

COPY

CASE NO. CRIM 24552

SUPREME COURT OF THE STATE OF CALIFORNIA

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)

PLAINTIFF,)

-VS-)

KEVIN COOPER,)

DEFENDANT.)

SUPERIOR COURT
NO. CR-72787
MOTIONS

APPEAL FROM THE SUPERIOR COURT OF SAN DIEGO COUNTY

HONORABLE RICHARD C. GARNER, JUDGE PRESIDING

REPORTERS' TRANSCRIPT ON APPEAL

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OFFICIAL REPORTERS

VOLUME

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PAGES

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO

THE PEOPLE OF THE STATE
OF CALIFORNIA,

Plaintiff,

vs.

KEVIN COOPER,

Defendant.

NO. OCR-9319

CR-72787

VOLUME 36

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REPORTERS' DAILY TRANSCRIPT

BEFORE HONORABLE RICHARD D. GARNER, JUDGE

DEPARTMENT 10 - SAN BERNARDINO, CALIFORNIA

Wednesday, May 30, 1984

APPEARANCES:

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District Attorney

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By: JOHN P. KOCHIS
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Reported by:

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C.S.R. No. 2400

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1 SAN BERNARDINO, CALIFORNIA; WEDNESDAY, MAY 30, 1984; 9:34 A.M.

2 DEPARTMENT NO. 10

HON. RICHARD C. GARNER, JUDGE

3 APPEARANCES:

4 The Defendant with his Counsel, DAVID NEGUS,
5 Deputy Public Defender of San Bernardino
6 County; DENNIS KOTTMEIER, District Attorney
7 of San Bernardino County, and JOHN P. KOCHIS,
8 Deputy District Attorney of San Bernardino
9 County, representing the People of the State
10 of California.

11 (Leonard D. Gunn, C.S.R., Official Reporter, C-1109,
12 Judith L. Morris, C.S.R., Official Reporter, C-2400.)

13
14 THE COURT: Mr. Cooper and both Counsel are here.
15 Have you called your next witness, Mr. Negus?

16 MR. NEGUS: Lieutenant Eugene Gilmore.

17
18 E U G E N E G I L M O R E, called as a witness by and on
19 behalf of the Defense, was sworn and testified as
20 follows:

21 THE CLERK: You do solemnly swear the testimony you
22 are about to give in the action now pending before this
23 Court shall be the truth, the whole truth, and nothing but
24 the truth, so help you God.

25 THE WITNESS: I do.

26 THE CLERK: Please be seated. State your name, please,

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1 for the record, and spell your last name.

2 THE WITNESS: Eugene Gilmore, G-i-l-m-o-r-e.

3 MR. NEGUS: Excuse me just a minute.

4

5

DIRECT EXAMINATION

6 BY MR. NEGUS:

7 Q Lieutenant Gilmore, what's your occupation?

8 A I'm a lieutenant assigned to the central jail.

9 Q What was your assignment in June of 1983?

10 A I was a patrol sergeant assigned to the West End Substation.

11 Q On June 5th, 1983, did you receive a call of a multiple
12 homicide at 2943 English Road in the Chino Hills?

13 A Yes.

14 Q Approximately how long after that call did you arrive
15 at that location?

16 A About five to seven minutes.

17 Q When you got to the location, did you see anybody else
18 there?

19 A Yes.

20 Q Who did you see?

21 A Deputy Beltz was already there, plus one of the neighbors
22 was standing in a driveway with Deputy Beltz.

23 Q They were both outside?

24 A Yes.

25 Q Were there any fire personnel or anything of that nature
26 in the area when you arrived?

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1 A No.

2 Q Had you had any radio contact with Sergeant Arthur before
3 you arrived at the scene?

4 A No.

5 Q After you got to the scene, did you have radio contact
6 with Sergeant Arthur?

7 A Not directly, no.

8 Q Did you hear him broadcasting over the radio to the
9 West End dispatch?

10 A At what time?

11 Q Well, did you have any contact with him up until the
12 time that he arrived at the scene?

13 A No.

14 Q Did you ever hear a broadcast by Sergeant Arthur requesting
15 the photographs be taken of the crime scene prior to
16 the arrival of the emergency ambulance and fire people?

17 A No.

18 Q Did you ever hear a broadcast by Sergeant Arthur
19 requesting that no vehicles be allowed on the dirt road
20 or the dirt driveway behind the Ryen residence?

21 A No.

22 Q When you left your sheriff's car, did you have a radio
23 with you or did you have a handie talkie-type radio?

24 A Yes.

25 Q Was that able to receive transmissions inside the house?

26 A No.

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1 Q So essentially during the time that you were in the house,
2 you were without radio contact?

3 A Yes.

4 Q Once you got to the crime scene, what did you do next?

5 A I talked to Deputy Beltz.

6 Q And what information did he give you about the facts?

7 A He told me that we had four dead people inside the
8 residence and one badly injured boy.

9 Q Did he report to you as to any searches that he'd under-
10 taken of the house?

11 A No.

12 Q When you received the dispatch from the West End Sub-
13 Station, did that dispatch inform you that the suspects
14 were gone on arrival of the reporting party, Mr. Howey?

15 A It didn't report up of any suspects to my knowledge in
16 the area.

17 Q Do you remember hearing a broadcast that suspects were
18 GOA?

19 A I don't recall.

20 Q After you got the report from Deputy Beltz, what did you
21 do then?

22 A I had Deputy Beltz take me inside the residence and show
23 me the scene.

24 Q And where did you go inside the residence?

25 A Back to the master bedroom.

26 Q And what did you do in the master bedroom?

008902

- 1 A I walked into the master bedroom and I checked on the
2 condition of Joshua Ryen.
- 3 Q What was his condition when you checked him?
- 4 A He was laying on the floor and he wasn't able to speak.
5 I just patted him. I told him everything was going to
6 be okay. The only thing he did was rolled his eyes and
7 looked up at me.
- 8 Q When he was lying on the floor, was he lying on his side?
- 9 A Yes.
- 10 Q Did he have anything under his head?
- 11 A He had a couple pair of folded denim pants.
- 12 Q Those pants were there already when you arrived?
- 13 A Yes.
- 14 Q After you checked on Joshua, what did you do next?
- 15 A I went back outside the house and talked to Deputy
16 Beltz.
- 17 Q What was that conversation about?
- 18 A I asked Deputy Beltz if he had checked the remainder
19 of the residence for any additional victims or suspects.
- 20 Q What did he tell you?
- 21 A No.
- 22 Q What did you do then?
- 23 A Deputy Beltz and I went back inside the house and checked
24 for any additional victims or suspects.
- 25 Q How long do you think that you were in the house the
26 first time that you went in to check on Josh?

0000907

1 A A minute and a half, two minutes.

2 Q Why did you go back outside to talk to Deputy Beltz?

3 A Because Deputy Beltz wasn't feeling well, and I had him
4 go back outside the house after he showed me where the
5 master bedroom was.

