 to the time that you saw him?

2 A. Yes, I think so, or at the same time because there  
3 would be four or five people around each doing a different  
4 thing. It could have been immediately at the same time that I  
5 saw him. I can't tell for sure.

6 Q. Now, do the records that you have indicate that  
7 there was an attempt made by yourself to question Josh?

8 A. Yes, as far as his neurologic function is, yes. I  
9 questioned him about his, you know, to check his alertness or to  
10 surrounding sor his -- how conscious he is.

11 Q. Were you in any way concerned with gathering  
12 information about what had happened to him?

13 A. No.

14 Q. In terms of your questioning of him as far as  
15 neurological functions is concerned, did you carry out that  
16 questioning yourself?

17 A. Yes.

18 Q. How was he able to respond?

19 A. At the time he had a tube in his trachea, he  
20 couldn't talk, and so we just shake him, ask him a question, ask  
21 him to move his hand to our command, squeeze our fingers or move  
22 his legs, ask him if -- to nod or shake his head for the  
23 questions, or point to things. And that's how we could tell how  
24 conscious he is.

25 Q. Did he also attempt to write something?

26 A. Yes.

27 Q. What -- what can you recall him attempting to  
28 write?

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1           A.     That part I didn't do myself. I remember someone  
2 bringing paper to him, asking him his name and then giving him a  
3 pen, but I can't remember the exact moment what has happened at  
4 that time.

5           Q.     As far as your own assessment of Josh, did you  
6 determine whether or not he was reacting to pain?

7           A.     Yes.

8           Q.     Was he?

9           A.     Yes.

10          Q.     In what fashion?

11          A.     Well, he would feel it, we know that. And we  
12 divide painful sensations into -- sensation to pin prick or  
13 touch or position, and he responded to that. He would feel a  
14 pin.

15          Q.     In all three?

16          A.     All extremities, yeah. He would have -- he would  
17 feel a pin very well.

18          Q.     Did you also attempt to ask sort of standardized  
19 questions to determine his ability to orient himself, that is,  
20 how aware of where he was and that sort of thing?

21          A.     Yes.

22          Q.     What sort of information did you get as a result of  
23 that?

24          A.     Well, I did ask him simple questions like, "Is this  
25 a hospital or home?" or is this -- and that he would answer  
26 correctly to that. He was answering correctly that this is a  
27 hospital, and that 's to the best of my recollection what's in  
28 my notes.

0203005

1 Q. Did he also like, for example, give you his age?  
2 A. I didn't ask him that.  
3 Q. How about his phone number?  
4 A. I didn't ask him that, although, I think someone  
5 else did, showed him a phone number or asked him what his phone  
6 number is, and that's noted in our note that he responded to  
7 that.  
8 Q. Okay. But that wasn't a question by yourself?  
9 A. No.  
10 Q. That was someone else.  
11 A. No, I didn't ask him that.  
12 Q. Did -- when you were checking his motor responses,  
13 how did you do that?  
14 A. Well, we asked him to move specified muscles like  
15 his hands, his biceps, his deltoid, his legs, toes, you know,  
16 one by one, and check his strength in each.  
17 Q. Okay. What was -- what was your assessment of Josh  
18 based on that testing?  
19 A. He was good.  
20 Q. He had enough strength to control his various  
21 extremities and muscles and things?  
22 A. Yes.  
23 Q. How did you -- did you check his sensory  
24 perception?  
25 A. Yes.  
26 Q. How did you do that?  
27 A. We have -- with a pin we check him in different  
28 areas of his body again, over his face, chest, arms and legs,

1 and that checked out okay as well.

2 Q. So he could sense things in all the different parts  
3 of his body?

4 A. Yes.

5 Q. What about his reflexes, did you check those?

6 A. Yes.

7 Q. And what was your -- how did you do that?

8 A. Again, we check specified reflexes like his biceps  
9 reflex, triceps, knee jerks, ankle jerks, again in different  
10 parts of the body, and those checked okay as well.

11 Q. Do you do that in such a way that you're trying to  
12 map out if there is any area of the brain which has been  
13 damaged?

14 A. Yes.

15 Q. Is that what you do with the little hammer?

16 A. Yes.

17 Q. When you had finished your -- when you had finished  
18 your neurological examination of Josh in the operating room, did  
19 you reach an assessment as to the neurological damage which had  
20 been done to him at that point in time?

21 A. Yes.

22 Q. What was that?

23 A. Well, he had a cut over his head, not in the  
24 midline but to the side of the midline, if I remember correctly  
25 now, which side. Maybe it's in a different note.

26 Q. Well, let me just give you a couple of other --  
27 During the course of your treatment of Josh, did  
28 you prepare likewise document 726 and then later dictate

00203007



1 document 727?

2 A. Yes.

3 Q. Would that help you to determine which side the --

4 A. Yes, yes. He had a ten centimeter laceration over  
5 his left perisagittal area, which is left of the midline on the  
6 vortex, here on the top of his head. This was a sharp cut which  
7 was very linear, in a straight line, no jagged edges or  
8 anything.

9 Q. Did -- Okay. Then did that appear to be consistent  
10 with having been made with a sharp knife or other type  
11 instrument like that?

12 A. I think it would be most consistent would be to be  
13 with a sharp but heavy instrument.

14 Q. Like a machete or a hatchet?

15 A. Possibly, because he had, under that same  
16 laceration he had a fracture of his skull, so it must have been  
17 a sharp instrument that was heavy or hit hard, you know.

18 Q. The fracture of the skull, as to that did you  
19 have -- was that x-rayed at some point in time?

20 A. Yes.

21 Q. And by what process was it x-rayed?

22 A. Well, it was a skull x-ray taken in the emergency  
23 room, and then there was a CAT Scan done after that. Both of  
24 them would have showed fracture.

25 Q. The CAT Scan is a computerized form of --

26 A. Of x-ray.

27 Q. -- of x-ray?

28 A. Yes.

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1 Q. Can you describe that fracture that was seen  
2 after -- after after -- after you'd had a chance to look at both  
3 the CAT Scan and the x-rays?

4 A. It was a very linear fracture, again very unusual.  
5 Fractures are usually jagged. And if someone falls and  
6 fractures their head they usually have a jagged fracture, it's  
7 very irregular.

8 This one was a straight line again, and it was more  
9 fractured on the top -- we see -- we take -- the skull has two  
10 layers or two pieces of cortical bone, stiff bone, in the middle  
11 there is the diploe, soft bone. And you could tell there is a  
12 depression in the upper layer of hard bone that to tell it was a  
13 sharp instrument.

14 Q. The documents which I've given you, 726 and 727,  
15 first of all could you describe what 726 is?

16 A. This is a note we write immediately after we finish  
17 operating. It is called a post-operative note, actually.

18 Q. And did you prepare that document yourself?

19 A. Yes. It's in my handwriting.

20 Q. And what is 727?

21 A. This is done, when we finish this then we dictate  
22 an official operative note as well to go -- a typewritten note,  
23 which is about the same like this one, it's practically the  
24 same, with a little more information in one part of it; wherein  
25 this note there's a description of operative procedure that is  
26 left to be dictated. This goes on this one.

27 Q. So 727 is more or less a completion of 726?

28 A. Yes.

002037009

1 Q. What was the purpose for shaving off Josh's hair?

2 A. Well, any time we have suspicion of more injury  
3 than we can see or there is some blood loss from the head and  
4 tangled with hair or something like that, then we always have to  
5 shave at least the area of the head that is -- where the  
6 laceration is.

7 Now if we need to operate or do more or we suspect  
8 more problems, then we shave the whole head.

9 Q. After you shaved Josh's head, then was that when  
10 you discovered the fracture or was that during the x-rays?

11 A. Well, we could tell both ways because if you just  
12 had looked inside the wound you would see the fracture. It was  
13 visual, you could see it. It was exposed, the bone was exposed,  
14 and at the same time you could see it in x-ray.

15 Q. After -- after all -- you had had all the  
16 information you said you did perform an operation on Josh?

17 A. Yes.

18 Q. Was that like a major operation? I think brain  
19 surgery has been mentioned. Anything of that nature?

20 A. No. It's a minor operation, just a closure of his  
21 laceration.

22 Q. Essentially just sewing up the -- sewing up the  
23 cut?

24 A. Just cleaning the wound and sewing it up, yeah.

25 Q. Did -- was Josh under anesthetic at the time that  
26 you did this?

27 A. Yes. He was having the other procedure by the  
28 second team. There was another team operating on him, on his

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1 neck I think.

2 Q. So, was the anesthetic, in effect, due to the  
3 operation on the trachea rather than the operation on the scalp  
4 operation?

5 A. Yes. At the same time they were operating I went  
6 in and did the other thing, the head.

7 Q. Is that just as a matter of convenience so the  
8 patient doesn't have to undergo --

9 A. Yes.

10 Q. -- multiple operations?

11 A. Yeah.

12 Q. After your -- after Josh's head was sewn up and the  
13 wound cleaned, was he under any major neurological deficit that  
14 you could tell? I mean, was there anything neurologically wrong  
15 with him?

16 A. You mean after the operation?

17 Q. Right.

18 A. Well, there's -- after you get anesthetic then you  
19 definitely will have a change in your consciousness for a few  
20 hours. So he goes after that in a period of recovery, and then  
21 we follow him on a daily basis.

22 Q. Did you go in and see him on a daily basis after  
23 that?

24 A. Yeah, not every day, but I saw him the next day.  
25 Then after that there was another physician following him at  
26 that time, and his main -- his main service physicians who took  
27 care of his trachea and chest injuries were following him at  
28 that time.

1 Q. So, after the first day when you went to see him in  
2 the -- in the ICU room, essentially it was the pediatric surgeon  
3 that was following him rather than yourself?

4 A. Yes.

5 Q. Did you see any major neurological problems with  
6 Josh on the 6th when you saw him the next day?

7 A. No. Doing well.

8 Q. Thank you.

9 I have nothing further.

10 A. Thank you.

11 THE COURT: Mr. Kottmeier.

12

13

CROSS-EXAMINATION

14 BY MR. KOTTMEIER:

15 Q. According to the notes that you have in front of  
16 you, the neurosurgery notes, what condition was Josh in when he  
17 first arrived at the emergency room?

18 A. I don't know, but according to the notes when I  
19 first saw he was --he was -- he was responsive or alert to  
20 surrounding.

21 Q. Directing your attention to the line that starts  
22 "machete"

23 A. Yes.

24 Q. What does that say?

25 A. "Patient was shocky and unconscious upon arrival to  
26 the emergency room."

27 But that's something unwitnessed by us. This is  
28 something reported to us.

1 Q. Did you use that as far as your treatment of Josh,  
2 though?

3 A. Yes. That -- that tells us how -- what to look for  
4 because if he was unconscious before arrival, then there may  
5 have been something going on that we have to suspect.

6 Q. But the terminology is "shocky and unconscious upon  
7 arrival at the E.R. room"; is that correct?

8 A. Well, I think this is reported to us. I cannot  
9 comment on it, you know. I think what is here is a note of what  
10 transpired from the other personnel to us, because we did not  
11 see him immediately upon arrival to emergency room.

12 Q. So you wouldn't rely on this report as far as any  
13 of the information that's contained in it?

14 A. Only as far as hearsay, you know, as far as -- yes,  
15 I would rely on it if I trust the emergency personnel, but I  
16 wouldn't commit myself to it myself.

17 I would say the emergency personnel told me he was  
18 unconscious on arrival, and when I first saw him he was  
19 conscious.

20 There may have been a misinterpretation from the  
21 personnel. I don't know.

22 Q. During the time that you worked with Josh you heard  
23 a female nurse trying to get information, such as, his name?

24 A. I don't remember if it was a female or a male  
25 nurse, but, yeah, I heard someone trying to get his name or his  
26 phone number and something like that.

27 Q. Do you remember anything as far as the content of  
28 that effort to get information from Josh?

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1           A.     I remember them asking him his name and then having  
2     a paper or a clipboard or something that they were writing on it  
3     and then giving him a pen, and then I left the room at that  
4     time.

5           Q.     So you weren't there during any time that a  
6     sheriff's deputy was questioning him?

7           A.     No.

8           Q.     Did you ever see Josh point to letters that were  
9     written out in alphabetical fashion, or yes or no or numbers?

10          A.     No.

11          Q.     When you saw Josh were you considering during your  
12     treatment the entire physical difficulty that he was suffering  
13     from or just the head?

14          A.     The entire difficulty.

15          Q.     Because the other things that were wrong with him  
16     could very much affect his ability to recover from the head  
17     wound; is that correct?

18          A.     Correct.

19          Q.     As an illustration you mentioned to us the  
20     situation with hypoxia; that is the loss of oxygen into the  
21     blood.

22          A.     Yes.

23          Q.     Were you aware that Josh had a collapsed lung?

24          A.     No.

25          Q.     Did you know that there had to be a pneumothorax  
26     pump inserted to bring that lung back up?

27          A.     I can't recall that.

28          Q.     Did you make any evaluation as far as the potential

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1 effect of loss of blood on Josh?

2 A. Yes.

3 Q. And how did you do that?

4 A. By looking at his vital signs, that would tell us  
5 most -- what is his initial blood pressure, blood gases.

6 Q. What kind of wounds were you looking at during the  
7 time that you evaluated him, and by that I mean, you've talked  
8 in terms of laceration, yes, but did you have any idea or  
9 information as to whether they were gunshot wounds, knife  
10 wounds, hatchet wounds?

11 A. I could tell that they were cuts made by a sharp  
12 instrument. That's the best of my knowledge.

13 He had a cut over his head he had a sharp cut over  
14 his neck. That's, you know, the two I remember.

15 Q. When you looked at Josh's head, you stated that you  
16 could visually see the depressed skull fracture just by looking  
17 at the wound itself; is that correct?

18 A. Yes.

19 Q. And when you saw the wound you were able to see a  
20 straight linear fracture, straight line, in effect?

21 A. Yes.

22 Q. Which to you was unusual based upon the experience  
23 that you'd had in the past with skull fractures?

24 A. Unusual for just a fall or -- but usual for a sharp  
25 instrument.

26 Q. Is the fracture that you saw to Josh's head  
27 consistent with a blow from Exhibit 42 being applied to the top  
28 of the skull?



1 A. Possible.

2 Q. How much total time did you spend with Josh in the  
3 emergency room?

4 A. I think it must be, if you counted that we followed  
5 them to CAT Scan and back, probably over 40 minutes maybe,  
6 something like that.

7 Q. Well, I'm concerned strictly, doctor, of the time  
8 that you physically were with Josh standing next to him working  
9 with him, observing him, or engaged in some kind of procedure  
10 that would cause you to pay attention to Josh as opposed to  
11 something else.

12 A. Okay. Well, I would say the first minutes -- 15  
13 minutes of my contact with him I was with him, and then I would  
14 go write notes and check x-rays and so on while someone else was  
15 doing something different, and then back after he went to the  
16 operating room and I was with him.

17 Q. So, 15 minutes with him in E.R.?

18 A. Yes.

19 Q. And then you leave Josh's presence and the next  
20 time you see him is in the operating room?

21 A. Yes, or he was on the way or in CAT Scan. He was  
22 lying in CAT Scan, but I wasn't close to him I was just --

23 Q. Maybe just walking by?

24 A. Watching from a distance, yes.

25 Q. During that 15 minutes did Josh have an oxygen mask  
26 on in the emergency room?

27 A. He had a tube in his trachea, and he had, I think  
28 he had a bag for breathing. They were helping him with

0020396

1 breathing.

2 Q. But you don't remember an oxygen mask on his face  
3 with a small portable oxygen tank?

4 A. No, I don't remember.

5 Q. Do you know if oxygen was being sent into the tube  
6 by some device?

7 A. Yes.

8 Q. Did you see whether or not Josh's arms were taped  
9 down to a board, either of them or both, for the purposes of the  
10 IV?

11 A. I can't remember, but it may have been. It may  
12 have been -- this is standard procedure. If you put an IV  
13 through the cubital vein at the elbow, it's standard to  
14 immobilize the elbow.

15 Q. During the time that you looked at Josh did you  
16 make any evaluation as to his circulation, his coloring?

17 A. Yes.

18 Q. When you first saw him, for example, if you would  
19 press on part of his finger and it turned white, was it slow to  
20 recover color?

21 A. I didn't do that myself. I didn't do that thing in  
22 particular. But I was looking at his color, general state, and  
23 he was pale.