6 Q When you came back in, did you go around all the different
7 rooms?

8 A Yes.

9 Q Did you change the position of any of the doors or
10 furniture or anything like that?

11 A Not of the furniture. We may have slid open the closet
12 doors in the additional bedrooms, that was all, just to
13 check the interiors of the closets.

14 Q Did you return the doors to the positions they had been
15 in when you first found them?

16 A Yes, I believe we closed them.

17 Q Do you remember who was opening the doors, yourself or
18 Deputy Beltz?

19 A I was.

20 Q Did you have a chance -- did you complete the search of
21 the house?

22 A Yes.

23 Q Then what did you do?

24 A Went back outside and advised the West End of exactly
25 what we had.

26 Q Then what happened?

008904

- 1 A At that time the fire people started arriving.
- 2 Q Approximately how long did the search of the house that
- 3 you and Deputy Beltz did take?
- 4 A Three, four minutes.
- 5 Q How long after you got outside was it before the fire
- 6 people arrived?
- 7 A Couple minutes.
- 8 Q When the fire people arrived, did they enter the house
- 9 through the front door?
- 10 A Just Captain Aguayo and myself.
- 11 Q How many fire people were there?
- 12 A All together?
- 13 Q Yes.
- 14 A Six or seven.
- 15 Q Did that include four people from two pumper vehicles?
- 16 A They had two fire trucks. Whether they were pumper
- 17 vehicles or not, I don't know.
- 18 Q Fire trucks. Four people from the fire trucks?
- 19 A Approximately, yes.
- 20 Q Then there were two extra people, paramedics, that came
- 21 in their own paramedic rig?
- 22 A I don't know if they came in their own rig or not.
- 23 Q There were two extra paramedics there?
- 24 A There was about seven firemen. Whether they were
- 25 paramedics or not, I don't know what their designation
- 26 was.

008905

- 1 Q Was there also a woman who was a nurse who was a ride-
2 along?
- 3 A I don't know if there was a woman there or not.
- 4 Q Did there also arrive two people from Kniffen's Ambulance?
- 5 A I don't recall.
- 6 Q When the fire captain went into the house, was that with
7 you?
- 8 A Yes.
- 9 Q The two of you entered alone?
- 10 A Yes.
- 11 Q And went back to the master bedroom?
- 12 A That's correct.
- 13 Q What happened when you got to the master bedroom?
- 14 A I told Captain Aguayo that I thought they could tend
15 to Joshua Ryen best through the sliding door in the
16 master bedroom.
- 17 Q What happened then?
- 18 A He agreed and went back out and directed the fire
19 trucks to pull around the residence to the back of the
20 residence.
- 21 Q So the fire trucks all pulled around to the back?
- 22 A I believe one of them did, yes.
- 23 Q Do you remember whether that was a fire truck or a
24 paramedic-type vehicle?
- 25 A I believe it was a paramedic vehicle.
- 26 Q While the ambulances were there were you keeping note of

0000906

- 1 who entered and exited the house?
- 2 A Three firemen went in to attend to Joshua Ryen.
- 3 Q Do you know who they were?
- 4 A No.
- 5 Q Were you taking notes while the fire people were in the
- 6 house of what items were touched or moved by the fire
- 7 people?
- 8 A I wasn't taking notes. I was just observing them.
- 9 Q Did you ever prepare a written report of your observations?
- 10 A No.
- 11 Q Did you ever orally transmit that information to anybody?
- 12 A You mean did I talk to anybody about it?
- 13 Q Yes. Did you tell, did you report to somebody, like
- 14 Billy Arthur or somebody, as to what you'd seen?
- 15 A No, I don't think so, no.
- 16 Q You say there were three fire people tending to Joshua
- 17 Ryen. Were those all paramedic types?
- 18 A I believe so, yes.
- 19 Q Did all the fire people arrive in the room at the same
- 20 time with the exception of the captain?
- 21 A The three entered about -- at the same time, yes.
- 22 Q During the time that you were there prior to the arrival
- 23 of the fire people, were there any civilians in the room?
- 24 A No.
- 25 Q What equipment did the fire people bring in?
- 26 A Well, they brought their first aid equipment in, and that's

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1 all I remember, just bringing the first aid equipment
2 in to treat Joshua.

3 (No omissions.)
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1-1

1 MR. NEGUS: I'm going to use in the course of this
2 examination, your Honor, some of the exhibits that we had
3 marked with an "S" number at the motion to suppress. I'm
4 open to suggestion as to whether you want them remarked or
5 whether we can just use the same number.

6 MR. KOCHIS: I have no objection to using the number
7 that is already on them.

8 THE COURT: Nor do I.

9 MR. NEGUS: That's fine with me.

10 Q (BY MR. NEGUS) Do you recall whether or not any of
11 the fire people's equipment was placed anyplace
12 besides the floor?

13 A Just on the floor.

14 Q Nothing was ever placed on the bed?

15 A No. I don't believe so.

16 Q At that point in time, the primary consideration in
17 the crime scene was tending to Josh Ryen; is that
18 correct?

19 A That's correct.

20 Q Within that primary consideration, was there also a
21 secondary thing of trying to disturb the crime scene
22 as little as possible in doing that?

23 A Yes.

24 Q Who was responsible for carrying that out?

25 A The fire captain was supervising his men and I was
26 watching them to see where they went in the residence

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1 and what they did.

2 Q As far as the Sheriff's Department is concerned, you were
3 doing that at that particular point in time?

4 A Yes.

5 Q Were there any other deputies from the Sheriff's
6 Department in there with you?

7 A No.

8 Q At some point in time, did Mr. Hoops arrive?

9 A Yes.

10 Q Did he go into the room and watch what the fire people
11 were doing as well?

12 A No.

13 Q Are there any procedures the Sheriff's Department has
14 as far as what you are supposed to do to preserve the
15 crime scene while emergency personnel are tending to a
16 victim?

17 A Disturb it as little as possible.

18 Q Are there any procedures about note taking as far as
19 what is moved at the time?

20 A I don't know that there is any set procedure. I think
21 every scene is different.

22 Q Are you familiar with a directive which requires
23 initial preliminary investigation officers to prepare
24 an accurate and detailed report on the activities at
25 the crime scene?

26 A That's the responsibility of the responding officers,

008910

1-3

- 1 yes.
- 2 Q Did you do that?
- 3 A No.
- 4 Q How long were you in the room with the fire people and
- 5 Josh?
- 6 A I wasn't in the room when the firemen were working on
- 7 Josh. I was in the patio area.
- 8 Q How long were the fire people in the room with Josh?
- 9 A 20, 25 minutes.
- 10 Q During that 20 or 25 minutes, the only people that were
- 11 in the room were the three fire people that were tending
- 12 to him?
- 13 A Yes.
- 14 Q Were those all males?
- 15 A Yes.
- 16 Q Do you remember their names?
- 17 A No.
- 18 Q Did you ever obtain their names?
- 19 A No, I didn't.
- 20 Q Why not?
- 21 A I told Deputy Hoops to talk to Captain Aguayo and get
- 22 the names of all the firemen that were at the scene.
- 23 Q But you don't know which of those firemen who were
- 24 there of these six or seven that were actually in the
- 25 room?
- 26 A No, I don't.

000911

1-4

- 1 Q Showing you a photograph that has been marked as
2 Exhibit H-213, does that appear to be the floor area
3 of the crime scene showing Mrs. Ryen, Christopher Hughes
4 and Jessica Ryen?
- 5 A Yes.
- 6 Q There is a stick figure drawn on that photograph. Did
7 you draw that stick figure at the preliminary hearing?
- 8 A Yes.
- 9 Q Does that stick figure represent the position of Joshua
10 Ryen when you saw him being attended to by the fire
11 people?
- 12 A Yes.
- 13 Q Taking a red marker, could you put the position that the
14 fire people put down their equipment in that scene if
15 it's depicted there?
- 16 A What do you want marked?
- 17 Q The fire people's equipment, whatever they had there.
- 18 A (Witness complied.)
- 19 Q And could you also mark the positions, if it's shown
20 on that photograph, where the three fire people were?
- 21 A With an "X"?
- 22 Q Yes, that will be good. A red "X".
- 23 A (Witness complied.)
- 24 Q During the time that the fire people were in there, did
25 any of them go anyplace outside of just where Josh was?
- 26 A Yes.

0000912

1-5

- 1 Q How many of them went someplace?
- 2 A One.
- 3 Q Where did that person go?
- 4 A Into the master bathroom.
- 5 Q And the towel that's depicted laying on Peg Ryen's leg,
- 6 did that person, that paramedic bring that towel out of
- 7 the bathroom?
- 8 A Yes.
- 9 Q Was that used to clean off Joshua Ryen?
- 10 A Yes.
- 11 Q After Joshua Ryen was cleaned off, was the towel left
- 12 in that particular position?
- 13 A Yes.
- 14 Q While this activity was going on, you were standing in
- 15 the doorway looking into the master bedroom?
- 16 A Yes.
- 17 Q Were you sitting there observing the fire people the
- 18 whole time that they were working?
- 19 A Yes.
- 20 Q Did the fire people that you saw have any tourniquets
- 21 or items like that that they were using?
- 22 A They were using a number of different type bandages,
- 23 whether tourniquets or not, I don't know.
- 24 Q Did they put on some anti-shock trousers onto Joshua
- 25 Ryen?
- 26 A I don't remember.

000099-13

1-6

- 1 Q Did you ever see a fire person wipe his hands on the
2 bed?
- 3 A No.
- 4 Q When the fire people -- When the fire person went into
5 the master bathroom, could you observe whether or not he
6 was tracking any blood?
- 7 A I couldn't observe.
- 8 Q At some point in time, did you see tracks that had been
9 made by a fire person?
- 10 A Yes.
- 11 Q Where were those?
- 12 A On the patio.
- 13 Q How did you determine that the track was made by a fire
14 person? Did you see it being made?
- 15 A No. I looked down. It wasn't there when we arrived.
16 It was a little print and it was consistent with a couple
17 of pair of boots the firemen had on.
- 18 Q Do you remember which fire people had on those boots?
- 19 A No, not which ones.
- 20 Q Did you ask their names when you observed it?
- 21 A No.
- 22 Q Why not?
- 23 A I just didn't think about it.
- 24 Q Showing you Exhibit H-152, a photograph of some sheets
25 with some marks on them. Did you ever notice the
26 particular brown mark that I'm pointing at there when

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1 you were there?

2 A No.

3 Q Showing you Exhibit H-151, which is a photograph of
4 some bedding and a, what looks like a latex band, did
5 you see that latex band when you first arrived?

6 A No.

7 Q Did you see the fire people leave it there?

8 A No.

9 Q Did you ever see the fire people change the position of
10 the bedding on the bed?

11 A No.

12 Q Can you say that they didn't?

13 A I say they didn't.

14 Q Were you essentially watching to make sure that that
15 didn't happen?

16 A Yes.

17 Q While you were standing outside the door, was there
18 anybody else in that particular patio area?

19 A There were other firemen coming and going to the fire
20 truck getting equipment requested by the firemen inside
21 the bedroom.

22 Q How was that equipment given to the people inside?

23 A Passed through the open door.

24 Q One of the people inside would come out and pick it up?

25 A Yes.

26 Q Eventually a helicopter arrived; is that correct?

0000915

- 1-8
- 1 A Yes.
- 2 Q When the helicopter arrived, did they bring any stretcher
- 3 or gurney or anything like that into the room to
- 4 transport Josh out?
- 5 A They passed a gurney in, yes.
- 6 Q Was the gurney placed on the floor in order to load Josh
- 7 onto it?
- 8 A Yes.
- 9 Q Does it depict on that photograph where the gurney was
- 10 laid on the floor?
- 11 A It would have been in the area right next to where the
- 12 stick diagram is.
- 13 Q Just to the right of the stick diagram?
- 14 A Yes.
- 15 Q How many people were involved in the process of loading
- 16 Joshua onto that gurney?
- 17 A Three paramedics inside the residence.
- 18 Q Nobody from outside came in to do that?
- 19 A No.
- 20 Q After Josh had been put in the helicopter and taken away,
- 21 did the fire people come back inside the master bedroom?
- 22 A The three fire paramedics that were inside the residence
- 23 went back in.
- 24 Q Was it the same three people who were inside the
- 25 residence?
- 26 A Yes.

008916

1-9

- 1 Q Was there anything done to monitor that they didn't
2 pick up something that didn't belong to them?
- 3 A Captain Aguayo made specific instructions for them to
4 pick up every piece of paper, every piece of equipment
5 that they used.
- 6 Q So that included some trash items?
- 7 A Everything that they used. The paper that wrapped the
8 packages, things of that nature.
- 9 Q Was that done with your consent?
- 10 A Yes.
- 11 Q What areas of the floor were things picked up from,
12 paper and bandages?
- 13 A The immediate area where they were treating Joshua Ryen.
- 14 Q Did you take any photographs of the scene of the crime
15 prior to the arrival of the fire people?
- 16 A No.
- 17 Q Did you have a camera available to you in your car?
- 18 A Yes.
- 19 Q Did you take any notes as to the -- or diagrams as to
20 the condition of the crime scene before the fire people
21 arrived?
- 22 A No.
- 23 Q Did you observe any of the fire people leave any
24 impressions in blood inside the bedroom?
- 25 A No.
- 26 Q When was the heel print left? Did you see it being

008917

1 left or just noticed it?

2 A I just noticed it.

3 Q When was the first time that you noticed it?

4 A After the paramedics had removed Joshua Ryen.

5 Q Did you ever determine which bloody area the paramedic
6 had stepped in in order to get the blood on his heel?

7 A No.

8 Q Showing you Exhibit H-205, is that a diagram of the
9 Ryen house including markings on it that you made at
10 the preliminary hearing?

11 A Yes.

12 Q And does the purple indicate the path that you and
13 Mr. Beltz took when you went through the house?

14 A Yes.

15 Q And does the blue "X" in the lower right-hand corner
16 indicate the spot where Mr. Beltz and the neighbor
17 were standing when you arrived?