24 Q. Did the color get better during the time that you  
25 were working on him?

26 A. No.

27 Q. Did he appear fatigued?

28 A. Yes.

1 Q. Within that particular emergency room at the time  
2 you were there, there were a lot of people, weren't there?

3 A. Yes.

4 Q. You were working about Josh's head area?

5 A. Yes.

6 Q. Were you standing right at the head or off to one  
7 side or in what area of Josh?

8 A. Right behind his head.

9 Q. And virtually the entire area around the gurney  
10 that Josh was laying on had somebody standing there at least one  
11 deep; is that correct?

12 A. Well, no, not necessarily true. It's -- there were  
13 a few, you know, quite a few people there, and they go and come,  
14 they don't have to be there at all time.

15 Q. Well --

16 A. But we do compete for space around the gurney.

17 Q. There was a calling of commands or requests for  
18 various operations or things to be done for Josh?

19 A. Yes. See there is -- there would be a team from  
20 the general surgery team or the pediatric surgery team around,  
21 and our team, the neurosurgery team and nurse and respiratory  
22 therapist and the CAT Scan people coming to check him take him  
23 to CAT Scan. And we each compete for time or we talk to each  
24 other and say, "Okay. Let me do this first." And you do that  
25 or something like that.

26 Q. And there were students there as well?

27 A. And students, yes.

28 Q. Respiratory students?

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1 A. I don't know about respiratory students.

2 A. But you do recall student physicians? In fact, you

3 had one helping you.

4 A. Yes; yes.

5 Q. Do you know how many student physicians were there?

6 A. That was only one with me that I know of. Now the

7 pediatric surgery team would have a student with them as well.

8 Q. During this particular period was it very noisy

9 within the operating -- excuse me, the emergency room?

10 A. Not necessarily, no.

11 Q. Not any more noisy than it normally is in a major

12 trauma activation?

13 A. Yeah. And it -- it's on and off. It depends, you

14 know. We may be all doing something and everybody shut up, you

15 know. At one point we maybe discussing, you know.

16 Q. Now, when you were doing your evaluations your

17 concern with minor things such as "are you home or in the

18 hospital" --

19 A. Yes.

20 Q. -- those kinds of thought processes are very low as

21 far as the levels of thinking, aren't they?

22 A. No. We want to know if -- we want to assess the

23 extent of brain injury, then we want to know if someone is

24 oriented to time, to place, and to people.

25 Q. All right. What did you do to assess the time as

26 far as Josh's ability to recall during the time that he was

27 there with you for 15 minutes in the emergency room?

28 A. I didn't assess it because --

1 Q. Left it out?

2 A. I didn't go to that extent. Time is the first one  
3 that would be lost.

4 Q. Well, didn't assess time?

5 A. I assessed his orientation to people around him.

6 Q. In what way?

7 A. And place. Whether he knew we were doctors or not.

8 Q. Would you say, "Am I a doctor?"

9 A. Or "Who are we? Are we doctors?" Or "Your people,  
10 your family?"

11 Q. So, you asked a question like, "Am I a doctor?"

12 A. Yeah. Something like that.

13 Q. A question like, "Am I your father?"

14 A. Yeah. Something like that.

15 Q. What specific questions did you ask Josh in that  
16 period of time?

17 A. I don't remember.

18 Q. How many questions did you ask?

19 A. On that particular point?

20 Q. The 15 minutes that he was in the emergency room  
21 that you were with him.

22 A. Well, as I said we go through a process of  
23 examination, we go first --

24 Q. I am not -- excuse me, doctor. I don't mean to  
25 interrupt, but I am not interested in the normal processes that  
26 you go through, I am interested in what you asked Josh in the 15  
27 minutes you were with him as he was in the emergency room.

28 MR. NEGUS: Objection, that particular question is I

1 think compound.

2 THE COURT: Overruled.

3 No question pending now, I don't believe.

4 MR. KOTTMEIER: I would like to know if the doctor knows  
5 what he asked Josh to establish Josh's mental state.

6 THE COURT: Tell us, please.

7 THE WITNESS: Okay. Well, what we do first is look -- is  
8 talk to him. Say, "Wake up", or something. And then, "Give me  
9 your hand." And then, "Where am I? Am I a doctor, or your  
10 father?". Or something. And then, what -- "Are you now in the  
11 hospital?" "In the hospital or at home?"

12 Minor questions. Then go from there to say, "Okay,  
13 now, move your legs. Move your hands. Move your eyes. Stick  
14 your tongue out."

15 BY MR. KOTTMEIER:

16 Q. Did you ask all of those questions of Josh Ryen?

17 A. Yes.

18 Q. Did you get any inappropriate responses to any of  
19 the questions?

20 A. No.

21 Q. During the time that you were asking him questions,  
22 you stated that you had to shake him to get him awake. Is that  
23 correct?

24 A. Well, that's the first thing I did. The first  
25 thing, because when I came to the emergency room they told me he  
26 was unconscious. When I first touched him I shook him to check  
27 and he immediately responded.

28 Q. His eyes were closed when you first saw him?

1 A. Until I shook him, yes.

2 Q. Did that indicate to you that he was unconscious?

3 A. Or asleep. Or shocky.

4 Q. But you did not try initially to get a response

5 from him by saying something to the effect, "Will you wake up?"

6 Or "Let me talk to you a minute." You shook him?

7 A. That is my first -- first communication with him is

8 a shake.

9 Q. Did you at any time make any effort to try and

10 establish whether Josh's higher thought processes of

11 recollection were functioning correctly?

12 A. No.

13 Q. Did you have any way of knowing whether some of the

14 things that he was saying were completely nonsense?

15 A. He wasn't saying anything because he couldn't

16 speak.

17 Q. Just responding?

18 A. Responding to our questions with very minor

19 questions.

20 Q. Dr. Wang was the doctor that did the operation to

21 Josh's trachea and so on within the operating room.

22 A. Yes.

23 Q. And in regard to the operation that you performed

24 on Josh's head, did you remove any pieces of bone from the wound

25 that Josh had received to the top of his head?

26 A. No.

27 Q. Did you make any efforts in the treating of that

28 particular wound to assist the wound in healing other than

1 suturing?

2 A. Just cleaning.

3 Q. Just cleaning?

4 A. Yes. It was a clean wound that needed very little

5 intervention as far as cleaning because -- just basically

6 cleaning and suture.

7 Q. In regard to that wound did you install a drain?

8 A. No.

9 Q. There was no drain tube in the wound at all?

10 A. No.

11 Q. Did you bandage the wound after it had been

12 sutured?

13 A. Yes.

14 Q. Is that the kind of wound that, based upon your

15 experience, would normally cause instantanenuous unconsciousness?

16 A. It all depends on the blow, really. The wound is

17 only a reflection of the wound. I would say it may, it may have

18 caused unconsciousness for a short time.

19 Q. It may have caused unconsciousness, the depressed

20 skull fracture?

21 A. Yes.

22 Q. Wouldn't you expect it would cause unconsciousness?

23 A. Not necessarily.

24 Q. Was there air collection under the skull fracture?

25 A. Yes. We saw that on the CAT scan.

26 Q. What does that reflect to you?

27 A. It reflects that the fracture cut through the

28 covering of the brain, the dura, and the air leaked from the



1 outside to the cranial cavity.

2 Q. Now, that is an extremely dangerous type of  
3 situation, isn't it?

4 A. No.

5 Q. Due to the fact that extraneous bacteria and germs  
6 could get into the very habitable atmosphere or area by the  
7 brain?

8 A. Well, a fracture associated with a laceration -- in  
9 other words, an open fracture has more tendency to infection,  
10 yes.

11 Q. So that's an area that you have to take some steps  
12 to make sure that there is --

13 A. No infection?

14 Q. Yes.

15 A. Yes.

16 Q. Or the patient doesn't develop other complications  
17 as a result of it.

18 A. Correct.

19 Q. In addition, once you go through the dura there is  
20 nothing between the dura and the brain itself, is there?

21 A. Yes, there is.

22 Q. What is that.

23 A. It is fluid, and subarachnoid space. In other  
24 words, there is about probably two, three millimeters of  
25 cushion, of fluid.

26 Q. Not quite that big, is it?

27 A. Two, three millimeters. But that is -- we're  
28 talking in millimeters when we talk about the fracture.

020404

1 Q. But, other than the fluid, other than the  
2 subarachnoid space, there really is nothing to block or slow  
3 down a blow that has passed through the dura except the brain  
4 itself. The blow did not pass through the dura.

5 A. The bone fracture -- if you fracture a hard bone,  
6 and it goes in, it fractures the other side, cuts through the  
7 dura. But the blow did not have to go through the bone.

8 Q. Did you make --

9 A. It actually -- I don't think it did.

10 Q. Did you make any examination of Josh's brain to see  
11 if there was any brain damage?

12 A. That would be the CAT Scan.

13 Q. Other than the CAT Scan?

14 A. The neurologic examination.

15 Q. Excuse me?

16 A. The CAT Scan, the physical examination and the  
17 neurological examination would tell us how much brain damage  
18 there had been.

19 Q. Did you notice any injury to the brain itself?

20 A. No.

21 Q. The brain is in effect a bit of tissue that is  
22 fairly easy to injure, isn't it?

23 A. Yes.

24 Q. You are familiar with the term coup and contracoup  
25 type of injuries.

26 A. Yes.

27 Q. They refer to in effect bruising of the brain. In  
28 two different ways the brain can be bruised.

020405

1 A. Yes.

2 Q. Did you notice within your evaluation of the CAT  
3 Scan any evidence of bruising to the brain?

4 A. No. There is a zone that has -- there is a gray  
5 zone there when you look at a CAT Scan you might say there is  
6 swelling or this may be a part of normal. It is a gray zone  
7 that cannot be determined a hundred percent. So, it leaves a  
8 suspicion behind if there is any brain swelling.

9 There is no coup, contracoup. There was no  
10 bruising of the brain or no contusion of the brain, to my  
11 knowledge.

12 Q. Of course that would be important because of the  
13 possibility of having to install the drain that would allow  
14 for --

15 A. No.

16 Q. -- release.

17 A. Do not need to.

18 Q. Excuse me?

19 A. We may not need to have drain for a contusion.  
20 Doesn't have to.

21 Q. When would you use a drain? When would a drain be  
22 installed during your surgical procedures on a wound to the  
23 skull?

24 A. If we expect excessive bleeding or we expect  
25 possibility of infection.

26 In other words, if we find a wound that is dark  
27 enough, we wanted to keep draining anything inside later after  
28 we suture it, or when we operate inside the cranial cavity, and

020406

1 we expect drainage of blood or something like that.

2 Q. Within Josh Ryen's case, then, did you have a  
3 suspicion or anticipation that Josh Ryen would have swelling to  
4 the brain?

5 A. Well, yes.

6 Q. In addition to the force that had been applied to  
7 the brain through the wound that you've described, did you make  
8 any examination as far as the possible impact on the brain stem  
9 by a blow to the left ear area?

10 A. Yes.

11 Q. What did you find in that regard?

12 A. It was normal. That is mainly through the  
13 neurological examination and the CAT Scan.

14 Q. During the time that you worked with Josh, did you  
15 consider the total impact of all of the things that had happened  
16 to his body as far as his thought processes?

17 A. Yes.

18 Q. But yet the only time or the only types of  
19 questions that you asked him were dealt with or were things "Am  
20 I a doctor?", or, "Are you at the hospital?"

21 A. Yes.

22 Q. "Stick out your tongue. Open your eyes."

23 A. Correct.

24 Q. You never once asked anything about, "Who did this  
25 to you?"

26 A. I wasn't interested.

27 Q. Or, "How did this happen?"

28 A. You know, I wasn't interested. I don't get

020407

1 involved with that when a patient comes in.

2 Q. Did you notice in your visits with Josh later on a  
3 problem in his ability to respond to the questioning that you  
4 gave him? When I say "later on" I'm talking about after the  
5 operation.

6 A. Yes.

7 Q. Can the loss of oxygen to the brain have effects  
8 that will last for longer than just a matter of minutes?

9 A. Yes.

10 Q. In fact, if the brain is deprived of oxygen for  
11 some period of time, you can have literally the death of some  
12 brain cells, can't you?

13 A. Yes.

14 Q. Can the loss of oxygen affect a person's memory?

15 A. Yes.

16 Q. Can the type of blow that you've described that  
17 Josh received to the top of his head affect a person's memory?

18 A. Yes.

19 MR. KOTTMEIER: I have nothing further, your Honor.

20 THE COURT: Mr. Negus,

21

22 REDIRECT EXAMINATION

23 BY MR. NEGUS:

24 Q. If I could, just briefly.

25 Showing you Exhibit 728, Dr. Shahhal.

26 Do you know what that document is?

27 A. That's the CAT Scan report.

28 Q. And is that prepared by the doctor that actually

0020408

1 runs the CAT Scan and submitted to you for your information?

2 A. That is prepared later.

3 In other words, initially we get a temporary  
4 report; we look at our scans ourselves and then later this is  
5 read officially and dictated.

6 Q. Okay. Is that report that was prepared by  
7 apparently a Dr. Hinshaw, is that consistent with what you  
8 observed when you, yourself, observed the CAT Scan?

9 A. Yes.

10 Q. In examining the -- in examining the patient during  
11 the neurological examination, during the examination of X-rays  
12 and CAT Scans during surgery, basically are you in the process  
13 of attempting to weed out all the different types of  
14 possibilities of serious injury that Mr. Kottmeier was  
15 suggesting to you?

16 A. Well, many times it is a complicated thing. It is  
17 more than one process.

18 Q. Okay. What we're really interested in is making  
19 him get better. Whichever process of injury it was.

20 Q. Neurologically. after Josh had received the wound  
21 and he was under treatment in the hospital, did he show any  
22 problems in getting better?

23 A. Not to my knowledge.

24 Q. Mr. Kottmeier mentioned the possibility of  
25 infection to the brain.

26 On the -- there was a list of medications given on  
27 Exhibit 700 that apparently were given in the emergency room.

28 First, there's I guess sodium bicarbonate.

002004-009

1 A. Yes. There was Mefoxin and Chloromycetin. These  
2 are antibiotics.

3 Q. The latter two, the Mefoxin and Cholomycetin are  
4 the antibiotics?

5 A. Yes.

6 Q. And their purpose is just that, to prevent the  
7 growth of infection; is that right?

8 A. Yep.

9 Q. The sodium bicarbonate, what's the purpose of that?

10 A. This is a drug used by -- when to correct a  
11 person's pH, blood pH, which is what happens when someone is  
12 hypoxic for sometime, then the blood becomes acidic and you give  
13 them a bicarbonate which is a base to correct the pH.

14 Q. So essentially the loss of blood and oxygen will  
15 change the degree of identity of the --

16 A. Of the blood.

17 Q. -- and body. So that drug just restores it to its  
18 normal condition.

19 A. Yes.

20 Q. Are any of those particular drugs that were  
21 administered to Joshua in the emergency room hallucenogenic or  
22 anything like that?

23 A. No.

24 Q. Are all of the documents which I placed before you  
25 on the witness stand, Exhibits 700, 699, 726, 727 and 728, are  
26 those all documents which are prepared in the normal course of  
27 business in Loma Linda University Medical Center?

28 A. Yes.

0020410

1 Q. And is it important to the work at the medical  
2 center that all those be as accurate as possible?

3 A. Yes.

4 Q. In preparing those documents, do you attempt to  
5 indicate both the history that's given to you by others as well  
6 as your own observation?

7 A. We always refer to history given by others as  
8 questionable. We always put it in quotations or refer to it as  
9 second-hand information.

10 Q. The purpose?

11 A. We never rely on it a hundred percent.

12 Q. But why do you put it in there at all?

13 A. Because we have to know, you know, that is what we  
14 have; the best of what we have.

15 Q. Does it get essentially give you an indication to  
16 what to look for and rule out against?

17 A. Yes.

18 MR. NEGUS: Thank you. I have nothing further.

19 THE COURT: Anything else?

20

21 RE CROSS EXAMINATION

22 BY MR. KOTTMEIER:

23 Q. Dr. Shahhal, when you say getting better, all you  
24 are talking about is in effect the healing over of wounds; is  
25 that correct?

26 A. Correct.

27 Q. You have no way of knowing whether Josh's memory  
28 was getting better.

0020411



1           A.     Well, only by experience, that it would be getting  
2     better.

3           Q.     In other words, you are just assuming that if the  
4     injury is healing that obviously the memory would come back or  
5     heal also.

6           A.     Yes. That is actually the latest thing to come  
7     back.

8           Q.     Well --

9           A.     The last thing to come back would be short-term  
10    memory, memory in general.

11          Q.     That would be the last thing to come back.

12          A.     Yes.

13          Q.     But there's an additional factor in this whole  
14    situation that really makes a neurosurgeon's job pretty tough  
15    and that is psychological impact of what a person has been  
16    through, is that correct, as far as memory is concerned?

17          A.     Correct.

18          Q.     You have no way of measuring the psychological  
19    damage that had been done to Josh Ryen by what he had been  
20    through at the time that you are performing the functions in the  
21    emergency room.

22          A.     No. We don't try to, actually.

23          Q.     And you have no way of knowing whether or not  
24    psychologically the damage that has been done physically to Josh  
25    has affected his short-term memory, how it happened, and so on?

26          A.     We don't want -- we don't try and assess it. It  
27    would be too cumbersome to try and assess it.

28                 We could do that in a different situation but not

0200412

1 in an emergency situation.

2 Q. One other aspect, and that is, normally, in  
3 injuries of this kind, injuries to the head, one of the first  
4 things that is affected, as far as the thought processes, is the  
5 short-term memory, that is, how it happened; isn't that correct?

6 A. Correct.

7 MR. KOTTMEIER: I have nothing further, your Honor.

8 MR. NEGUS: Nothing further.

9 THE COURT: Doctor, we thank you very much. You may be  
10 excused.

11 MR. NEGUS: Michael Staubly.

12

13 MICHAEL RICHARD STAUBLY,  
14 called as a witness on behalf of the Defendant, having been duly  
15 sworn, testified as follows:

16 THE CLERK: Would you be seated.

17 Would you state your full name for the record and  
18 spell your last name.

19 THE WITNESS: Michael Richard Staubly. S-t-a-u-b-l-y.

20

21 DIRECT EXAMINATION

22 BY MR. NEGUS:

23 Q. Mr. Staubly, in June of 1983, who was your  
24 employer?

25 A. V.I. Management, the Ha Penny Inn.

26 Q. And what particular employment did you have with  
27 the Ha Penny Inn?

28 A. I was a security supervisor and maintenance

0020413

1 supervisor.

2 Q. Were you -- the Ha Penny Inns are essentially

3 motels?

4 A. Yes, they are.

5 Q. Were you assigned to any particular motel in June

6 of 1983?

7 A. Yes, I was.

8 Q. Which one was that?

9 A. 2277 Harbor Boulevard, Costa Mesa.

10 Q. How long had you been in charge of security at that

11 motel as of June of 1983?

12 A. Approximately six months.

13 Q. What was the police agency that has the

14 jurisdiction of that particular motel?

15 A. Costa Mesa.

16 Q. That's the Costa Mesa Police Department?

17 A. Yes, it is.

18 Q. As the security manager of that apartment complex,

19 had you developed any relationship with anybody in the Costa

20 Mesa Police Department?

21 A. Yes, I have.

22 Q. Who was that that you had a relationship with at

23 that point in time?

24 A. Darrell Freeman and Faite. I forgot what his first

25 name was.

26 Q. A Detective Faite?

27 A. Now. He wasn't a detective then.

28 Q. Was Mr. Freeman a detective at that time, that

0020414

- 1 point in time?
- 2 A. No.
- 3 Q. He was an officer?
- 4 A. Yes.
- 5 Q. Were they officers whose duties included patrolling
- 6 in that particular area?
- 7 A. Yes, they were.
- 8 Q. How big, how many units did that particular Ha
- 9 Penny Inn?
- 10 A. 235.
- 11 Q. As the security manager, was one of your duties to
- 12 try and make sure there was no crime that had occurred at the Ha
- 13 Penny Inn?
- 14 A. That was one of them, yes.
- 15 Q. Did you also, did you also have any other security
- 16 duties other than preventing crime?
- 17 A. Preventing disturbances or stopping disturbances.
- 18 Q. What about freeloaders, did you have any with
- 19 respect to that?
- 20 A. Yes. We had people sleeping out in the parking
- 21 lot. I went out and checked the vehicles.
- 22 Q. During that relationship then that you had as
- 23 security manager with the Costa Mesa Police Department, did you
- 24 develop a practice of checking out with them certain license
- 25 numbers of vehicles?
- 26 A. Yes, I did.
- 27 Q. How did that work?
- 28 A. They would come down with a sheet with the

020415

1 description of the vehicle or license plate or picture of an  
2 individual and what they're wanted for, if I ever saw it, they  
3 wanted me to give them a call.

4 Q. On various occasions while you were doing that, did  
5 you spot license plate numbers and give them a call?

6 A. Yes, I did.

7 Q. The -- when you were, when you were working at that  
8 particular unit, did you actually live on the premises?

9 A. Yes, I did.

10 Q. I placed on the board behind you a diagram which  
11 has been or not a diagram, but a piece of paper which has been  
12 marked as Exhibit 725.

13 I would request, if you could, if you could, taking  
14 this blue marker, going to the -- to that diagram and sketch for  
15 us the general layout of the Ha Penny Inn, including Harbor  
16 Boulevard, the parking areas, and the various buildings that are  
17 there.

18 THE COURT: Counsel, this is going to take some time. We  
19 will take the morning recess. The jurors please remember the  
20 admonition.

21 To the students, if some of you would like to come  
22 into chambers during the recess the bailiff will escort you  
23 back.

24 (Recess taken.)

25

26

27

(Chambers conference reported.)

28

THE COURT: All right. Defendant and all three counsel

020416

1 are in chambers. Gentlemen.

2 MR. NEGUS: Your Honor. Mr. -- the bailiff had a  
3 communication from one of the jurors that he informed Mr.  
4 Kottmeier and myself about, and I'd like to have him relate it  
5 to the Court at this point in time while it's still fresh in his  
6 memory.

7 THE BAILIFF: As I was taking the jurors out to their  
8 break, I can't remember which one of them it was, the number,  
9 but she asked me would it be possible for them to go up to visit  
10 the scene because looking at the pictures she could not get an  
11 idea of the distances and the heights of the mountains and  
12 hills, et cetera, et cetera, and I told both counsel.

13 THE COURT: What do you mean "et cetera, et cetera"?  
14 What else?

15 THE BAILIFF: She was referring to the distance between  
16 the home and the hills, the hillside, the landscape.

17 THE COURT: Well, duly noted.

18 Anything else?

19 MR. NEGUS: No. I suspect you may get a written motion  
20 on this at some point in time again.

21 THE COURT: Before you go, on another point, could you  
22 give me a thumbnail sketch of where we're going in Costa Mesa?

23 MR. NEGUS: The Ryen automobile was sighted, that is, the  
24 guy got a license plate number that's the accurate number of the  
25 Ryen license plate number at approximately 1:30 a.m. on the  
26 7th -- it would be the night of the 6th early morning hours of  
27 the 7th of June, which is, I can put Mr. Cooper in Tijuana at  
28 that point in time.

0020417

1                   And then there's also a connection with Mr. Bulau  
2                   who they brought out in their examination.

3                   THE COURT: Well, that's what I -- that was that I  
4                   expected, and I want to avoid going into an awful lot of details  
5                   with Mr. Bulau.

6                   MR. NEGUS: I'm not intending to. I mean -- I have two  
7                   witnesses on this and then I hope to have them done by noon.  
8                   And then just that -- that there was a gentlemen in 809  
9                   identified as Milton Bulau, and then that Mr. Hall later this  
10                  afternoon will have picked up his knife and his shirt. I mean,  
11                  I'm not going to go into the robbery or any of that kind of  
12                  stuff.

13                  THE COURT: Okay. All right, let's go.

14                               (Chambers conference concluded.)

15  
16                               (The following proceedings were held in  
17                               open court in the presence of the jury:)

18                  THE COURT: Many times, ladies and gentlemen, when we  
19                  seem to have a long break, we are having hearings out of your  
20                  presence and other things that happen sometimes as in this case.

21                               All right. Everybody is again present.

22                               You are still under oath.

23                               Mr. Negus.

24                  BY MR. NEGUS:

25                               Q.     Mr. Staubly, getting back to Exhibit 725, we now  
26                  have a multicolored drawing on the board.

27                               You've drawn in a street there which is Harbor  
28                  Boulevard; is that correct?

0020418

- 1 A. Yes it.
- 2 Q. And then the nearest intersection which would be  
3 Wilson?
- 4 A. Yes, it is.
- 5 Q. The areas which have been outlined in pink, are  
6 those areas of the Ha Penny which are buildings?
- 7 A. Yes, they are.
- 8 Q. Then -- then we have another area that's outlined  
9 in sort of chartreuse. If you take the furthest extent of the  
10 chartreuse outlines, does that indicate driveway and parking  
11 areas?
- 12 A. Yes, it does.
- 13 Q. This line that we have that is outlined in  
14 chartreuse in the middle, is that line just extraneous, is that  
15 something that we tossed in while we were drawing it, it doesn't  
16 really indicate anything?
- 17 A. Right.
- 18 Q. You have also indicated on the diagram the swimming  
19 pool?
- 20 A. Yes.
- 21 Q. And a "J" for jacuzzi?
- 22 A. Yes.
- 23 Q. There's a tire store next door; is that right?
- 24 A. Yes, there is.
- 25 Q. The place called "office", is that -- is that the  
26 office building where people come in to sign in and sign out?
- 27 A. Yes, that is.
- 28 Q. And then your particular apartment was the

0020419



1 combination of rooms 102 and 104?

2 A. Yes.

3 Q. Was your apartment on the ground floor or the top  
4 floor?

5 A. Ground floor.

6 Q. We've also indicated a few rooms in various numbers  
7 809 and 806; are those rooms upstairs or downstairs?

8 A. Upstairs.

9 Q. And also 1301 through 1305 upstairs or downstairs?

10 A. Downstairs.

11 Q. Basically is the odd numbers that are downstairs  
12 and the even that are up.

13 THE COURT: Counsel, please don't give us any more detail  
14 than we have to have.

15 BY MR. NEGUS:

16 Q. That basically it, I mean --

17 A. No. On this particular one the odd numbers are on  
18 this side the even numbers are on the other said up above.

19 Q. Okay. But the hundred the even hundreds would be  
20 upstairs the odd hundreds would be downstairs, right?

21 A. Yes.

22 Q. And the "L. R." indicates a laundryroom; is that  
23 right?

24 A. Yes.

25 Q. And that's downstairs?

26 A. Yes, it is.

27 Q. And there's also a "D", what does that indicate?

28 A. Dumpster.

0022400

1 Q. Now, we also have drawn in there a car,  
2 approximately 1:30 in the morning on -- after midnight of June  
3 the 6th in the early morning hours of June the 7th, did you see  
4 is a vehicle parked in that location where you have "car"  
5 written?

6 A. Yes, I did.

7 Q. What color was it?

8 A. White.

9 Q. Do you know the make or model?

10 A. No, I don't.

11 Q. Did you note the license plate number of that  
12 particular car?

13 A. Yes, I did.

14 Q. The next morning did you read an article in the  
15 newspaper?

16 A. Yes, I did.

17 Q. And was -- did you note the same license plate  
18 number that you'd seen the night before in the newspaper?

19 A. Yes, I did.

20 Q. Can you now recall what that license plate number  
21 was?

22 A. Positively, no. I think it was 2ALL731.

23 Q. Okay. At the time when the license plate number  
24 was -- was still fresh in your memory, did you give that to an  
25 officer of law enforcement?

26 A. Yes, I did.

27 Q. What time was that?

28 A. Shortly after I read it in the paper in the

002004221

1 morning.

2 Q. That would have been the -- essentially the morning  
3 after you woke up from seeing it on your nightly rounds?

4 A. Yes.

5 Q. When you saw it at 1:30 in the morning, was that  
6 the last round that you did before you went to bed the night  
7 before?

8 A. I don't remember.

9 Q. Was there any -- did that license plate number  
10 strike you as odd?

11 A. Yes, it did.

12 Q. Did you spend some time that night attempting to  
13 figure out what it meant?

14 A. Yes, I did.

15 Q. Did you even ask your wife what it meant?

16 A. I woke her up and --

17 Q. You never did figure out what it meant?

18 A. No.

19 Q. At this point in time do you recall what color the  
20 license plate number was?

21 A. No.

22 Q. At one point in time did you think it was blue over  
23 yellow?

24 A. Yes, I did.

25 Q. Another point in time did you think it was white  
26 and blue?

27 A. Yes, I did.

28 Q. At the various times that you were asked the color

1 of the license plate, were you basically just guessing?

2 A. Yes, I was.

3 Q. As far as your particular business is concerned, is  
4 it important that you get the color of the license plate right  
5 as far as --

6 A. No.

7 Q. -- relaying information and checking on people is  
8 concerned?

9 A. No. That was the first time I was asked for a  
10 color.

11 Q. Is it important that you get the license plate  
12 number right, though?

13 A. Yes, it is.

14 Q. Later -- well, after you -- after you notified the  
15 police about the license plate number, did anything unusual  
16 happen at the -- at the motel?

17 A. There is unusual circumstance that particular two  
18 days, but it happened in between.

19 Q. Okay. Well -- Okay. Let me -- let me see if I can  
20 pin it down a little bit more precisely.

21 After you notified the police about the license  
22 plate number, did numerous people from the press converge on  
23 that particular motel?

24 A. Yes, they did.

25 Q. Do you remember approximately what time?

26 A. No, I don't.

27 Q. Was it in the -- was it in the daytime?

28 A. Yes, it was.

00204-277

1 Q. Same day that you told the police about the license  
2 plate number?

3 A. Yes, it was.

4 Q. Can you remember whether it was still that morning  
5 or whether it was in the afternoon?

6 A. No, I can't.

7 Q. At this present time do you have any clear memory  
8 as to what that particular vehicle looked like that you saw the  
9 license plate number on?

10 A. A white station wagon with a -- I'm not sure if it  
11 was a station wagon. It had the back like a station wagon. I  
12 didn't go around to the side and see. I was more concerned  
13 about what the license plate meant.

14 Q. Okay. Showing you a photograph of a white station  
15 wagon with brown pannelling, license plate number 2ALL731, is it  
16 possible that that was the station wagon that you saw or the  
17 vehicle that you saw?

18 A. It's possible.

19 Q. No way at this present time that you can  
20 distinguish that vehicle that you saw from that particular  
21 vehicle in the picture?

22 A. Well, positively. I can't.

23 Q. Same license plate number though?

24 A. Yes.

25 Q. The night before had there been a disturbance at  
26 the motel with some occupants?

27 A. Yes, there was.

28 Q. What time did that disturbance take place?

0020424

1           A.    Well, the whole situation of that disturbance  
2   started somewhere around 11:00. 11:30.

3           Q.    Prior to the time that you had seen the license  
4   plate number?

5           A.    Yes.

6           Q.    Which motel room was the disturbance involved in?

7           A.    It started by the office.

8           Q.    Okay. Out -- out in front here?

9           A.    Yes.

10          Q.    And did that eventually involve any particular  
11   room?

12          A.    Yes, it did. 809 at the back.

13          Q.    How many people were involved in the disturbance?

14          A.    There was three people in the room and myself and  
15   another employee from the hotel.

16          Q.    Can you describe -- were all those three people  
17   male?

18          A.    Yes, they were.

19          Q.    What race were they?

20          A.    One was an Indian, American-Indian. One was a  
21   Caucasian. And one was, I assume, Mexican.

22          Q.    Well, did one of them -- did one of them have  
23   blonde hair?

24          A.    Yes, he did.

25          Q.    And did the other have reddish-blond hair?

26          A.    I'm not positive.

27          Q.    Did an officer from the Costa Mesa Police  
28   Department come out the next day and get a description of those

020425

1 three people from you?

2 A. It was either Costa Mesa or San Bernadino,  
3 somebody, one of them did, just everybody come on me at once and  
4 right now I'm not sure which police department it was.

5 Q. Did you give the descriptions more than once?

6 A. I think so.

7 Q. Did you later learn the name of one of the people  
8 that had been in that room?

9 A. Yes, we did.

10 Q. What was the name that you learned?

11 A. Bulau was his last name.

12 Q. Spelled B-u-l-a-u?

13 A. Yes.

14 Q. First name Milton?

15 A. Milton August I think.

16 Q. Was that man that you learn the name of later  
17 arrested?

18 A. I was told he was, yes.

19 Q. You didn't see it yourself?

20 A. No.

21 Q. Did the -- while you were watching, did the police  
22 come and remove various items of evidence from that room. 809?

23 A. At what time?

24 Q. Later on that day, on the evening hours of the 7th  
25 into the next -- into the 8th?

26 A. They took blood samples off the walls and they took  
27 fingerprints and took pictures.

28 Q. And did that room remain sealed for approximately a

00204-259

1 week after that?