18 A Yes.

19 Q And does the red indicate the path that you took when
20 you first went in to check on Joshua Ryen?

21 A Yes.

22 Q And the "2" is the location where Joshua Ryen was?

23 A Yes.

24 Q And showing you H-206, is that likewise a diagram, same
25 diagram with different markings that you prepared at the
26 preliminary hearing?

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1 A Yes.

1-11

2 Q Does that show the route in green that you and
3 Captain Aguayo took to go into the master bedroom?

4 A Yes.

5 (No omissions.)
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1 Q And in purple the route that you took to open the sliding
2 glass door?

3 A Yes.

4 Q After your arrival at the scene, were you in charge of
5 the crime scene until the arrival of other investigators?

6 A Yes.

7 Q What time did the other investigators arrive?

8 A I'd say about 2:15, 1415 hours, somewhere in that area.

9 Q Who was the first other investigator to arrive?

10 A Detective Mike Hall.

11 Q Approximately what time did Joshua Ryen leave in the
12 helicopter?

13 A About 1330 hours.

14 Q So there was a 45 minute period during which time
15 Joshua had gone and before the arrival of the other
16 investigators?

17 A Yes.

18 Q Did you do anything with respect to the crime scene
19 during that particular period of time?

20 A Photographed it.

21 Q Did you yourself take the photographs or did somebody
22 else?

23 A Somebody else did.

24 Q That was Mr. Hoops?

25 A Yes.

26 Q And you were accompanying him when he did that?

- 1 A Yes.
- 2 Q Showing you Exhibit H-207, is the blue EG the spot where
3 you were standing when Mr. Hoops was taking the photo-
4 graphs of that?
- 5 A Yes.
- 6 Q And is the red line the path that you and Mr. Hoops took
7 through the house looking for other evidence?
- 8 A We didn't look for other evidence.
- 9 Q Did you and Mr. Hoops take the path that's shown in red
10 through the house?
- 11 A Yes.
- 12 Q What were you doing?
- 13 A I was directing him what photographs I wanted him to
14 take.
- 15 Q So he was taking photographs of the hall?
- 16 A Of the hall, inside the master bedroom, yes.
- 17 Q When Mr. Hall arrived, did you take Mr. Hall into the
18 master bedroom?
- 19 A Yes.
- 20 Q Does the purple indicated on that diagram H-207 indicate
21 the route that you took Mr. Hall into the master bedroom?
- 22 A Yes.
- 23 Q Did you do anything else to the crime scene other than
24 have Mr. Hoops take the pictures during that 45 minutes?
- 25 A The immediate crime scene, no.
- 26 Q Did you do anything on any other part of the crime scene?

1 A We checked the remainder of the grounds. We checked
2 the barn and the garage.
3 Q Did you take any notes or write any report about that
4 action?
5 A No.
6 Q Why not?
7 A There was nothing noteworthy to take.
8 Q Were the lights on in the barn?
9 A I don't remember.
10 Q Do you remember whether the barn door was open or closed?
11 A It was closed.
12 Q Did you see any footprints in the barn?
13 A No.
14 Q Do you remember whether there were lights on on the
15 outside of the house?
16 A I don't recall.
17 Q Did you see any possible points of entry into the house?
18 A Several doors. You mean --
19 Q Points of entry, meaning the place where the attackers
20 that did the crime might have entered.
21 A I didn't attempt to make that determination.
22 Q Were there any animals inside the house when you were
23 there?
24 A Yes.
25 Q Did you attempt to get those animals out of the house
26 so they wouldn't disturb anything of the crime scene?

2 Q What animals did you see?

4 Q And on Exhibit H-207, the D is the spot where you saw
5 the dog; is that correct?

7 Q And the K-1 is the spot where you saw the kittens?

9 Q Were there any civilians outside on the patio area
10 during the time that Josh was being attended to by
11 the fire people?

13 Q Did you see what happened to the neighbor that was with
14 Mr. Beltz when you arrived?

18 Q Did you get his name?

20 Q In June, 1983, at the time of this particular crime,
21 were there any written policies that you were aware of
22 that were in effect as to how to treat crime scenes by
23 the sheriff's department?

26 Q What are the policies?

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- 1 A I don't remember being directly --
- 2 Q What policies were you aware of?
- 3 A That initially the responding units are to contain the
4 crime scene as best as possible until homicide arrives.
- 5 Q That's just --
- 6 A General.
- 7 Q -- something you know?
- 8 A Yes.
- 9 Q Rather than any particular written documents?
- 10 A Yes.
- 11 Q Have you ever received any particular orders about that
12 other than the instruction that you received at the basic
13 academy when you first went?
- 14 A No.
- 15 Q At some point in time did you send Mr. Beltz down to
16 establish a roadblock?
- 17 A Yes.
- 18 Q Did you give him any instructions to take note as to
19 who arrived and their times of arrival?
- 20 A No. I just told them not to let anybody up to the
21 residence.
- 22 Q That would be with the exception of homicide people?
- 23 A Yes.
- 24 Q After the arrival of Mr. Hall, how long did you stay
25 at the residence?
- 26 A Until late afternoon.

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26 | A. No.

3 A. No.

6 A. Maybe an hour after Sergeant Arthur arrived.

9 A. He arrived about 15, 20 minutes later.

12 | A. Approximately.

14

15

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20 | A. I used my notebook.

23	A.	No.
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26 | A. Yes.

2 | A. Yes.

5 | A. Yes.

10	A.	No.
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12

14 BY MR. NEGUS:

18 A. That's correct.

20 | A. No.

22 THE COURT: Thank you.

24 THE COURT: It's been so long, why don't we swear
25 him again.

26 / / / /

26 Q On the morning of June 6th, did you participate in a

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(No omissions.)

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- 1 Q Who participated in that decision?
- 2 A I'm not sure whether I asked anyone's opinion or directed
3 that that be done.
- 4 Q When was that decision made known?
- 5 A At that time, whatever time that was. Whether I made it
6 on the morning of June 6th or the evening hours of June
7 5th.
- 8 Q As a result of that decision, did you decide to take
9 the carpeting and all the furniture that was in the
10 master bedroom of the Ryen house?
- 11 A Yes.
- 12 Q What procedures did you establish to ensure that the
13 evidence that you decided to seize was properly
14 preserved?
- 15 A I believe the evidence was properly preserved in the
16 state which we found it.
- 17 Q That wasn't the question. The question was what
18 procedures did you establish to ensure that the evidence
19 that you seized was properly preserved?
- 20 A I established a 24-hour guard in the residence prior to
21 the removal of the evidence. I established or aligned
22 people in vehicles and equipment to remove the evidence
23 and to store that evidence.
- 24 Q What procedures did you establish to make sure that
25 the evidence, for example, wasn't contaminated?
- 26 A I think the procedures that had been set forth by the

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1 department had been previously established by others and
2 I believe those procedures were carried out by the
3 personnel assigned, who were Deputy Sheriffs.

4 Q The Sheriff's Department was served a subpoena returnable
5 on May 17 of this year for any and all written statements,
6 documents, notes, policy guidelines, manuals and
7 procedures in effect in June, July and August, 1983,
8 for the San Bernardino County Sheriff's Department,
9 concerning, one, the collection and preservation of
10 physical evidence; two, the processing, recording,
11 photographing and preserving of crime scenes; three,
12 allowing access to crime scenes; four, notetaking,
13 preservation of notes and preparing reports; and five,
14 using tape recorders to preserve witness statements;
15 is that correct?

16 A Correct.

17 Q And on that date at the time requested in the subpoena,
18 Lieutenant Brinkerhoff, who is now the head of the
19 Homicide Division, brought to court four different
20 documents; is that correct?

21 A I believe that's correct.

22 Q And he handed them to me?

23 A Yes.

24 Q Showing you Exhibit H-192, 193, 194 and 195, are those
25 the documents that Lieutenant Brinkerhoff brought to
26 court?

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1 A Yes.

2 Q To your knowledge, are those all the written documents
3 that the Sheriff's Department has which pertains to
4 the materials requested in the subpoena?

5 A I believe that's correct.

6 Q Are the policies that you referred to embodied in those
7 documents?

8 A I believe that would consist of all but the manual that
9 was approved on 6/27/83.

10 Q That would be Exhibit H-192?

11 A Yes, sir.

12 Q So the 193, 194 and 195 were the procedures and policies
13 that were already in effect that you were referring to
14 earlier, right?

15 A Yes.

16 Q Directing your attention to Exhibit H-195, there are
17 various procedures set forth for the collection,
18 preservation, marking and transportation of blood
19 stains; is that correct?

20 A Yes.

21 Q What did you do to see that those procedures were
22 carried out as far as the collection, preservation,
23 transportation of blood stains that you had ordered
24 seized?

25 A I had never seen this procedure prior to that date.
26 This procedure was taught at the basic Academy and had

1 been revised sometime in the past 20 years.

2 Q So you were not aware of that particular document even
3 though it was in force at the time?

4 A This was in force by the Training Academy, being taught
5 by the Sheriff's Crime Lab. This was not what I was
6 taught, completely what I was taught when I went through
7 the Academy.

8 Q How long have you been a Deputy Sheriff?

9 A I've been a deputy 20 years.

10 Q During that 20 years when these changes in procedures
11 that was taught at the Academy had come up, had you ever
12 been informed by your superiors about those changes?

13 A I'm sure I have, but I had not seen this specific
14 procedure until you made your request.

15 Q Well, were, for example, you aware that with respect to
16 textile materials, the procedures that were set forth
17 were that each item is supposed to be folded in clean
18 sheets of paper and wrapped separately in order to
19 prevent contamination of one piece by the other?

20 THE COURT: Counsel, the document will speak for
21 itself. If he has not seen it, how can he tell what it says?

22 MR. NEGUS: I know he hasn't seen it, but the
23 question then becomes, I suspect, whether or not he knew
24 its content and whether or not the Sheriff, in adopting
25 these procedures, did something to enforce them.

26 THE COURT: I think your last question is

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2 Q (BY MR. NEGUS) To your knowledge, what did the Sheriff's
3 Department procedures require you to do with respect to
4 the preservation of textiles?

7 | Q Anything else?

10 Q What procedures were you aware of as far as preservation
11 of blood stains on large immovable objects?

12 A Those objects should be air dried prior to packaging.

13 Q Anything else?

14 A In regard to what?

15 Q Any other procedures that you were aware of as far as
16 preserving blood stains on large immovable objects.

17 A Again, that would depend on which object you are
18 talking about. The room was full of objects that had
19 blood stains on them. Some would be practical to
20 preserve in the fashion I said, some would be completely
21 impractical.

22 For example, the entire room had blood stains on
23 it. It would be impractical to wrap it with sheets of
24 paper and store it.

25 Q As far as you were aware, did the Sheriff's Department
26 have any policy that you attempted to carry out as to

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1 what should be preserved by paper and what should be
2 preserved by some other means?

3 A No.

4 Q Were you aware of the Sheriff's Department policy that
5 all blood stains should be immediately submitted to
6 the Crime Lab?

7 A I may have been.

8 Q Did you do that in this particular case?

9 A The Crime Lab arrived to take charge of the investigation
10 shortly after I did. They were there.

11 Q Were they there on June the 6th?

12 A Yes.

13 Q Did you allow on June the 6th the representatives from
14 the Crime Lab to handle the blood stains in the master
15 bedroom in the manner that they wished?

16 A I don't know that they made a specific request to handle
17 it a specific way.

18 Q Who was controlling the removal of the evidence? Was it
19 the Crime Lab?

20 A I think each Deputy Sheriff that was at the scene
21 controlled the removal of evidence.

22 Q There was no central coordination?

23 A I think it was coordinated by Sergeant Swanlund.

24 Q Sergeant Swanlund is not assigned nor has he ever been
25 assigned to the Crime Lab; correct?

26 A I don't think it's necessary for one to be assigned to

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1 the Crime Lab to handle evidence.

2 Q But the point is that the Crime Lab was not the person
3 that was in charge of making decisions on June 6th; is
4 that right?

5 A Each individual there was capable and in charge of his
6 own decisions as far as packaging and recovery and
7 storing of the evidence.

8 Q There were some 20 or 30 people that were in that room
9 at one point in time or another on June the 6th; is
10 that correct?

11 MR. KOCHIS: I object, your Honor. There is no
12 foundation that he was there on the 6th at the time the
13 evidence was being removed. It would call for speculation
14 on his part, if he is not at the house, as to who is there.

15 THE COURT: Sustained.

16 Q (BY MR. NEGUS) Were you at the house on June the 6th?

17 A I was there in the early morning hours and did not
18 return. I left at 3:30 or 4:00 in the morning and
19 did not return the rest of the day.

20 Q To whom did you give the assignment to handle the
21 removal of items on the scene?

22 A Detective Clifford, Detective Hall, assisted by
23 Sergeant Swanlund and members of the C.C.D.

24 Q Did you tell them essentially to remove all the
25 carpets and furniture?

26 A Yes.

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1 Q Had you checked with the Crime Lab, anybody in the
2 Crime Lab, prior to making that order as to whether or
3 not they were finished with their work?

4 A I believe there had been a discussion prior to leaving,
5 prior to leaving the night or early morning hours of
6 the 6th. I believe we had a semi-debriefing as to what
7 was to transpire the next days or the next day.

8 Q Who participated in that semi-debriefing?

9 A I don't recall exactly who was there.

10 Q Approximately, as best you can remember.

11 A I believe Hall, Clifford, Schechter from the Crime Lab,
12 Stockwell from the Crime Lab, Duffy, Roper from I.D.,
13 Lieutenant Bradford. Possibly Tim Wilson and Phil
14 Dannebaugh. Those are the persons that were possibly
15 there. Independently, I can't say definitely Hall,
16 Clifford or any other of those people.

17 Q Of those that you mentioned, yourself, Hall, Clifford,
18 Roper and Duffy, have all had a lot of experience with
19 homicide investigation; is that correct?

20 A I believe that's correct.

21 (No omissions.)