2 A. Yes, it did.

3 Q. Did you ever learn the name of the other two people  
4 involved in the altercation?

5 A. No.

6 Q. Were they around when the police converged on the  
7 place?

8 A. No, they weren't.

9 Q. Do you know where they went?

10 A. No idea.

11 Q. On a -- on the next day, on June the 8th, did one  
12 of people that you supervised find anything in the laundryroom  
13 on the floor below rooms 809 and 806?

14 A. Yes, they did.

15 Q. What was that?

16 A. I think it was bloody rags.

17 Q. What did you do with those bloody rags?

18 A. I think we either called or the police were still  
19 there. We sent them down there.

20 Q. Was that Costa Mesa Police Department?

21 A. Again, I'm not sure.

22 Q. Were most of the police that you were dealing with  
23 at this point this time uniformed or wearing plain clothes?

24 A. Plain clothes.

25 Q. Sometime after you had made the initial report to  
26 the police, did they ask you to look at a car that was over in  
27 the area of the tire store that's depicted on the -- on the  
28 diagram?

0020427



1 A. Yes, they did.

2 Q. What kind of vehicle was that?

3 A. It was a white station wagon, Chevrolet.

4 Q. Do you know whether that was the same vehicle that

5 you'd seen over here?

6 A. No, I don't.

7 Q. Did it have the same license plate?

8 A. No, it didn't.

9 Q. Did any of the people that were involved in the

10 disturbance have any weapons that you saw?

11 A. Yes, they did.

12 Q. Which person was that?

13 A. Bulau.

14 Q. What kind of weapon was it?

15 A. I'm not positive what it was. It looked like a

16 military bayonet.

17 Q. Approximately how long was it?

18 A. From the top of the handle to the bottom of the

19 blade, 12 inches.

20 Q. And approximately what was the width?

21 A. Two.

22 Q. Two inches. Showing you a knife, a photograph of a

23 knife, 555, it was not the same knife as depicted in that

24 photograph; is that right, assuming that's a ruler that's

25 sitting there with it?

26 A. No.

27 Q. Thank you.

28 I have nothing further.

0022428

1

2

## CROSS-EXAMINATION

3

BY MR. KOCHIS:

4

5

Q. Mr. Staubly, the three people that you saw at the hotel, were any of the three of those people clean cut?

6

A. No, they weren't.

7

Q. Did they wear their hair short, for example?

8

A. No.

9

Q. Did they look like they had been in the military, that they were in the military at the present time?

11

A. No, definitely not.

12

13

Q. One of them, in fact, had a full scraggly beard; is that correct?

14

A. Again, I don't remember.

15

16

17

Q. Well, did you describe the three people the following day to officers from the San Bernadino Police Department?

18

A. Yes, I did.

19

20

21

Q. And did you describe one of the individuals as a White male with reddish-brown hair that was down to just above his collar?

22

A. I don't remember the reddish-brown hair.

23

24

Q. Did you describe that person as having a full length scraggly beard?

25

A. I don't remember that either.

26

27

Q. Directing your attention to a report prepared by -- MR. NEGUS: Which one is that?

28

MR. KOCHIS: By Officer Wilson.

0020429

1 MR. NEGUS: Okay.

2 BY MR. KOCHIS:

3 Q. Do you see the "Suspect No. 1"?

4 A. Yes.

5 Q. Would you read that paragraph to yourself and see

6 if that refreshes your recollection as to the description you

7 gave the officer.

8 A. I just don't remember that particular quote.

9 Q. Well, was there, of the three people do you even

10 remember now whether one of them had a beard or not?

11 A. I don't remember.

12 Q. Did you describe one of the men as being between

13 five feet eleven, six feet tall, and weighing as much as 200

14 pounds?

15 A. I don't remember that either.

16 Q. Well, were all the -- was there a suspect -- was

17 there a person that appeared to you to be an American-Indian?

18 A. Yes, there was.

19 Q. Did he have long black hair that went all the way

20 down to his shoulders?

21 A. Yes.

22 Q. Did it extend beyond his shoulders?

23 A. I think it did.

24 Q. Do you remember how tall he was?

25 A. No, but I think he was the shortest of the three.

26 Q. Could you give us an estimate as to how tall he

27 was?

28 A. It's been too long ago. I would guess five seven

0020430

1 to five nine.

2 Q. Do you remember how much he weighed?

3 A. No. I remember he had a stocky built like he was

4 lifting weights or working out.

5 Q. Did he have any clothes on from the waist up?

6 A. At one time, no.

7 Q. Did he have tattoos, in fact, on both his arms?

8 A. Yes, he did.

9 Q. Did one of the other men who appeared to be

10 Caucasian have blonde hair that was as long as the hair many

11 women have, that type of length?

12 A. He had long blonde hair.

13 Q. Was his longer than the person who appeared to be

14 American-Indian or shorter?

15 A. I think his was shorter; the Indian's was longer.

16 Q. Did the person that had the blonde hair that was

17 long, was that down to his shoulders as well?

18 A. I don't remember.

19 Q. The Indian, how old did he appear to be?

20 A. Somewhere around 20.

21 Q. The white male that had the long blonde hair, do

22 you remember how old he was?

23 A. Somewhere around 30.

24 Q. Did you describe him to the police as being between

25 30 and 35 years old?

26 A. Again, I don't remember for sure. I think I did.

27 Q. That person, the person with the long blonde hair

28 was not to you a young person?

1 A. No. He was the oldest of the three.

2 Q. The other man, other than the one with the blonde  
3 hair, the long blonde hair, and the American Indian, do you know  
4 what the race was of the third person?

5 A. I thought he was Spanish, Mexican.

6 Q. Can you recall his height?

7 A. No, I can't.

8 Q. Do you recall his weight?

9 A. No.

10 Q. Do you recall how tall this blonde person was?

11 A. Somewhere around five eleven.

12 Q. And how much did he weigh?

13 A. 160, 170.

14 Q. Now, the three people that you've described between  
15 the American-Indian, the Hispanic gentleman, and the blonde  
16 person, which one had what you thought to be the weapon?

17 A. Which one had a weapon?

18 Q. Yes.

19 A. Which one had a weapon, right, not -- I didn't say  
20 this was the weapon, and the way you worded it you wanted me to  
21 say the weapon, meaning this.

22 Q. Did you see a person that had what appeared to be a  
23 knife?

24 A. It is looked more like a bayonet.

25 Q. The man with a bayonet, was he blond?

26 A. Yes, he was.

27 Q. Is that the person that you later learned to be Mr.  
28 Bulau?

1           A.     Bulau.

2           Q.     When you first saw the people, were they inside the

3 office or were they outside?

4           A.     They were outside.

5           Q.     Did they, all three of them, go in and talk to the

6 assistant manager?

7           A.     I don't remember that at all.

8           Q.     They were given Room 809; is that correct?

9           A.     Yes, they were.

10          Q.     Did you have a chance to enter that room on the

11 following day, on the 7th?

12          A.     Yes. I was in the room, yes.

13          Q.     Did there appear to you, from your visual

14 observation of the inside of that room, to have been a struggle

15 or a fight which took place inside that room?

16          A.     Yes, there was.

17          Q.     Was there furniture which was disturbed?

18          A.     Yes, there was.

19          Q.     Furniture that was broken?

20          A.     Including screens. There was a screen that was off

21 the window.

22          Q.     Other than the screen.

23          A.     Couple of lamps.

24          Q.     And was there some blood that had -- blood that

25 appeared to be deposited during the struggle in the room?

26          A.     Yes, there was.

27          Q.     You didn't call the police the night that you saw

28 these three men at the motel.

1 A. No.

2 Q. Now, were you following the publicity about the

3 Ryen killings?

4 A. On and off.

5 Q. Did you read the newspaper articles about the case?

6 A. Some.

7 Q. Listen to the case on the radio?

8 A. Yes.

9 Q. Watch the case on the television?

10 A. That is what I meant. Television, not radio.

11 Q. Now, the day after you saw these men, did the Costa

12 Mesa Police Department come to your motel sometime in the early

13 afternoon?

14 A. Yes, they did.

15 Q. And after they came, did you ask them as to what

16 they wanted?

17 A. No. They asked me to identify a photo.

18 Q. And was that Mr. Bulau?

19 A. That was one of them, yes.

20 Q. Did they ask permission to go into a room?

21 A. I think so. I'm not positive.

22 Q. Was it after this particular time in which you

23 started talking about the car?

24 A. No. I think I called Costa Mesa P.D. first about

25 the license plate.

26 Q. Well, the first person you talked to about the car

27 was Officer Faite from Costa Mesa; is that true?

28 A. Right.

1 Q. You actually talked to a person somewhere on the  
2 complex on that particular day on the 7th; isn't that true?

3 A. When I talked to him it was in person on the  
4 property. right.

5 Q. And at that time you told him that to the best of  
6 your recollection the license plate, the color was blue. Do you  
7 remember that?

8 A. Yes.

9 Q. And that was the same thing that you told the San  
10 Bernardino officer who asked you a number of questions about the  
11 car. On that date you told him that the license plate was blue.

12 A. I think they were together when I told them.

13 Q. Well. did you tell them that the background was  
14 blue and that the letters on this particular plate were orange.  
15 orange or yellow?

16 A. Yes.

17 Q. And do you remember describing to the officer from  
18 San Bernardino the three different colors that a license plate  
19 can have?

20 A. Vaguely.

21 Q. Do you remember him asking you if the plate could  
22 have been white?

23 A. I don't remember that.

24 Q. Do you remember telling him that you were positive  
25 that the plate on the car you were talking about was a blue  
26 plate?

27 A. No.

28 Q. Did you tell them that you couldn't recall what



1 type of car that you had seen the license plate on?  
2 A. Again. I am not sure, but I think I did.  
3 Q. Did you tell him that you couldn't recall the make  
4 of the car that you saw the license plate on?  
5 A. Right.  
6 Q. The car that you saw the license plate on, you  
7 don't recall that it had a luggage rack.  
8 A. No. I don't  
9 Q. You don't recall that it had a trailer hitch.  
10 A. No.  
11 Q. You don't recall that it had brown panelling on the  
12 back portion of the car.  
13 A. The one with the license plate?  
14 Q. Right.  
15 A. I don't remember.  
16 Q. And so there is no confusion for the jury, the only  
17 part of this car you saw was the back part of the car?  
18 A. The back part of the car, license plate, right.  
19 Q. You didn't see the rest of the car.  
20 A. No.  
21 Q. You don't know whether it was a station wagon or  
22 what it was.  
23 A. We're talking about the car by the dumpsters?  
24 Q. Yes.  
25 A. Yes.  
26 Q. Now, did you also talk to the officer about another  
27 car that you had seen in the area?  
28 A. I believe they found the car first and they asked

0020436

1 me about it.

2 Q. That was a station wagon.

3 A. Yes, it was.

4 Q. But that was not the car that -- well, do you know  
5 whether that was the car the plate was on or not?

6 A. No, I don't.

7 Q. Was the car next door on the 7th when the officers  
8 were there?

9 A. The dates -- it's been too long ago, I just don't  
10 remember the dates.

11 Q. Well the day that the police came and looked into  
12 the room that you had rented to -- that had been rented to the  
13 three people, that was the day that you saw this car next  
14 door --

15 A. Yes.

16 Q. -- with the police?

17 A. Right.

18 Q. That was the Chevrolet station wagon?

19 A. Yes, it was.

20 Q. That could have been the car we're talking about?

21 A. It could have been.

22 MR. KOCHIS: I have nothing further.

23 MR. NEGUS: Nothing further.

24 THE COURT: Thank you very much.

25 MR. NEGUS: Paul Barker.

26 MR. KOCHIS: Your Honor, I'm sorry, I neglected to ask  
27 one or two questions of Mr. Staubly.

28 Can we catch him before he leaves? I just

1 remembered it when I sat down.

2 THE COURT: I'm not going to chase him.

3 MR. KOCHIS: May I?

4 MR. NEGUS: Mr. Barker. I guess you will have to wait  
5 outside for a minute.

6 MR. KOCHIS: I apologize. your Honor.

7 THE COURT: Apparently you didn't quite make it. You are  
8 still under oath.

9 State your name again please for the record.

10 THE WITNESS: Michael Richard Staubly.

11

12 CROSS EXAMINATION (Resumed)

13 BY MR. KOCHIS:

14 Q. Mr. Staubly. you had a chance to look at all three  
15 people the night before the police arrived. is that true? You  
16 saw them all?

17 A. Yes. I did.

18 Q. Did you see blood on any of them?

19 A. No. I didn't.

20 Q. Did you see blood on any of their clothing?

21 A. No. I didn't.

22 Q. Did you see any of them smoke cigarettes?

23 A. I don't recall. I would guess I did not.

24 Q. You're not sure?

25 A. No. I am not.

26 Q. Did you see any of them hand-roll their own  
27 cigarettes?

28 A. No, I didn't.

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1 Q. This weapon that you saw, did you ever actually see  
2 the blade?

3 A. No. I didn't.

4 Q. Was it in some type of leather sheath?

5 A. Yes. it was.

6 Q. Are you then speculating or guessing as to the  
7 length of the blade?

8 A. What I was describing was the sheath bottom and the  
9 bayonet top.

10 Q. So you saw the handle of a weapon?

11 A. Yes, sir.

12 Q. And whatever was beneath the handle was in a  
13 leather sheath?

14 A. Yes, it was.

15 Q. You never saw that removed?

16 A. No.

17 Q. You estimated for us the length of the leather  
18 sheath?

19 A. Approximately twelve inches.

20 MR. KOCHIS: Thank you. I have nothing, that I recall.

21 THE COURT: Try it again.

22 Woul you have Mr. Barker back, please.

23

24 PAUL GREGORY BARKER-

25 called as a witness on behalf of the Defendant, having been duly  
26 sworn. testified as follows:

27 THE CLERK: Would you please be seated.

28 Would you state your full name for the record and

0020439

1 spell your last name.

2 THE WITNESS: Paul Gregory Barker. Spelling B-a-r-k-e-r.

3 THE CLERK: Thank you.

4

5

DIRECT EXAMINATION

6 BY MR. NEGUS:

7 Q. Mr. Barker. what is your occupation?

8 A. I am a paramedic.

9 Q. And in June of 1983 for whom were you employed?

10 A. Employed by Trans-Medical or Mercy or Kniffin's  
11 Ambulance Company.

12 Q. Well, it is all the same?

13 A. All the same.

14 Q. Where were you stationed at that point in time?

15 A. In the City of Chino.

16 Q. At some point in time that day did you receive a  
17 call to go to 2943 English Road in the Chino Hills?

18 A. I believe that was the address.

19 Q. Is that where the -- did you arrive at the scene of  
20 a mass murder in a house up on a hill?

21 A. Yes.

22 Q. And showing you, if I can, just for a moment.

23 Exhibit 4.

24 Does that appear to be the house that you arrived  
25 at that is depicted in that picture?

26 A. Yes, it does.

27 Q. As a paramedic responding to a situation like that.  
28 what is the division of responsibilities between yourself and

0020440

1 say the fire department paramedics?

2 A. They have primary scene control because they're the  
3 subject agency. We both arrive at the scene subsequently, so we  
4 tend to work together; mutual type thing.

5 They are the reporting agency, they're -- they have  
6 primary concern.

7 Q. Did you -- was there anybody else from Kniffin's  
8 with you when you arrived?

9 A. My partner. Jim Anderson.

10 Q. Do you remember what time it was that you arrived?

11 A. No.

12 Q. Was it the duty of Kniffin. I mean. of the Chino  
13 Fire Department people to make the log and keep that kind of  
14 information?

15 A. We file it with our dispatch as well. then keep  
16 timecards, clock our times in and out for our information. The  
17 fire departments clock what time they called our agency to  
18 dispatch the unit.

19 Q. If I could, just briefly, on -- I have prepared a  
20 chart with a bunch of different names on it. There was an EMT  
21 James on there

22 Could you fill in his last name for us under slot  
23 No. 13 on Exhibit 225?

24 A. Last name is Anderson. It is s-e-n.

25 Q. And he arrived there with you; is that right?

26 A. That's right.

27 Q. And what's an EMT?

28 A. An EMT is the first step. It is below a paramedic.

002044-1

1 It is just basic skills. CPR, basic lifesaving skills, usually  
2 acts as a driver on our units and assists the paramedic.