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1 Q Ms. Schechter and Mr. Stockwell had had at that point
2 in time very little experience with homicide investigations;
3 is that correct?

4 A I didn't know that at that time.

5 Q When you were making the decisions, did Mr. Stockwell
6 and Ms. Schechter say that they were done?

7 A Specifically in those words or by indication, I'm not
8 sure. I was under the impression that we had finished,
9 that there were additional things that needed to be
10 done the next day, and these items had been set forth
11 on a need basis.

12 Q What were the items that needed to be done the next
13 day?

14 A The removal of the items from the bedroom.

15 Q Did Mr. Stockwell or Ms. Schechter say anything about
16 how those items should be removed?

17 A I don't remember.

18 Q Is it fair to say that basically they weren't saying
19 very much, that compared to more experienced people they
20 were rather quiet?

21 A No, I don't believe that's true.

22 Q What advice did Mr. Stockwell and --

23 A I don't remember.

24 Q Before deciding on the removal of the items, did you
25 make any effort to check with any more experienced people
26 in the crime lab than Mr. Stockwell and Ms. Schechter?

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1 A I think at some point in time, whether it was that
2 night or the next day, I had a discussion with Lieutenant
3 Bellomy and Criminalist Baird, I believe only as to
4 where items would be removed to. It may have been that
5 night, but I do not recall.

6 Q But Ms. Schechter and Mr. Stockwell appear to be under
7 25, is that correct, if you look at them?

8 A I have never given it any thought as to their age.
9 You're probably right.

10 Q They appear young?

11 A Yes.

12 Q When you had the discussion with Mr. Bellomy and Mr.
13 Baird about where to put things, was there any discussion
14 of attempting to preserve the items for serological
15 analysis?

16 A I don't recall one.

17 Q When you made your decision to seize the carpets and
18 the furniture, your purpose in doing so was, amongst
19 other things, so that blood typing could be done and
20 that the item, the carpet, for example, could be
21 vacuumed for trace evidence and so it could be shown
22 to a jury if necessary; is that correct?

23 A I'm not sure about the blood typing. Trace evidence,
24 definitely; and crime scene reconstruction, definitely.

25 MR. NEGUS: If I could read Page 56, Lines 1 through
26 17.

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1 MR. KOCHIS: Your Honor, if I could have a volume
2 number that would help.

3 MR. NEGUS: 14. Excuse me.

4 THE COURT: Give him a chance to find it.

5 MR. NEGUS: I will.

6 MR. KOCHIS: I have located that portion.

7 THE COURT: All right.

8 MR. NEGUS: Question: Okay. With respect to the
9 bathroom and bedroom, carpet, then, did you request that it
10 be seized any particular way? I mean, did you like say
11 take it to the I.D. bureau, put it in a bag, or did you
12 make any instructions as to how it should be seized?

13 Answer: No.

14 Question: Whom did you request to take it?

15 Answer: Swanlund and his men.

16 Question: When you requested it to be seized,
17 did you request that it be preserved in such a way that
18 blood typing could be done on it?

19 Answer: Well, that was the purpose of seizing it,
20 that and the processing, vacuuming, and having the carpet
21 to show a jury if necessary.

22 Question: So that one of the purposes of seizing
23 the carpet was so that you could type the blood on it?

24 Answer: Yes.

25 Q (BY MR. NEGUS:) Were you aware at that point in time
26 that in order to preserve blood, dry bloodstains for

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1 typing purposes, that it had to be frozen?

2 A I believe I was.

3 Q What did you do to ensure that the blood on that
4 carpet was frozen so that it could be typed?

5 A I felt that samples had been taken of the blood on that
6 carpet by the crime lab. It's impractical to freeze
7 the carpet.

8 Q What had you done to determine what samples had been
9 taken?

10 A Other than the initial briefing and assignments, nothing.

11 Q Amongst all the various divisions at a crime scene,
12 whose responsibility is it to ensure that all evidence
13 necessary is seized and preserved?

14 A That would be my decision on this particular case.

15 Q So the homicide sergeant in charge of the case would
16 be the person who had ultimate responsibility and
17 authority in that area?

18 A That's correct.

19 Q Did you do anything to, going beyond the carpet, anything
20 to ensure that adequate samples had been preserved of the
21 blood on the furniture?

22 A I believe by taking the furniture with blood on it, plus
23 the random sampling that was done at the scene, preserved
24 that.

25 Q Did you do anything to preserve, to ensure the fact
26 that random sampling had been done as to the blood on

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1 the furniture?

2 A I think I have to count on the support agencies, the
3 support divisions, somewhat to take those items necessary.
4 Therefore, I would have to do it all myself.

5 Q You didn't go back like and ask Mr. Stockwell or Ms.
6 Schechter, you know, what they'd taken to make sure
7 that they took it?

8 A I may well have. I don't remember.

9 Q What about the blood on the walls? What did you do to
10 make sure that they had taken enough blood off the walls?

11 A I directed that they take random samplings. That's up
12 to them as to what they do with those samplings or where
13 they get those samplings. I made suggestions as to
14 where they get them.

15 Q What suggestions did you make on this particular case?

16 A That areas of distinct patterns, impressions, or
17 separate patterns and impressions, that those areas have
18 samplings taken from each.

19 Q Did you point out any particular ones or just give them
20 that general --

21 A No. I think at the briefing which was held outside
22 I explained to them what I had seen inside and what I
23 expected of them.

24 Q Was Mr. Stockwell taking the primary responsibility as
25 far as you knew of deciding which ones, how to carry
26 out your orders or your suggestions?

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1 A I think they both have a primary responsibility to carry
2 out what I asked them to do.

3 Q Did Mr. Stockwell indicate to you that he had any
4 feelings he wasn't properly trained to do that
5 particular work?

6 A No.

7 Q Did Ms. Schechter indicate to you that she had any
8 lack of training to do that particular kind of work?

9 A No.

10 MR. NEGUS: This is as good a time as any.

11 THE COURT: Let's take the morning recess.

12 (Recess.)

13 (No omissions.)

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1 THE COURT: Go ahead.

2 Q (BY MR. NEGUS) In deciding where to put the stuff
3 that you seized, what was the nature of that particular
4 decision? What conversation went on between you and
5 Mr. Bellomy and Mr. Baird?

6 A I think a location was inevitable because of the items
7 we had to seize. I think it was early on determined
8 that they would be stored at I.D., what wasn't taken
9 to the Crime Lab would be stored at I.D.

10 Q Who decided what the Crime Lab would take and what would
11 go to I.D?

12 A Respective divisions, I believe, and myself.

13 Q When was that decision made?

14 A During the investigation. The entire removal of evidence.

15 Q Specifically with respect to the carpet, when was it
16 decided where the carpet was going?

17 A I would say at the same time we were talking about the
18 uprights, whenever that was.

19 Q You and Bellomy and Baird?

20 A Yes.

21 Q The particular spot the furniture and carpet was put
22 was in a loft area of a building on Sierra Way; is
23 that right?

24 A That's correct.

25 Q Had that building been used for storing evidence prior
26 to June of 1983?

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- 1 A Yes.
- 2 Q For how long?
- 3 A Five or six years, maybe.
- 4 Q Were you aware of how hot it got in that building in
- 5 the summer?
- 6 A Yes.
- 7 Q Did you discuss that with Mr. Baird and Mr. Bellomy?
- 8 A No.
- 9 Q To your knowledge, did that amount of heat, would that
- 10 have any effect on the blood that you were putting in
- 11 the building?
- 12 A No.
- 13 Q You had no knowledge of that?
- 14 A I had no knowledge of that.
- 15 Q You said you thought that you had to freeze the blood
- 16 in order to preserve it?
- 17 A I now know that you have to freeze the blood in order
- 18 to preserve it. At the time that decision was made --
- 19 and I have earlier stated that -- but at the time the
- 20 decision was made, I'm not sure I was totally aware of
- 21 that.
- 22 Q This morning just before the break, you so testified
- 23 that you were aware that you had to freeze it; is that
- 24 right?
- 25 A That's correct.
- 26 Q And then Mr. Kochis came up to you at the break and

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- 1 told you your transcript of the preliminary hearing
2 and now you have changed it?
- 3 A It refreshed my memory and I recollect now what steps
4 were taken at that time.
- 5 Q It has always been the case, has it not, that whenever
6 blood is seized as evidence, it has to go to the Crime
7 Lab immediately for freezing?
- 8 A I don't believe so.
- 9 Q How many crime scene investigations have you been
10 involved in where blood stains have been seized?
- 11 A I don't know.
- 12 Q Many?
- 13 A I'm sure I have.
- 14 Q In all of those, the bloods were taken to the Crime Lab
15 for freezing for preservation?
- 16 A I don't know that it has been frozen. I know some has
17 to be refrigerated. Not necessarily frozen.
- 18 Q Certainly it wasn't being either refrigerated or frozen
19 in the loft in the I.D. building?
- 20 A No.
- 21 Q That's correct or isn't?
- 22 A You could look at it two ways. You could look at it as
23 a continued drying process or it's being stored there
24 and random samples taken.
- 25 Q Let's look at the continued drying process. What
26 steps did you take to make sure that the carpet was

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- 1 properly dried before it was stored?
- 2 A I believe it was dried before it was stored.
- 3 Q You were aware, were you not, that before bloody items
- 4 are stored, that they must be completely dried in order
- 5 to prevent mildew?
- 6 A That's correct.
- 7 Q Have you looked at the carpet since it was put in the
- 8 loft?
- 9 A The outside of it. I haven't unfolded it.
- 10 Q It's mildewed now; is it not?
- 11 A It smells like it.
- 12 Q Did you do anything to check to make sure that it had
- 13 been properly dried once it was put in there?
- 14 A It's my belief that the carpet was properly dried before
- 15 it was ever rolled up. I think it was dry before they
- 16 removed it from the house. It was almost dry before we
- 17 left the night of the 6th, or the morning of the 6th.
- 18 Q Did you do anything to check that?
- 19 A Personally, no.
- 20 Q Did you direct anybody else to do anything to check that?
- 21 A No.
- 22 Q Once it was stored in the loft, did you ever go down and
- 23 check to make sure it was being preserved properly?
- 24 A No.
- 25 Q At the present time in the loft blood is flaking off
- 26 the furniture; is that correct?

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- 1 A That's correct.
- 2 Q Did you do anything to try and prevent that?
- 3 A I think certain things have to take a natural process
4 and I don't know what you can do to stop that flaking.
- 5 Q Did you attempt to find out from somebody who may know
6 more what you can do to stop the flaking?
- 7 A No.
- 8 Q Did you assign any particular person, if you didn't do
9 it yourself, the responsibility of making sure that the
10 items put into the I.D. loft were being properly
11 preserved?
- 12 A Would you repeat the first portion of that, please?
- 13 Q Did you assign any particular person to --
- 14 A No, I didn't.
- 15 Q Who was responsible for making sure that the stuff got
16 into the I.D. loft once you decided to put it there?
- 17 A Sergeant Swanlund and his crew.
- 18 Q So Sergeant Swanlund would have the ultimate
19 responsibility as far as your directives were concerned?
- 20 A Yes.
- 21 Q Is it a policy of the Sheriff's Department that as far
22 as collecting physical evidence is concerned, that it
23 is, in all cases, it is better to collect more than is
24 needed rather than less?
- 25 A I'm not sure if that's the policy of the Sheriff's
26 Department.

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1 Q Is that a good policy?

2 A That has been my policy.

3 Q As far as handling immovable objects was concerned in
4 the master bedroom, whose responsibility was it to
5 ensure that the location from which the random samples
6 were taken were adequately documented?

7 A The investigators and the Crime Lab and I.D.

8 Q Any particular ones among those people have the ultimate
9 responsibility to make sure that was done?

10 A No. I think a photograph of the crime scene of the
11 areas would be excellent. As far as having that done,
12 we have.

13 Q You have looked at all the photographs in this particular
14 case; is that correct?

15 A That's correct.

16 Q And can you tell by looking at any of those photographs
17 where the random samples were taken?

18 A I probably could. I may explain that they may have been
19 blown up somewhat, but I think it can be done.

20 Q There were photographs taken of the general areas where
21 blood was taken from with laboratory numbers, is that
22 correct, on them?

23 A No, that's not correct.

24 THE COURT: Counsel, if you are going to attempt to
25 have the witness try and locate them here, I would suggest
26 it could better be done over the evening adjournment or

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1 something because I can see that being a rather
2 time-consuming job.

3 MR. NEGUS: Okay. I would request that
4 Sergeant Arthur --

5 Q (BY MR. NEGUS) Showing you, for example, H-112, there
6 is an area of a wall with a "31" in it; is that correct?

7 A That's correct.

8 Q And the 31 stands for blood sample A-31 which was
9 taken from somewhere on that particular wall; is that
10 correct?

11 A I don't know that that's correct. 31 is not used by
12 the Crime Lab. 31 is used by the Identification Bureau
13 showing something. I'm not sure what 31 shows, whether
14 it shows the blood on the wall or something on the
15 countertop.

16 Q Assuming that in fact it shows where -- it shows the
17 picture that that's from A-31 --

18 MR. NEGUS: And I will make an offer of proof that
19 I will have Crime Lab people who will say that. And there
20 is one of those photos for each blood sample. I would
21 request, then, that Sergeant Arthur, whenever the opportunity
22 presents, lunchtime, nighttime, go through each of those
23 numbered photographs and see if he can determine from his
24 photographs where the blood was taken from.

25 THE COURT: Mr. Kochis, do you have any objection?

26 MR. KOCHIS: No.

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8 Q And were you informed that that clothing had blood on
9 it?

11 Q What did you do to attempt to preserve that clothing?

14 Q Do you know whether it had been sent to the crime lab
15 immediately?

17 Q It is the sheriff's policy, is it not, that any item
18 of clothing with blood on it shall be transported to
19 the crime lab immediately?