3 Q. When you got to the house, did anybody indicate to  
4 you to go somewhere?

5 A. As we were coming up the driveway. because of the  
6 vehicles in front of us. we stopped. I got out of the unit.  
7 proceeded up towards the house. and there was, I believe. a  
8 Sheriff's officer directing us around to the side of the house  
9 not to go through the front door.

10 Q. Do you remember what that Sheriff's officer looked  
11 like?

12 A. No.

13 Q. Can you remember what his rank was?

14 A. No.

15 Q. What doors did you go through?

16 A. We went through a sliding glass door that entered  
17 in. right into the bedroom

18 Q. Showing you Exhibit 173.

19 Does that depict the doors through which you  
20 entered? Did it depict the doors in which you entered?

21 A. I believe so.

22 Q. Okay. Was there anybody inside when you went in?

23 A. There was a fireman.

24 Q. Do you remember whether there was one or more than  
25 one?

26 A. At the time I entered I believe there was one.

27 Q. Were you going in at the same time as the  
28 paramedics from Chino Fire Department?

1           A.     They were right behind me. I went through the door  
2     and they were probably two minutes behind me, 90 seconds. It  
3     wasn't very long.

4           Q.     When you went through the door, did you immediately  
5     begin administering aid to someone?

6           A.     I went to the young boy. The fireman had already  
7     announced to me, as I came through the door, that they had  
8     checked the other bodies. that nobody else was alive.

9           I asked. "Is there anybody else in the house?" He  
10    said they had already been taken care of. and I was directed to  
11    the young boy.

12          Q.     Did you immediately begin treating him?

13          A.     Yes.

14          Q.     Do you know Ruben Guerrero?

15          A.     Yes. I do.

16          Q.     Did he arrive there? Was he the one that arrived?

17          A.     Right behind me. yeah.

18          Q.     Did the two of you then take primary care of Josh?

19          A.     Yes.

20          Q.     That was the name of the young boy you later  
21    determined?

22          A.     Yes.

23          Q.     Didn't know at the time.

24          A.     No. We had no identity of the family.

25          Q.     While you were -- while you were treating Josh --  
26    well. first when you first saw Josh, was he wearing anything?

27          A.     He had his pajamas on.

28          Q.     What -- did you do anything with those pajamas?

0020443



1           A.     We removed those in checking for injuries.

2           Q.     That was essentially to make sure that there wasn't

3     some sort of hidden injury that you couldn't see because of the

4     clothing?

5           A.     Yes.

6           Q.     How did you remove them?

7           A.     We cut them off.

8           Q.     And what did you do with them after you cut them

9     off?

10          A.     Left them right there on the floor.

11          Q.     Were there other people besides yourself and Mr.

12     Anderson in the -- excuse me -- yourself and Mr. Guerrero in the

13     room as you were working?

14          A.     The fire -- people from the fire engine were there

15     as well. There were a couple of Sheriff's officers as well.

16     There was a ride-out with Chino fire, a nurse that was in the

17     room.

18          Q.     That was a registered nurse that was going along

19     for the experience?

20          A.     Right.

21          Q.     Were they all -- were they at different parts of

22     the room? Were they all gathered around the young boy?

23          A.     Essentially around the young boy.

24          Q.     Showing you Exhibit 217.

25                 Are those the -- there is some multicolored

26     garments in the center of that particular picture. Are those

27     the garments that you cut-off Josh?

28          A.     They appear to be.

1 Q. When you had the garments off Josh, did he need to  
2 be cleaned up?

3 A. Yes. He had lost bowel control, and I took a towel  
4 out of the bathroom, off the shower door there, and cleaned him  
5 up with that.

6 Q. Showing you first Exhibit 202.

7 Does that exhibit indicate the area from which you  
8 got the -- from which you got the towel?

9 A. Yes, it does.

10 Q. If I could take a blue marker here and ask you to  
11 put "TW" on the exhibit for that particular location.

12 A. It was this part of the shower door over this area.

13 Q. It is not -- it is obscured in the photograph.

14 Can you put a "TW" and then an arrow to indicate  
15 the approximate location.

16 A. (Witness complied).

17 Q. Okay. You may be resealed.

18 When you went in to get the towel, was there  
19 anything else hanging over that shower besides the towel?

20 A. Not that I remember.

21 Q. Were you in a hurry when you went in there?

22 A. Yes.

23 Q. Did you have to stand around and look at him?

24 A. No.

25 Q. Did you just take -- is that the door in that  
26 picture that you entered into the bathroom?

27 A. It was the one to the bedroom. That looks like it.

28 Q. Okay. Showing you this exhibit which we have had

0020445

1 marked as 6-J, an overlay over another exhibit. 6.

2 The door that you went into is the one that's  
3 closest to the body of Jessica Ryen on the chart going into the  
4 bathroom there?

5 A. Off the master bedroom. Yes.

6 Q. Then you just made a direct line to the towel and  
7 then came directly?

8 A. Uh-huh.

9 Q. You have to say yes or no.

10 A. Yep.

11 MR. KOTTMEIER: I think there may be just an accidental  
12 misstatement. Mr. Negus said "door closest to Jessica Ryen" and  
13 he gestured to the bathroom door. That is closest to Peggy Ryen  
14 and Chris Hughes.

15 MR. NEGUS: Excuse me. I stand corrected.

16 Q. I will put on 6-J a blue "D" in the doorway that  
17 they're talking. Is that then the one we're talking about?

18 A. Yes, it is.

19 Q. Thank you. Now, was that the only time that you  
20 went into the bathroom?

21 A. Yes, it was.

22 Q. Is it the only time you went into any other part of  
23 the house?

24 A. Yes, it was.

25 Q. At that point in time that you went in there, do  
26 you know whether there was any blood on the bottoms of your  
27 shoes?

28 A. No, I don't.

00200446

4  
1 Q. Showing you two photographs. Exhibits 420 and 456.  
2 some photographs that would appears to be multiple footprints on  
3 a carpet near the area where the toilet would be in the  
4 bathroom.

5 Did your getting the towel require you to take that  
6 many steps that would have left all those footprints?

7 A. Not that I recall. I tend to lose track of those  
8 things.

9 Q. But basically you were just making a beeline for  
10 the towel and making a beeline and back and not sort of standing  
11 around?

12 A. No. And not shuffling my feet.

13 Q. During the time that you were in the scene, did you  
14 bring in your equipment with you?

15 A. Some equipment came in with me. My drug box should  
16 have gone in with me and as I remember it would have.

17 Q. Showing you Exhibit 180.

18 Are either of the two boxes that are depicted in  
19 the foreground of that your drug box?

20 A. It is hard to tell if that one is mine or if it is  
21 Fire's.

22 Q. Which one are you referring to?

23 A. The piano box. The light -- the beige one.

24 Q. The beige one that is in the -- to the bottom most  
25 of the photograph?

26 A. Right. It could have been -- Fire and I both carry  
27 boxes that look exactly alike.

28 Q. Did -- other than the towel, is there anything --

0020447

1 and Josh's clothes -- is there anything else that you can recall  
2 moving in the scene while you were in there?

3 A. Moving?

4 Q. Yes.

5 A. No.

6 Q. Any other -- like any furniture, anything of that  
7 nature?

8 A. No.

9 Q. After you cleaned off Joshua did you ever like wipe  
10 your hand on the bed or anything of that nature?

11 A. No.

12 Q. When you went into the bathroom, do you remember  
13 where the Sheriff's had been just standing just prior to your  
14 going in there?

15 A. The one that I recall is the one standing at the  
16 doorway that led out into the hallway off the bedroom.

17 Q. The doorway right near the body of Jessica?

18 A. Right.

19 Q. And do you recall where the other one was?

20 A. No. Um, there was another one that came in the  
21 sliding glass doors and I lost track of what he did and where he  
22 went to.

23 You know, my main concern was Joshua and treating  
24 him. That was where my eyes were most of the time.

25 Q. When you went into the bathroom, did either of them  
26 like follow you to observe what you touched or anything of that  
27 nature?

28 A. Not that I recall.

1 Q. When -- how long were you at the Ryen residence  
2 treating Joshua?

3 A. I haven't seen any times and I don't recall the  
4 exact times on the scene then. About 30 minutes is the best  
5 guess I have.

6 Q. While you were treating Josh did you talk to him in  
7 any way?

8 A. In trying to find out whether he was awake or not  
9 we did try to communicate with him. Part of our survey is to  
10 find out a level of consciousness. and initially there was no  
11 communication of any type.

12 As things continued on down the line. we made  
13 communications by use of hand. He was unable to communicate  
14 with us verbally; at that time we had no idea why. But. there  
15 was some movement of the hands and eye contact and he seemed to  
16 at least know we were there.

17 Q. Did you ever get his age from him?

18 A. We tried to. and I don't remember if he raised  
19 fingers at the time. And three fingers comes to mind to me. but  
20 I don't --

21 Q. Could it have been eight?

22 A. Could have been at this point. I couldn't tell you  
23 for sure.

24 Q. With the information that was being obtained about  
25 Joshua, was that being relayed outside to another paramedic?

26 A. Yes. Fire department runs with two paramedics.  
27 One was inside with me, Ruben, and Frank Sexton was outside.

28 As we got information about the injuries, the vital

020449

1 signs. blood pressures, that type of thing. heart rate, that was  
2 relayed out to Frank and Frank was in radio communication with  
3 Loma Linda University Medical Center.

4 Q. Do you remember whether it was yourself or Ruben  
5 who was doing the feeding of information to Frank?

6 A. Often times Frank would come to the door and we  
7 would pass information just verbally across the room. I never  
8 left the room until we took Joshua out to the helicopter.

9 Q. I guess what I'm -- that was not a very well-framed  
10 question.

11 Were you ever telling Frank the information or was  
12 Ruben or both?

13 A. Both.

14 Q. Depending on who was doing the checking?

15 A. Uh-huh.

16 Q. You have to say --

17 A. Yes.

18 Q. Do you recall who was asking Josh. between you and  
19 Ruben. who was asking Josh the questions about age and  
20 determining?

21 A. I was.

22 Q. When Josh was transported to the helicopter. what  
23 did you do then?

24 A. Packed up my stuff and left.

25 Q. Where did you go?

26 A. Out with Josh to the helicopter. We laid him on a  
27 flat unit to move him on and carried him outside, the helicopter  
28 landed in the field, unloaded their gurney and we placed Joshua

0020450

5

1 on it. put him in the helicopter. Then we -- Frank Sexton, one  
2 of the fire paramedics flew off were the helicopter.

3 Q. You sure it was Frank?

4 A. Might have been Ruben. It is hard to tell at this  
5 point. They flew off with the helicopter. We stayed. cleaned  
6 our stuff up and then left the scene.

7 Q. Do you recall whether or not there was anybody  
8 sitting there taking pictures of you as you were --

9 A. No. I don't. There was a Sheriff's officer inside  
10 taking pictures at one point.

11 Q. Do you know which point in time?

12 A. No.

13 MR. NEGUS: Thank you. I have nothing further.

14

15 CROSS EXAMINATION

16 BY MR. KOCHIS:

17 Q. Mr. Barker. you mentioned that initially when you  
18 were working on Josh that there was no communication between  
19 yourself to Josh Ryen.

20 For what period of time did that last?

21 A. If we're dealing with 30 minutes as being the time  
22 I spent with him. probably about 20 minutes. 15 minutes. in that  
23 range.

24 Q. Were you spending time during the 15 to 20 minutes  
25 unsuccessfully trying to communicate with Josh?

26 A. Yes.

27 Q. When it appeared that you were unsuccessful in your  
28 communication, were you the only person around Josh at that

020451



1 time?

2 A. No.

3 Q. Other than yourself and Mr. Guerrero, how many

4 other people were around Josh Ryen when, in your opinion, you

5 thought there may be some communication?

6 A. There may have been five. there may have been ten.

7 There were up to ten people at any time in the area, between the

8 firemen and my people.

9 Q. Of the paramedics and the fire personnel. were a

10 number of those people male Caucasians?

11 A. Yes.

12 Q. At least three or four of them?

13 A. Yes.

14 Q. Were there also a number of male Hispanic people

15 there treating Josh?

16 A. Yes.

17 Q. They were around him at the time that he appeared

18 to respond to you in the room?

19 A. Yes.

20 Q. What you recall of the response was you recall him

21 holding him up three fingers. but you can't recall anymore?

22 A. That's roughly what I remember.

23 Q. Did you see a uniformed Sheriff's officer taking

24 photographs while you were in the room?

25 A. Yes. As I recall. there was one with a camera

26 there.

27 Q. Other than the two Sheriff's personnel. was

28 everyone inside the master bedroom involved in the treatment of

1 Josh Ryen so he wouldn't die?

2 A. Yes.

3 Q. The footwear that you wore to the scene, was that  
4 some type of work boot?

5 A. Yes. It was the standard type of work boot that  
6 had vibram soles, waffle-type soles.

7 Q. They weren't tennis shoes?

8 A. No.

9 Q. Didn't have a diamond pattern on the bottom?

10 A. No.

11 Q. You don't even recall stepping on bedsheets?

12 A. No.

13 Q. What's the total time you spent in the master  
14 bedroom working on Josh Ryen?

15 A. Again, up to 30 minutes. I'm unsure, couldn't give  
16 you an exact time.

17 MR. KOCHIS: Thank you. I have no further questions.

18

19 REDIRECT EXAMINATION

20 BY MR. NEGUS:

21 Q. When you picked up the stuff that you had, that you  
22 took out with you when you left, was that just your own stuff or  
23 did you take some of Chino's stuff as well for them?

24 A. I might have carried out their stuff as well. We  
25 removed all the trash that we had developed on the scene.  
26 opening IV bags and IV catheters and tape and trash-type stuff  
27 and removed it, as well as as the equipment that we carried in  
28 at that time, that point. It is not a matter of whose equipment

020453

1 it is, it all goes out.

2 MR. NEGUS: Thank you. I have no nothing further.

3

4

RECROSS EXAMINATION

5 BY MR. KOCHIS:

6 Q. Were you in the Ryen master bedrooms at times other  
7 than when you were working on Josh?

8 A. To remove stuff after he was flown out on the  
9 helicopter. We went in to remove our equipment and the trash.

10 Q. What was the total time you were in that room. if  
11 you can estimate?

12 A. After the removal of Josh or --

13 Q. Total time, start to finish.

14 A. All together? Maybe at that point about 40  
15 minutes.

16 MR. KOCHIS: Thank you.

17 MR. NEGUS: Nothing further.

18 THE COURT: Thank you, Mr. Barker.

19 Would the audience please let the jurors leave  
20 first before you go out.

21 Please remember at all times the admonition and  
22 return at 1:30 if you would, please.

23 (Noon recesss taken.)

24

25

26

27

28

0020454

1 SAN DIEGO. CALIFORNIA, THURSDAY, JANUARY 17, 1985. 1:33 P.M.

2

3

4 THE COURT: Barker. had you finished with him?

5 MR. NEGUS: We finished with Mr. Barker. your Honor, and  
6 I'd like to call Mike Hall next.

7

8 MICHAEL D. HALL,

9 called as a witness on behalf of the Defendant. having been duly  
10 sworn. testified as follows:

11 THE CLERK: Thank you. Would you be seated. please.

12 Would you state your full name for the record.

13 THE WITNESS: Michael D. Hall, H-a-l-l.

14 THE CLERK: Thank you.

15

16 DIRECT EXAMINATION

17 BY MR. NEGUS:

18 Q. Mr. Hall. you're a Sheriff's Deputy, County of San  
19 Bernadino. rank of detective assigned to the Homicide Detail.  
20 correct?

21 A. Yes, sir.

22 Q. And you were so employed and assigned in June of  
23 1983?

24 A. Yes, sir.

25 Q. On June the 7th. 1983. did you go to Costa Mesa to  
26 investigate a person who had been arrested there by the name of  
27 Milton Bulau?

28 A. Yes, sir.

00204555

1 Q. Did you dictate a report of that particular  
2 expedition?  
3 A. Yes, sir. I did.  
4 Q. When did you do that?  
5 A. It was on February 6th of '84  
6 Q. Approximately eight months after you went down  
7 there?  
8 A. Yes, sir.  
9 Q. While you were at the -- down in Costa Mesa, did  
10 you go to the Costa Mesa Police Department?  
11 A. Yes, sir. I did.  
12 Q. And did you, from the Costa Mesa Police Department.  
13 receive certain property of Mr. Bulau?  
14 A. Yes, sir. I did.  
15 Q. Included in that property was there a knife?  
16 A. Yes, sir.  
17 Q. What was the description of that knife?  
18 A. It's a fixed-bladed knife with a black handle,  
19 approximately eight inches in length.  
20 Q. Showing you Exhibit 555, is that the knife?  
21 A. Yes, sir.  
22 Q. Did you also receive from the Costa Mesa Police  
23 Department a shirt, brand name Mike's Place, from Mr. Bulau?  
24 A. Yes, sir. I did.  
25 Q. Showing you Exhibit 164, is that the shirt?  
26 A. It appears to be.  
27 Q. Same type and brand and everything?  
28 A. Yes.

020456

1 Q. Were both those items photographed?  
2 A. Yes, sir.  
3 Q. And what did you do with the items once you had  
4 them?  
5 A. They were placed into evidence.  
6 Q. Under the Ryen murder case case number?  
7 A. Yes, sir.  
8 Q. On June the 5th. 1983. were you dispatched to go to  
9 2943 English Road in the Chino Hills?  
10 A. Yes, sir. I was.  
11 Q. What time did you arrive at that address?  
12 A. Approximately 1:37 in the afternoon.  
13 Q. Did -- was there anybody there when you arrived?  
14 A. Yes, sir. there was.  
15 Q. Who?  
16 A. From the San Bernadino Sheriff's Department West  
17 End Station there was Deputy Hoops. Deputy Beltz. and Sergeant  
18 Gilmore.  
19 Q. Any other persons?  
20 A. There was subjects from the Chino Fire Department  
21 and Kniffin Ambulance Service.  
22 Q. At that point in time did you know the identity of  
23 those people?  
24 A. The deputy sheriffs, yes. The fire department  
25 personnel. Deputy Hoops had some of their names. and when I  
26 arrived they were preparing to leave so I wasn't able to obtain  
27 them until a later date.  
28 Q. When -- after the departure of the fire people, who

0020457

1 was the next person that arrived?  
2 A. Sergeant Arthur  
3 Q. When the -- when the fire people departed, were  
4 there any people inside the house?  
5 A. No.  
6 Q. I mean alive people.  
7 A. No.  
8 Q. Was there anybody posted guard at the various  
9 doors?  
10 A. No.  
11 Q. Did you do anything to try and secure the house?  
12 A. On my arrival we were directed to the sliding glass  
13 door on the east side of the residence.  
14 Q. Who is "we"?  
15 A. Myself. Sergeant Arthur and Sergeant Gilmore.  
16 Q. Did Sergeant Arthur arrive just a few minutes after  
17 yourself?  
18 A. Yes, sir, he did.  
19 Q. Then what did you do when you went to the sliding  
20 glass door?  
21 A. We stayed at that position until Identification  
22 Bureau arrived. So we viewed it from that side of the residence  
23 to insure that nobody entered.  
24 Q. Did you, as different persons were arriving, did  
25 you note the time of arrival of some of them?  
26 A. Yes, sir, I did.  
27 Q. And you had a spiral note pad with you at that  
28 point in time?

0020458

1 A. Yes. sir. I did.  
2 Q. And you were taking the notes of your observations  
3 as you proceeded; is that right?  
4 A. Yes, sir.  
5 Q. And you still have those notes in your office back  
6 in San Bernadino at this present time; is that right?  
7 A. They are here with me.  
8 Q. They still exist?  
9 A. Yes, sir.  
10 Q. Do you as a matter of standard procedure keep your  
11 notes?  
12 A. Sometimes.  
13 Q. In a major case like this?  
14 A. It depends. Not each case -- each case is  
15 different, and because of the severity, no, not necessarily. it  
16 just depends.  
17 Q. But in this particular case you elected to keep all  
18 your notes?  
19 A. I had them. yes.  
20 Q. Even after your prepared report is done?  
21 A. Yes.  
22 Q. When the various persons arrived, did there come a  
23 time when you stopped taking their names?  
24 A. Yes, sir.  
25 Q. When was that?  
26 A. At the time that I was assigned to do a crime scene  
27 investigation.  
28 Q. And what point in time was that?

0020459



1 A. It was approximately 2:15 in the afternoon.

2 Q. Did you request anybody to take up the task of  
3 noting the arrival of people when you were -- when you were  
4 assigned the crime scene investigation?

5 A. No. I did not.

6 Q. To your own personal knowledge, did anybody else do  
7 it after you stopped?

8 A. Normally speaking, investigators would note the  
9 time that they arrived in their own reports. I, as a crime  
10 scene investigator, I was responsible for the notation of the  
11 coroner, crime lab, identification, and the persons present at  
12 the scene when I arrived.

13 Q. So, other persons would have just been responsible  
14 for themselves if, in fact, they wrote reports; is that right?

15 A. Basically, yes, sir.

16 Q. When you left that night, did -- what time was it?

17 A. I left on Monday morning, June 6th, at  
18 approximately 3:30.

19 Q. In the morning?

20 A. Yes, sir.

21 Q. And was there somebody at the house at that time?

22 A. Yes, sir.

23 Q. Who was that?

24 A. There was a reserve deputy who was left at the  
25 residence to secure it who was Reserve Deputy Tichy.

26 Q. And was he the only one that was there when you  
27 left?

28 A. I'm not sure of the sequence that myself, Clifford

00224-5000

1 or Arthur left. I'm not sure.

2 Q. Was he the only reserve deputy -- there was only

3 one reserve deputy who was going to be left there overnight

4 though; is that right?

5 A. That was my understanding. yes.

6 Q. And he was the only person you observed there

7 besides Sergeant Arthur and homicide people?

8 A. Yes, sir.

9 Q. In spot 44 on -- By the way. was Mr. -- was Mr.

10 Tichy still there when you got back the next morning?

11 A. Yes, sir. he was.

12 Q. What time did you arrive back the next morning?

13 A. Approximately 9:20.

14 Q. Was there any other reserves at the house when you

15 arrived back?

16 A. Not that I noticed.

17 Q. In No. 44 then. could you take a black marker from

18 the chart there before you, and place the name of Leroy Tichy

19 right underneath Harry Hatch.

20 A. (Witness complied.)

21 Q. When you left Mr. Tichy. where was he?

22 A. He was outside the residence I believe.

23 Q. Just generally in the outside area, on the patio,

24 where?

25 A. I would -- I would say he was in the front driveway

26 area of the residence.

27 Q. Where was he when you got back?

28 A. Approximately the same area.

1 Q. Did you ever see him inside the house?

2 A. No, I did not.

3 Q. Do you know if there was any other deputy that was  
4 inside the living room area of the house between the time that  
5 you left at 3:30 on -- on the 6th and got back at 9:20 on the  
6 7th?

7 A. When I arrived there the following morning Reserve  
8 Deputy Tichy was the only one there, and he was on the outside  
9 of the residence.

10 Q. Did he have the keys to the place?

11 A. I don't know.

12 Q. When you left for the night, had -- when you left  
13 for the night, had the crime scene -- had the processing of the  
14 crime scene been finished?

15 A. No, sir, it had not.

16 Q. On the 5th were you in working on the -- in the  
17 master bedroom area for the majority of the time?

18 A. Yes. Actually I couldn't say "majority". The  
19 investigation was conducted, and I was in and out of the  
20 different rooms inside the residence the whole time.

21 Q. Because you were moving around the house at various  
22 times?

23 A. Yes, sir. I was.

24 Q. Would -- as far as the observations in the report  
25 though, was the area of the master bedroom where, if not the  
26 majority, at least the largest portion of your work took place?

27 A. Correct. Yes.

28 Q. Did you note the different people that went in and

1 out of that room as you were working there?

2 A. Basically the people that were in that room were  
3 investigators conducting the scene investigation.

4 Q. Were there persons, investigators, would that  
5 include all kinds of people within the Sheriff's Department?

6 A. To me that includes myself. homicide investigators,  
7 crime lab and ID, coroner, Dr. Root.

8 Q. Which homicide investigators do you recall being in  
9 there?

10 A. Be Detective Clifford. Detective Wilson and  
11 Detective O'Campo. Sergeant Arthur and myself.

12 Q. What about the members of Bureau of Administration.  
13 were they likewise in there?

14 A. I couldn't say for sure to be honest with you.

15 Q. For example. did you ever see the Sheriff in there?

16 A. I couldn't say for sure.

17 Q. On June the 6th. were you again at the Ryen house  
18 from 9:20 till almost dark?

19 A. Yes. sir.

20 Q. Were there additional persons who were coming into  
21 the scene the next day?

22 A. Yes. sir. there was.

23 Q. Were some of those persons members of the Career  
24 Criminal Division?

25 A. Yes. sir.

26 Q. Did you take a list of who they were?

27 A. No. sir. I did not.

28 Q. Do you know if Robert Acevedo was inside the house

1     that day?

2           A.     I am not sure. I am not sure.

3           Q.     How about John Hagen?

4           A.     Again, I'm not sure.

5           Q.     Are there any persons in the Career Criminal

6     Division that you can recall being inside the master bedroom?

7           A.     Yes. sir.

8           Q.     Who was that?

9           A.     Be Sergeant English. Sergeant Swanlund. Detective

10    Hall. Deputy Fields. I couldn't think of anybody else.

11          Q.     Now. in the Sheriff's Department there are two

12    Sergeant English's; which one are you referring to?

13          A.     I'm sorry. Pat English.

14          Q.     On Exhibit 228 in the slot number 60. could you

15    write in the name Pat English.

16          A.     (Witness complied.)

17          Q.     And where did you see Sergeant English?

18          A.     I believe he was in the bedroom area.

19          Q.     Would you then put "6-6" in "master bedroom" there.

20          A.     (Witness complied.)

21          Q.     Did you ever so Sergeant English in any other part

22    of the house except the master bedroom?

23          A.     I'm not sure.

24          Q.     Did you ever see him on the patio outside the

25    master bedroom?

26          A.     I remember he was in the -- seeing him in the

27    bedroom.

28          Q.     That's all you can recall?

1 A. Yes, sir.

2 Q. As to Mr. -- Robert Hall. that's a different  
3 detective than yourself, right?

4 A. Yes, sir.

5 Q. Did you ever see that -- did you ever see Robert  
6 Hall in any area of the house other than just the master  
7 bedroom?

8 A. I can only refer to the master bedroom.

9 Q. Did you see on that date, on June the 6th, four  
10 different members of the District Attorney's Office at the  
11 house?

12 A. I recall Mr Kottmeier. Mr. Kochis, and Mr. Stout.

13 Q. Could you write in 61. "Dennis Stout".

14 A. (Witness complied.)

15 Q. And what areas of the residence did you see Mr.  
16 Stout?

17 A. Master bedroom.

18 Q. Could you put a "6-6" then after "master bedroom".  
19 please.

20 A. (Witness complied.)

21 Q. Do you know a Deputy District Attorney from the  
22 West End named -- then from the West End, named Frank Cardinal?

23 A. Yes, sir. I do.

24 Q. Did you see him at the house that day as well?

25 A. I don't recall.

26 Q. Did you ever see Mr. Kottmeier or Mr. Kochis in any  
27 other area besides the master bedroom?

28 A. Offhand, no. I don't recall.

0020495

1 Q. Thank you. You can be seated again. I believe.  
2 Other than the 5th and the 6th of June, were you  
3 yourself ever at the Ryen residence?  
4 A. There was occasions when I drove up there.  
5 Q. Did you ever go inside the house again?  
6 A. Yes, sir.  
7 Q. Do you recall how many different times?  
8 A. I think there was only once, one other time.  
9 Q. That same week or a different time?  
10 A. I don't recall.  
11 Q. Now, in doing your crime scene report, what does --  
12 what is a crime scene report?  
13 A. Basically it's locating, documenting evidence and a  
14 description of the scene.  
15 Q. Is there any method that you have for correlating  
16 or tying in the work that you do with the collection activities  
17 of the crime lab and the photographing and fingerprinting  
18 activities of the ID people?  
19 A. Well, normally when we enter a scene we work  
20 together; we work as a team, jointly.  
21 Q. Did you do that on this particular occasion?  
22 A. Yes, sir.  
23 Q. The -- this particular scene, was there any method  
24 that you had when you got through documenting the location of a  
25 particular item of evidence that you made sure that the crime  
26 lab noticed it too and collected it?  
27 A. There was quite a bit of the time that we were  
28 working together, such as, I saw them take the sheets off the

0020466

1 bed. a dental device that was located on the bed. a crown I  
2 believe. They tested some spots of what I thought was blood in  
3 areas.

4 Q. What do you -- when did they do the testing of  
5 blood?

6 A. The blood, there was an item of blood that was  
7 located inside the refrigerator on Monday, and that was tested  
8 for me at my request.

9 Q. That was tested by Mr. Gregonis?

10 A. Yes, sir. it was.

11 Q. Showing you Exhibit 459, the smaller of the  
12 pictures of the refrigerator; does that depict the blood that  
13 you had Mr. Gregonis test?

14 A. Yes, sir. it does.

15 Q. And that the blood that's on the side of the wall  
16 of the refrigerator?

17 A. Yes, sir. it is.

18 Q. Could you circle that in black on Exhibit 459.

19 A. (Witness complied.)

20 Q. Did he test that by essentially putting -- rubbing  
21 a bit of that blood on to a piece of paper and then adding some  
22 chemicals to the paper?

23 A. Yes, sir.

24 Q. And the chemicals -- the colors of the chemicals  
25 changed to from purple to what, turquoise color?

26 A. I don't recall the color but it did change colors.

27 Q. And that indicated it was positive?

28 A. Yes, sir.

0020467



1 Q. Was it your responsibility, yourself, to collect  
2 that blood?

3 A. No, sir, it was not.

4 Q. At that point in time, do you know whether there  
5 was any interruptions on the work of collecting the blood from  
6 the refrigerator?

7 A. I don't know. I don't recall offhand. I know I  
8 showed it to him, he gave me positive results and then I  
9 possibly walked away to another area.

10 Q. On the -- on the 5th of June, that is, the first  
11 day you were at the scene, were the criminalists doing any  
12 testing of blood?

13 A. I think primarily that day they were taking  
14 samples, collecting evidence.

15 Q. Did you have anything to do with the selection of  
16 which samples they were supposed to collect?

17 A. No, sir I left that up to them.

18 Q. Did, however, you independently document the  
19 general areas where you found blood within the crime scene?

20 A. Yes, sir, I did.

21 Q. In the Ryen master bedroom was there situated on  
22 the carpet an exercise bicycle?

23 A. Yes, sir, there was.

24 Q. Directing your attention to Exhibit 6-J.

25 Do you recognize that as a floor plan of the Ryen  
26 residence with the positions of the bodies of the victims as you  
27 saw them?

28 A. Yes, sir, it is.

020468

1 Q. Could you then write "Bike" in red in the area  
2 where the exercise bicycle was.

3 Q. Did -- as far as that exercise bicycle is  
4 concerned, did you do anything to do measurements so that it  
5 could be replaced in the same spot at a later time?

6 A. I did not do the measurements on the bike. There  
7 was a bike, situp bench and a chair in that general area and I  
8 did not take the measurements on that.

9 Q. Did the bicycle have droplets of blood on it?

10 A. Yes, sir. it did.

11 Q. Do you know where they were on the bicycle?

12 A. They were on the front brake assembly. the  
13 handlebar area, and there are some gauges that are attached to  
14 the handlebars which had some droplets. splatters on it.

15 Q. The exercise bench, did that have any blood on it?

16 A. I believe it did.

17 Q. Could you then write "bench" in red for the  
18 approximate spot where that was located in the room.

19 A. (Witness complied.)

20 Q. Did there also exist in that particular area some  
21 plastic bags and things of that nature?

22 A. Yes, sir.

23 Q. Did any of those items have blood on them to your  
24 knowledge?

25 A. I didn't see any, no.

26 Q. In the -- in the -- in the same -- in the room, was  
27 there right behind Chris a set of closet doors?

28 A. Yes, sir.

0020469

1 Q. Did those closet doors have blood on them?  
2 A. Yes, sir. they did.  
3 Q. Do you recall which doors had blood on them?  
4 A. Would be the west doors. It extended out  
5 approximately 48 inches on to the closet doors from the doorway  
6 molding I believe.  
7 Q. Would you write "blood" then on those doors.  
8 A. (Witness complied.)  
9 Q. In front of the -- of the -- of the closet doors  
10 was there an ironing board?  
11 A. Yes, sir. there was.  
12 Q. Was there blood on that?  
13 A. Yes, sir.  
14 Q. Could you write "ironing board" then in red.  
15 A. (Witness complied.)  
16 Q. During the time that you were working in that -- in  
17 the crime scene, did you use that ironing board as sort of a  
18 work bench, as it were?  
19 A. The following day I did.  
20 Q. Not the first day?  
21 A. No, sir, the second day.  
22 Q. Was there still blood on it the following day?  
23 A. Yes, sir, there was.  
24 Q. Do you recall what portions of the ironing board  
25 had blood on it?  
26 A. There was splatter marks at the west end of it.  
27 Q. Did you yourself measure the location of that  
28 ironing board within the room so that it could be resituated in

0020470

1 the same spot it was before?

2 A. No. sir. I did not.

3 Q. Did there also exist in the -- in the room along

4 the north wall some sort of office machines on the floor?

5 A. The west wall.

6 Q. Excuse me. The west wall

7 A. There was some office machine in this general area

8 here.

9 Q. Did that have blood on it?

10 A. Yes, sir, it did.

11 Q. Could you write "office machine".

12 A. (Witness complied.)

13 Q. Were there also three large check books on that

14 shelf assembly somewhere along the west wall?

15 A. In this general area.

16 Q. Did they have blood on them?

17 A. I don't recall offhand.

18 Q. Would it -- Referring to your report -- doesn't

19 seem to be noted.

20 Have you looked at the photographs of the various

21 items?

22 A. Yes, sir.

23 Q. Do you recall seeing drops of blood on those checks

24 when you looked at the photographs?

25 A. No, sir.

26 Q. And you didn't note in your -- in your report

27 whether there was any blood on them or not?

28 A. No, sir. I did not. I didn't see any blood on

0020471

1       them.

2               Q.     Was there also -- on that wall unit itself was  
3       there blood on various parts of it?

4               A.     Yes, sir. there was.

5               Q.     Did you document which shelves and parts of it had  
6       the blood or just note general -- that had it in general?

7               A.     The blood was on basically the dresser portion of  
8       the bookshelf. or wall unit shall we say.

9               Q.     What about on the desk area?

10              A.     I believe there was some drawers on this end that  
11       had some blood on the front.

12              Q.     Do you recall there being papers on the desk of  
13       various types?

14              A.     Yes, sir. there was.

15              Q.     Were there drops of blood on various -- on various  
16       of the paper items?

17              A.     I didn't note any in my report.

18              Q.     Showing you Exhibit 429. a three by five  
19       photograph. does that appear to be the papers that were on the  
20       desk?

21              A.     Yes, sir. it does.

22              Q.     And can you see drops of what appear to be blood on  
23       various of the papers -- scattered around on the papers and  
24       check stuff?

25              A.     It appears to be.

26              Q.     In the -- on the carpet were there large amounts of  
27       blood in various different parts of the carpet?

28              A.     Yes, sir, there was.

1 Q. I take it you didn't document each and every one of  
2 those areas; is that right?

3 A. I made note and indications that there was blood in  
4 different areas. yes. sir.

5 Q. Did you focus -- was there a bare spot in the  
6 carpet near Douglas Ryen?

7 A. Yes, sir. there was.

8 Q. Using brown. could you sort of put a sketch as to  
9 where that bare spot was.

10 A. (Witness complied.)

11 Q. And were -- was there drops. that is, sequented  
12 drops and what looked to be a trail of blood leading from  
13 that -- either to or from that particular bare spot in the  
14 carpet?

15 A. Yes, there was.

16 Q. Could you in red then. switching back to the red,  
17 trace the general trail that those drops took.

18 A. (Witness complied.)

19 Q. And were there also large drops of blood within  
20 the -- the bare spot itself?

21 A. Yes, sir.

22 Q. On the -- Well. did you happen to see any light  
23 switch in the room?

24 A. Yes, sir. I did.

25 Q. How many -- how many of those light switches had  
26 what appeared to be blood smears on them?

27 A. I don't recall seeing any that had blood smears on  
28 them.

0020473

1 Q. Did you note a phone jack and wall socket?

2 A. Yes, sir. I did.

3 Q. Did that have any blood on it?

4 A. I don't recall seeing any. no.

5 Q. Was there a drapery -- Directing your attention to  
6 the -- to the east wall area of your report. Page No. 5. if you  
7 have that there, the first paragraph. do you recall in looking  
8 there that you indicated there were blood splatters running from  
9 the lower portion of the light switch in an upward direction  
10 towards the southeast corner of the wall?

11 A. I think I meant not necessarily there was blood on  
12 that particular switch. but that there was splatter marks  
13 running from the lower portion up to the ceiling area.

14 Q. Where would that have been?

15 A. That would have been on this wall here, sir.

16 Q. Lying beneath that. that area of the wall, was  
17 there a drapery rod with droplets of blood on it?

18 A. Yes, sir.

19 Q. Could you write "drapery rod" in the position that  
20 was in?

21 A. (Witness complied).

22 Q. In the room, did you find any weapons?

23 A. Yes, sir. I did.

24 Q. Where?

25 A. I found two weapons in the closet area and a third  
26 weapon in this dresser.

27 Q. Okay. Let's see. using the black marker, could you  
28 write -- what type of weapons did you find?

0020474

1           A.     On the middle shelf of the woman's closet I found a  
2 Winchester .22 rifle that was loaded.

3           Q.     Could you write then "Rifle" in black in that spot.

4           A.     (Witness complied).

5           Q.     And what else did you find in the closets?

6           A.     A pellet gun that was unloaded. on the bottom  
7 shelf.

8           Q.     What did you find in the dresser?

9           A.     I found a Ruger .22 caliber handgun.

10          Q.     Was that likewise loaded?

11          A.     Yes, sir, it was.

12          Q.     Could you write then "Handgun" in the dresser.

13          A.     (Witness complied).

14          Q.     And the next day did you lay those items out on the  
15 waterbed so that the I.D. bureau could photograph them?

16          A.     I am not sure if it was the next day or the day  
17 that we located them.

18          Q.     Well. the waterbed was not drained the first day  
19 that you were there; is that right?

20          A.     Correct.

21          Q.     Showing you Exhibit 436 and 437.

22                   Are those photographs of the weapons that you found  
23 laying out on the bed?

24          A.     Yes. sir.

25          Q.     There appears to be. in addition to the pellet gun  
26 and the handgun and the rifle, a couple of other items on the  
27 bed. Do you recall what those were?

28          A.     Appears to be a knife, in a case. and appears to be

0020475



- 1 a holster; brown holster.
- 2 Q. Do you recall where the knife in the case was  
3 located?
- 4 A. Offhand, no.
- 5 Q. Was there -- did you also look throughout the rest  
6 of the house to determine the existence of bloodstains in other  
7 rooms of the house?
- 8 A. Yes, sir. I did.
- 9 Q. And, specifically, did you look in the second  
10 bathroom area, the room, the bathroom that was up here right  
11 next to the kitchen?
- 12 A. Yes, sir. I did.
- 13 Q. What day did you do that?
- 14 A. I recall seeing the blood on Monday, the following  
15 day --
- 16 Q. Okay.
- 17 A. -- not the initial day.
- 18 Q. And where did you see the blood?
- 19 A. In the sink area.
- 20 Q. Could you write then "Blood" on the area where you  
21 saw it.
- 22 A. (Witness complied).
- 23 Q. Did you ask one of the criminalists to test that as  
24 well?
- 25 A. Yes, sir. I did.
- 26 Q. And which criminalist was that?
- 27 A. Gregonis.
- 28 Q. Did he do so?

1 A. I believe he did. yes.  
2 Q. Was the result again positive?  
3 A. Positive. yes. sir.  
4 Q. I believe you can be seated again.  
5 On the -- on the bedding that you mentioned, did  
6 you observe any pattern impressions?  
7 A. Yes, sir. I did.  
8 Q. What did you observe?  
9 A. There was two patterns. One appeared to be a  
10 handwipe, and the second would be I referred to it as a possible  
11 knee impression.  
12 Q. Why did you -- what -- what was the handwipe? What  
13 substance did that appear to be?  
14 A. It was just a brownish substance.  
15 Q. Did it appear to be consistent with feces?  
16 A. It would have to be tested.  
17 Q. As far as you could determine visually, was there  
18 anything you could do to distinguish it from feces?  
19 A. No.  
20 Q. The patterns that you thought to be a corduroy  
21 impression, what was it about the impression that appeared to be  
22 consistent with corduroy?  
23 A. Well, the pattern consisted of several lines  
24 running parallel in a north-south direction. It just -- it  
25 appeared to be a material type at that time, that is what I  
26 wanted to refer it as, for further reference.  
27 Q. You weren't making a definitive judgment as to what  
28 it is, by referring to it, just to refresh your recollection?

1 A. Correct.

2 Q. Do you know what substance it was made in, or could

3 you tell?

4 A. It was reddish-brown.

5 Q. Appear to be consistent with blood?

6 A. Appeared to be.

7 Q. Are you familiar with Velcro?

8 A. Velcro?

9 Q. Right.

10 A. I know of it.

11 Q. Did the pattern appear to be consistent with having

12 been a piece of Velcro laid on the sheet. where -- in a spot

13 where there was some blood attached to the Velcro?

14 A. I wouldn't think so.

15 Q. Why not?

16 A. I feel that Velcro is normally -- the substance is

17 close together, more than what I saw in this particular pattern.

18 Q. Did the pattern appear to you to have greater

19 spacing in it than say twelve rows to an inch?

20 A. There was greater spacing that I would think would

21 be greater than Velcro.

22 Q. During the -- during the time that you were doing

23 the crime scene investigation. did you also look around the

24 outside?

25 A. Yes, sir. I did.

26 Q. And do you remember approximately what time it was

27 that you did that?

28 A. It was after 9:30. I believe.

2

1 Q. At night?

2 A. At night. We made a thorough check in checking the

3 exterior of the residence for forced entry.

4 Q. Did you find any signs of forced entry?

5 A. I don't feel so. no.

6 Q. There was a couple of things that looked --

7 A. Well --

8 Q. -- out of place but they were explained to you?

9 A. They were explained. yes.

10 Q. The kitchen door.

11 A. Yes.

12 Q. There were some other areas where they were --

13 where there were slashes in various things but were either

14 explained or appeared to be quite old?

15 A. Appeared. yes.

16 Q. While you were going around the outside. did you

17 note the condition of the lights on the outside of the house?

18 A. Not at that time. no.

19 Q. Well, can you recall whether there were any lights

20 on on the eaves out here in the living room?

21 A. I don't recall.

22 Q. The same. you don't recall whether there were any

23 in the bedroom either?

24 A. There was no lights on in the interior of the

25 residence at all when I arrived.

26 Q. I'm talking about exterior lights.

27 A. I don't recall -- I didn't make any notes to any

28 exterior lights being on.

0020479

1 Q. Can you say -- have you. at some point in time,  
2 have you noted the existence of flood-type lights both outside  
3 the Ryen master bedroom and outside the living area?

4 A. I know there was a floodlight that was outside the  
5 living room area.

6 Q. Can you say that that was off when you arrived?

7 A. I can't say that, no.

8 Q. Have you ever noted the lights that I believe are  
9 either on this eave or this eave right here outside of the  
10 master bedroom?

11 A. I didn't see them on.

12 Q. As it got dark that night. in the course of your  
13 investigation. did you turn on any of the lights inside the  
14 house?

15 A. I don't recall personally turning on any lights.

16 Q. Were lights eventually turned on?

17 A. Yes, sir. they were.

18 Q. When you first arrived, did you go up to the house  
19 and determine that there were no lights on. at least inside the  
20 house?

21 A. Yes, sir.

22 Q. As you did your report. did you make notes of --  
23 did you make notes of various shoe impressions that you  
24 observed?

25 A. I noted one.

26 Q. That was a vibram sole impression out here on the  
27 patio area?

28 A. Yes.

0020480

1 Q. That appeared to be in something that was  
2 consistent with blood; is that right?

3 A. Yes. sir.

4 Q. Did -- in your notes. did you also note that there  
5 was a pair of jeans laying on the floor there near the bike and  
6 Christopher that had appeared to be what. a vibram sole  
7 impression on it?

8 A. Yes. sir.

9 Q. There were two different foot impressions that you  
10 noted in your notes; is that right?

11 A. One on the outside and one on the inside.

12 Q. Your notes do not reflect a shoe impression on the  
13 spa cover.

14 A. No. but I did see that.

15 Q. But you didn't note it.

16 A. I didn't note it.

17 Q. No notes of any shoe impression on the sheet at the  
18 foot of the bed?

19 A. I didn't note that, no.

20 Q. Didn't see it. right?

21 A. I don't recall seeing it, no.

22 Q. The laundry room that was next to the Ryen master  
23 bedroom. Do you recall when you first went in there whether the  
24 door into that room was open or closed?

25 A. It was open, that I recall.

26 Q. Was it -- what is this rectangle that is right up  
27 against the wall behind the door?

28 A. If I recall those correctly. those are shelves;

0020481

1 cabinets.

2 Q. Was the door to the laundry room flush up against  
3 that shelving?

4 A. I didn't make note of it.

5 Q. Were there various items on the floor of the  
6 laundry room?

7 A. Yes, sir. there was.

8 Q. Were they items piled up so that, for example, you  
9 couldn't get out the rear door?

10 A. Yes, sir.

11 Q. Were they also piled up so that the door that was  
12 leading into the laundry room wouldn't move freely?

13 A. I couldn't say that. but -- well. I couldn't say  
14 that.

15 Q. What all was in there on the floor?

16 A. There was fans, vacuum cleaners, just miscellaneous  
17 objects.

18 Q. Laundry as well?

19 A. Right offhand, I don't recall.

20 Q. In your report you have indicated there is items of  
21 clothing.

22 A. I would have to refer to it.

23 Q. Page 13.

24 A. Yes, sir. There was three fans, a vacuum, items of  
25 clothing.

26 Q. Can you recall now whether there was quite a bit of  
27 clothing?

28 A. I don't recall.

0020402

1 Q. In going through the house, did -- on the first  
2 day. up until the time you did your exterior. your search at  
3 9:30 or so. were you essentially processing the master bedroom  
4 and bathroom and not working in the other rooms of the house?

5 A. No. I was in and out.

6 Q. Well. did you ever -- you have. in your report. you  
7 go detailed room by room through the house with a complete  
8 description. not necessarily. but as a reasonably complete  
9 description of what's in the various rooms, including comments  
10 as to whether or not this appears to be anything of evidentiary  
11 value. Is that right?

12 A. Correct.

13 Q. The portion of your observations of the parts of  
14 the interior of the house. other than the master bedroom and  
15 master bathroom. were those done on Monday?

16 A. No. I don't believe so.

17 Q. Were -- were you essentially. in your notes. in the  
18 notebook you have there, taking them in chronological order?

19 A. I was trying.

20 Q. But basically if you were to go through the various  
21 pages of your notes now they would be -- you wouldn't have like  
22 skipped ahead five pages and then come back or anything like  
23 that? You would have written them as you went.

24 A. Correct.

25 Q. And there's -- there's a period in your notes. for  
26 example. you have a series of notes on the interior of the  
27 master bedroom including the removal of the victims which ends  
28 at approximately 9:05. Is that right?

002004-0033



1 A. Correct.

2 Q. And then there is some information at about 9:20.  
3 as to the result of a check of the contents of Peggy Ryen's  
4 purse; is that right?

5 A. Correct.

6 Q. By law, that is something that is normally done by  
7 the coroner; is that right?

8 A. He did do it and I was observing.

9 Q. Okay. And then after that was finished that's when  
10 you began on the exterior; is that right?

11 A. Correct.

12 Q. Okay. Then, chronologically, in terms of the notes  
13 that you have, you then have some observations about the outside  
14 of the house; is that right?

15 A. Yes.

16 Q. Okay. And then there was a period of time when you  
17 have the observations, you have a time apparently of Monday, 6-6  
18 0920 in Deputy Tichy's name --

19 A. I think, if I might, what I did is when we first  
20 arrived Sergeant Arthur and myself, Deputy Duffy, made an  
21 interior check of the residence when we photographed everything,  
22 and we looked throughout the residence to see if there was any  
23 other victims, shall we say, for outstanding items of physical  
24 evidence.

25 At that time, that particular time we didn't see  
26 any, so I did start on the master bedroom. However, I did leave  
27 that master bedroom on numerous occasions and check other rooms  
28 again over again. I didn't observe any.

020484

1           However, they were checked. And then the following  
2 day. according to my notes. I did, shall we say. make notations  
3 as to vacuum cleaners, fans located blocking the door. But that  
4 did not change from the first day when I checked it.

5           Q.     Just. for example. you noted blood in the sink on  
6 the second day for the first time.

7           A.     Yes. sir. I did.

8           Q.     And blood in the refrigerator on the second day for  
9 the first time.

10          A.     Yes. sir.

11          Q.     So. basically. what you did on the first day for  
12 the parts of the house that didn't appear to have as much  
13 evidence in them. was just to do a rather cursory look, rather  
14 than a detailed investigation of everything; is that correct?

15          A.     I don't think I'd want to say it that way. no. I  
16 mean. we looked for physical evidence.

17          Q.     Okay. But you didn't get down to where you could  
18 search finally enough to determine how much blood there was in  
19 the sink or refrigerator. or that kind of stuff; is that right?

20          A.     I didn't see it until the following day. It wasn't  
21 brought to my attention until the following day. I did not  
22 check the interior of the refrigerator until the following day.

23          Q.     By the following day. had you noted people using  
24 the second bathroom?

25          A.     I believe Dr. Root did.

26          Q.     Anyone else?

27          A.     Not that I can recall. no.

28          Q.     Was there an area set up outside or something for

020405

1 investigators to use during the 14 hours or whatever you were at  
2 the scene?

3 A. No. Huh-uh.

4 Q. People weren't using the master bedroom. were they?

5 A. I didn't see anybody use that, no.

6 Q. People were eating in the dining room

7 A. Yes.

8 Q. Standing around talking in the kitchen?

9 A. Well. I saw people in the dining room.

10 Q. How about the kitchen?

11 A. I don't recall offhand, none.

12 Q. And the living room was being used for sort of a  
13 conference center?

14 A. I couldn't say that because most of my time was in  
15 the back portion of the residence and on the exterior portion.

16 Q. Well. did you see people?

17 A. There was people inside the front portion of the  
18 residence. Who they are. I really didn't pay any attention to  
19 or where they were.

20 Q. As the crime scene person. that is, the person who  
21 is assigned to make observations about the crime scene. was it  
22 your responsibility to keep people out or was it somebody elses?

23 A. I think it is a combination of all investigators.

24 Q. Did you give permission for any of the people who  
25 were in the front part of the house to be there?

26 A. No. I did not.

27 Q. Putting on the board Exhibit 491. Let's see. could  
28 we have you use green in writing on this.

0020486

1                   You noted the arrival at the scene of David  
2   Stockwell and Patricia Schechter at 2:45. Is that right?  
3           A.     Correct.  
4           Q.     Could you put a green check next to that "1445. DCS  
5   Arrival" up there.  
6           A.     Put a check?  
7           Q.     Okay. What time did Mr. Baird arrive? You can  
8   refer to your notes.  
9           A.     I believe it was --  
10          Q.     2:06?  
11          A.     Yes, that's it.  
12          Q.     Could you put 1406 then in the 1400. what we have  
13   is a time line there.  
14          A.     Okay.  
15          Q.     So in the 1400 one. could you put over there 1406  
16   in green. "WB Arrived."  
17          A.     (Witness complied).  
18          Q.     And Mr. Duffy arrived at 1407, correct?  
19          A.     Correct.  
20          Q.     Could you put "GD" for Mr. Duffy.  
21          A.     (Witness complied).  
22          THE COURT: Counsel. is this -- are you intending to go  
23   through and make a chart of the time of each and every person  
24   that was at the scene?  
25          MR. NEGUS: Not each and every person because I don't  
26   think Mr. Hall knows.  
27          THE COURT: From any source. It would be a duplication  
28   of what we have heard before. would it not be?

020487

1 MR. NEGUS: Well, that is not -- my intention is more  
2 towards events than persons.

3 THE COURT: Let's take the recess. We will discuss it  
4 out of the presence jury. I am not sure we want to go into that  
5 all.

6 Remember the admonition. The Court will remain in  
7 session.

8 (Jury retires from the courtroom.)  
9

10 (The following proceedings were held in  
11 open court out of the presence of the jury:)

12 THE COURT: All right. The jurors have all departed.

13 An offer of proof, Mr. Negus.

14 MR. NEGUS: Well. I mean. about what?

15 THE COURT: Sir, with every witness the record would  
16 reveal you have precisely noted the time of arrival and of  
17 departure and all of this, and it is in the record. I would  
18 assume. that each counsel would be able to argue at an  
19 appropriate time.

20 But to take up the time now to have this and other  
21 witnesses go through and chart all of this material once again  
22 for us. if that's what you have in mind. I'm going to sustain an  
23 objection to it.

24 MR. NEGUS: I indicated to you that I wanted to do it for  
25 people. but --

26 THE COURT: You have just done it for Baird and others.  
27 What are you doing then?

28 MR. NEGUS: That's just the initial arrival. judge.

1                   What I am trying to do is set up a time line.  
2       There are certain events that various witnesses key themselves  
3       onto, removal of the bodies is one, arrival of the coroner is  
4       another. And as far as the reconstruction of when things happen  
5       in the sequence, I need certain times to be down there in order  
6       to do this.

7                   Mr. Hall did note the time of arrival and the  
8       departure of every single person. As I have said, that is not  
9       what intend to do. But he did indicate the time of arrival of  
10      Mr. Hammock and that's -- there's lots of things that turn on.

11                  THE COURT: This is a new chart you are working with now.  
12      How long is it going to take us do all of what you expect to do  
13      with this chart?

14                  MR. NEGUS: Not too long.

15                  THE COURT: Estimate. please.

16                  MR. NEGUS: Ten minutes.

17                  THE COURT: Oh. okay. Let's take a recess.

18                  Counsel, are we going to get a chance to discuss --  
19      I wanted to discuss instructions, at least briefly. I hoped we  
20      could do it this weekend. You are not prepared on that.

21                  MR. NEGUS: You know, I'm not unprepared on it. I  
22      mean --

23                  MR. KOCHIS: I don't think we're going to get to it today  
24      the rate we're going.

25                  THE COURT: Let's plan on it the first opportunity next  
26      week. Okay?

27                  MR. NEGUS: Fine. I have no --perhaps the next time I  
28      have a witness problem next week when I run out of time.

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1 THE COURT: Okay.

2 (Recess.)

3

4

5 THE COURT: Counsel has indicated it's not going to take  
6 too long on the chart, so go ahead.

7 MR. NEGUS: We may even shorten it even more than that,  
8 your Honor.

9 Q. On the exhibit here. 491. you have noted over the  
10 break the times, the entire time that each of the victims was  
11 removed from the crime scene; is that correct?

12 A. Yes, sir. I did.

13 Q. And you also indicated the time that you yourself  
14 entered the house and the time that Deputy Coroner David Hammock  
15 entered the house; is that correct?

16 A. That's correct.

17 Q. On June the 6th. did Mr. Duffy from the crime lab  
18 arrive back at approximately 1100 hours?

19 A. Yes, sir. he did.

20 Q. And did Mr. Ogino and Mr. Gregonis from the crime  
21 lab arrive back -- or arrive at the house for the first time at  
22 approximately 2:00 o'clock in the afternoon?

23 A. Yes, sir. he did.

24 Q. And that same day were there some items of evidence  
25 that were seized from outside the house. a bandage and some what  
26 appeared to be blood at approximately 4:30 and 4:45  
27 respectively?

28 A. Correct.

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1 Q. And did you also in your notes note that the time  
2 that the work on the wall was completed. removing each of the  
3 pieces of wall from the master bedroom?

4 A. Yes, sir. I did.

5 Q. And what times -- what was the time period from the  
6 first removal of the first piece to the removal of the last  
7 piece?

8 A. Approximately 6:15 to 6:20 --

9 Q. 6:48?

10 A. Yeah 6:48.

11 Q. Were those the last items of evidence removed from  
12 the master bedroom or was there stuff after that?

13 A. I believe there was other stuff that was removed.  
14 I'm not positive.

15 Q. Showing you Exhibit 412. a picture of some. what  
16 appear to be finger smears in blood on the hallway door in the  
17 doorway leading from the hall into the foyer. did you note those  
18 in your report?

19 A. Yes, sir. I did.

20 Q. And did you see those for the first time on the  
21 Sunday the 5th or Monday the 6th?

22 A. Be Monday the 6th.

23 Q. Did you point them out to any criminalist on the  
24 6th?

25 A. I don't recall. no.

26 Q. On the -- on the night of the 5th, did you also  
27 search the Ryen pickup truck that was parked in the driveway?

28 A. Yes, sir. I did.

020491



**COMPUTERIZED TRANSCRIPT**

[illegible]

1 between the garage and the residence to the patio slab. however,  
2 I did not note any doors being locked or unlocked at that time.

3 Q. Okay. The -- this door right here to the  
4 laundryroom was unlocked, correct?

5 A. That's correct.

6 Q. But you couldn't get in and out of it very well  
7 because of all the stuff piled in front of it?

8 A. Correct.

9 Q. Or couldn't get in and out of it at all because of  
10 all the stuff piled around in front of it?

11 A. It didn't appear anybody exited or entered into it  
12 because all the items were sitting upright and didn't appear to  
13 be knocked over.

14 Q. During the time that you were at the house were  
15 there people going in and out of this kitchen door?

16 A. I did not see anybody going in and out that door.

17 Q. Was it was locked when you checked it?

18 A. It was unlocked when I checked it.

19 Q. The front door, that is, the main door into the  
20 residence. were people going in and out of that door prior to  
21 your checking it?

22 A. Yes, sir.

23 Q. Were people going in and out the screen doors --  
24 the living room doors prior to your checking them?

25 A. Not to my knowledge.

26 Q. Were these doors locked or unlocked?

27 A. One was locked; one was unlocked.

28 Q. Could you take the blue pen here and put "U" for

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1 the one that was unlocked and "L" for the one that was locked.

2 A. (Witness complied.)

3 Q. The one that was unlocked, there was -- was that  
4 the one that had the -- had a slash in the screen?

5 A. I got them mixed up. This is the unlocked one;  
6 this is the locked one.

7 Q. Could you switch that then.

8 A. (Witness complied.)

9 Q. So, we have sort of a V-shaped looking "L" and a  
10 "U" that you made into a "U" for unlocked.

11 Was the one that was unlocked the one that had the  
12 rip in it or the one that was locked?

13 A. The one that was unlocked.

14 Q. That had the rip?

15 A. Yes, sir.

16 Q. Okay. Were there any doors that we haven't covered  
17 into the house that people weren't going in and out of?

18 A. I don't believe so.

19 Q. Okay. You may sit down.

20 When Mr. O'Campo and Mr. Wilson were assisting you,  
21 was that only in the master bedroom or was that in other parts  
22 of the house as well?

23 A. I recall them being in the master bedroom.

24 Q. Were they both taking measurements, that sort of  
25 thing?

26 A. No. I did the measurements.

27 Q. What were they doing?

28 A. They were checking dresser drawers, so forth.

1 closets.

2 Q. Had they sort of essentially divided up the house  
3 between them?

4 A. I couldn't say that. no.

5 Q. Did you ever see either Mr. O'Campo or Mr. Wilson  
6 in any other part of the house on June the 5th besides the  
7 master bedroom?

8 A. Offhand I couldn't say.

9 Q. When -- in the kitchen did you check the sink area  
10 to see what dishes were in the sink the first day on your  
11 walk-through with Sergeant Arthur or was that left for the  
12 second day?

13 A. In my report I didn't note any dishes being in the  
14 sink. However, I do recall possibly a few items, very few.

15 Q. When you were going through the house, was that  
16 after the house had been dusted for fingerprints?

17 A. At what portion?

18 Q. When you were doing your detailed report.

19 A. I couldn't say for sure on that.

20 Q. Do you recall seeing any fingerprint powder in the  
21 living room when you were going through it the next day, the  
22 6th?

23 A. The following day?

24 Q. Yeah.

25 A. No. I wasn't -- I wasn't looking for fingerprint  
26 powder, so --

27 Q. As far as the Vibram shoe prints is concerned,  
28 was -- did you determine that they had come from fire people or

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1 paramedics on the basis of any visual comparison of your own or  
2 just being told that by somebody else?

3 A. Initially on my arrival I was told by Sergeant  
4 Gilmore that there was a Vibram sole impression on the patio  
5 slab. He indicated to me that was from a parmedic shoe.

6 Later in my crime scene investigation I saw an  
7 additional Vibram sole pattern on the jeans that were on the  
8 floor by the exercise bike. that area. They appeared to be the  
9 same type of sole.

10 Q. Okay. The one -- the one pair of jeans then inside  
11 the house was seized as evidence?

12 A. Yes, sir.

13 Q. But no -- but the shoe print in blood on the  
14 outside of the house on the patio slab was not photographed or  
15 in any way preserved?

16 A. I believe it was photographed.

17 Q. Have you ever seen the photograph?

18 A. I've seen a lot of photographs, so I'm not sure.

19 Q. That's all I have.

20

21

#### CROSS-EXAMINATION

22 BY MR. KOCHIS:

23 Q. Detective Hall. in the course of your investigation  
24 did you follow, for example, the persons from ID. Duffy and  
25 Roper. around the house and look at every area they dusted for  
26 prints?

27 A. No. sir. I did not.

28 Q. On the 6th, on that particular Monday, were the

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1 people in the Ryen home from the Career Criminal Division there  
2 to remove items from the master bedroom?

3 A. Yes. sir, they were.

4 Q. Other than persons from the Sheriff's Department  
5 and persons from the District Attorney's Office, did you see  
6 anyone else inside the Ryen home on that Monday?

7 A. No, sir.

8 Q. On the 5th of June, the day the murders were  
9 discovered, other than Dr. Root, a Deputy Coroner, the body  
10 removal people, were all the other persons that you saw inside  
11 the house members of the sheriff's office?

12 A. Yes, sir.

13 Q. When you got to the home on that particular Sunday,  
14 was the blood on the walls dried?

15 A. Yes, sir.

16 Q. Were you able to determine if the blood on the  
17 furniture was dry at that time?

18 A. With the exception of the bed.

19 Q. Was the blood on the top of the carpet moist or was  
20 it dry?

21 A. It was moist in areas.

22 Q. Now the following day, on that Monday, did all the  
23 blood on the furniture appear to be dry?

24 A. Yes, sir.

25 Q. Did the blood on the surface of the carpet on that  
26 Monday likewise appear to be dry?

27 A. It appeared to be, yes.

28 Q. Mr. Negus asked you some questions about a number

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1 of weapons inside the Ryen master bedroom, were you the one that  
2 actually located the rifle in the master bedroom?

3 A. No, sir.

4 Q. Do you know whether it was under a group of items  
5 when it was found or not?

6 A. No. sir.

7 Q. Did you locate the .22 caliber revolver?

8 A. No. sir.

9 Q. Do you know whether it was under some papers or  
10 things at the time it was first seen?

11 A. No. sir.

12 Q. On the first day that you entered the home on that  
13 particular Sunday, what type of footwear were you wearing?

14 A. Smooth-soled shoe

15 Q. Were you wearing tennis shoes?

16 A. No. sir.

17 Q. Nothing that had a diamond pattern on the bottom?

18 A. No. sir.

19 Q. Directing your attention to a photograph Mr. Negus  
20 showed you. Exhibit 555, the knife from Costa Mesa, was the  
21 overall length of the knife about eight inches?

22 A. Yes. sir.

23 Q. Are you able to determine from the photograph the  
24 approximate length of the blade of the knife?

25 A. Approximately four inches.

26 Q. Did you and Detective O'Campo sit down and prepare  
27 an inventory of the property that was seized in Costa Mesa on  
28 the 13th of June of 1983?

1 A. Yes, sir, we did.

2 Q. And was that a joint effort?

3 A. Yes, sir.

4 Q. With both you and Mr. O'Campo?

5 A. Yes.

6 Q. Directing your attention to Exhibit 729, which

7 appears to be a police report of some length, do you recognize

8 what that appears to be a Xerox copy of?

9 A. Yes. It's my crime scene investigation that I

10 prepared.

11 Q. And does that include a typewritten summary of the

12 various items that Mr. Negus has asked you about here in court

13 today?

14 A. Yes, sir.

15 Q. Including the arrival times of the various persons

16 that you noted on Sunday?

17 A. Yes, sir.

18 Q. Thank you.

19 I have nothing further.

20 THE COURT: Redirect.

21

22 REDIRECT EXAMINATION

23 BY MR. NEGUS:

24 Q. The property from Mr. Bulau -- from Costa Mesa,

25 that's since be returned to the Costa Mesa Police Department?

26 A. Yes, sir, it has.

27 MR. NEGUS: I have nothing further.

28

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1 you about it, nor express or form an opinion on it. Have a nice  
2 weekend, see you next Tuesday.

3 (Adjournment.)

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