21 Q If you would look at Item H-195, Page 5, under physical
22 evidence, bloodstains --

24 Q You testified that that's what the policy is, didn't you?

26 THE COURT: Counsel, again, I think this takes up

008952

5 Q (BY MR. NEGUS:) You've never heard, then, of a sheriff's
6 policy that bloodstained items of evidence, especially
7 clothing, shall be submitted to the crime lab immediately?

9 Q Did you ever with respect to this item of clothing that
10 was suspect clothing from the Yucapia Substation do any-
11 thing to cause it to be transferred to the crime lab?

13 | Q Why not?

15 Q That was your responsibility, was it not?

21 Q When an item is seized by a substation, is it correct
22 that the substation's duty is just to hold it until
23 further orders from the agency involved in a particular
24 case?

008953

3 Q Did you receive a police report from a deputy Frederick
4 Eckley from the Yucaipa Substation indicating that he
5 had received some bloody coveralls and had given them a
6 property tag number which was assigned to the Ryen
7 homicide DR number?

9 Q He didn't indicate in that document that he'd done any-
10 thing to send them to the crime lab; is that correct?
11 Just had a property tag number?

19 Q In the sheriff's department does homicide normally dry
20 things or does the crime lab?

22 Q After a sufficient number of days had gone by for that
23 to be air dried, if that's what was to happen, did you
24 then have it transferred to the crime lab?

26 | Q Why not?

008954

1 A I neglected to do so.

2 Q You had transported items of clothing belonging to a
3 Mr. Knori, who was at one point in time thought to be a
4 suspect in the case; is that correct?

5 A That's correct.

6 Q You also had transported to the crime lab clothing that
7 belonged to a Mr. Bulau who at one point in time was
8 considered to be a suspect in the case, correct?

9 A I'm not sure if that's the correct pronunciation,
10 Bulau or whatever, B-u --

11 Q B-u-l-a-u, something like that; is that how it's spelled?

12 A I believe so.

13 Q That had blood on it and you had it transported to the
14 crime lab for testing; is that correct?

15 A I think that's the case.

16 Q In August when you say you became aware that you had
17 to freeze blood in order to preserve it, did you get on
18 the phone at that point in time and try and get the
19 people from Yucaipa to send in the clothing to preserve
20 it?

21 A No.

22 Q Did you ever receive messages from a Mr. Eckley inquiring
23 as to what to do with it?

24 A No.

25 Q Did you ever receive messages from a Mr. Stodelle about
26 the coveralls?

008955

- 1 A Just an oversight.
- 2 Q What time on June the 5th would you become aware that
3 there had been a multiple murder in the Chino Hills?
- 4 A I believe it was about 12:45 or thereabouts in the
5 afternoon.
- 6 Q And at that point in time, did you make preparations to
7 leave your home as quickly as possible to go to that
8 site?
- 9 A Yes.
- 10 Q Approximately what time did you arrive?
- 11 A 1:30, 1:40. I believe 1:40.
- 12 Q As you were traveling to the crime scene, were you in
13 radio contact with the dispatcher in the West End?
- 14 A Yes.
- 15 Q Did you become aware that emergency vehicles were being
16 requested to come to attend to your surviving victim
17 Josh?
- 18 A Yes.
- 19 Q Did you make a request to the officers at the scene that
20 they photograph the scene prior to the arrival of the
21 emergency vehicles?
- 22 A Yes.
- 23 Q And did you broadcast that on the radio?
- 24 A I did.
- 25 Q Was that directed to any particular person or just a
26 request to the dispatcher to pass it along?

008957

2 | Q Was that done?

8 Q At some point in time as you were traveling to the crime
9 scene, did you become aware that there was a dirt drive-
0 way behind the house?

13 Q Do you recall ever making a radio transmission asking
14 people at the scene to not let vehicles onto that dirt
15 driveway?

21 Q At the time when you arrived at the scene was Josh
22 already gone?

24 Q Did you arrange to contact a Deputy Sharp at the Loma
25 Linda University Medical Cener?

26 A I believe in part, yes.

- 1 Q Did you do that by phone or do you remember how did you
2 did it?
- 3 A I believe contacts with Sharp were by telephone.
- 4 Q Was that the telephone you had in your homicide car?
- 5 A Yes.
- 6 Q And did you become aware that Joshua had described
7 three white male assailants as being his attackers?
- 8 A Yes.
- 9 Q During the briefings that you had with Mr. Stockwell and
10 the others before the processing of the Ryen house began,
11 did you pass that information on to them?
- 12 A I didn't have that information before processing began.
- 13 Q When did you receive that information?
- 14 A It was after processing, and that information changed
15 shortly thereafter. I have no idea what time exactly
16 it was.
- 17 Q Wasn't it approximately 2:45, 2:30, somewhere in that
18 area?
- 19 A It might well have been, yes. It was early on into the
20 investigation, but the investigation had started into
21 the crime scene itself.
- 22 Q The initial investigation was when Mr. Duffy started
23 going in and taking pictures, right?
- 24 A Yes.
- 25 Q People from the crime lab and Mr. Hall didn't begin
26 processing until sometime after that; is that correct?

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1 A I believe that's correct.

2 Q Mr. Stockwell from the crime lab didn't even arrive
3 there until about a quarter of three; is that correct?

4 A I don't know if it was Stockwell that got there about
5 that time or Baird or Bellomy. I'm not sure who
6 arrived about that time. There was numerous people
7 arriving during the investigation to assist.

8 Q Well, Mr. Bellomy wasn't with the crime lab at that
9 point in time, was he? He was in charge of the I.D.
10 bureau, is that correct, in June?

11 A That's correct.

12 Q And Mr. Baird was the acting director or whatever they
13 call it of the crime lab?

14 A Yes.

15 Q Mr. Baird was not actually doing any of the work
16 processing himself, he was just there observing; is that
17 correct?

18 A I believe that's basically correct.

19 Q The two people that were going to do the actual
20 processing were Stockwell and Ms. Schechter?

21 A Yes.

22 Q Didn't they get lost and it took them a long time to
23 get there?

24 A I think everybody had problems locating the scene. As
25 far as a long time, when you need something done it seems
26 like a lot longer than it normally is.

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1 Q Wasn't there a fairly extensive period of time, like
2 45 minutes or so, where people were talking on the radio
3 about where are the crime lab people?

4 A I don't know.

5 Q Before Mr. Stockwell and Ms. Schechter actually began
6 to work, there was a conference between yourself and
7 them, maybe some other people, outside on the patio;
8 is that correct?

9 A Yes.

10 Q And at that point in time you briefed them as to some
11 of the information that you had about the crime, right?

12 A Yes.

13 Q And at that point in time you told them that there were
14 three -- that Joshua had at least given a statement to
15 the effect that the attackers were three white males?

16 A I don't believe I briefed them in regards to that. I
17 don't think I had that information at that time. I may
18 well have.

19 (No omissions.)

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7-1

1 Q If you had the information, would there be any reason
2 to withhold it?

3 A No.

4 Q On the morning of June the 6th, was there a briefing
5 held at the West End Substation with respect to what
6 to do next in the Ryen investigation?

7 A Yes.

8 Q Was Dale Sharp present at that briefing?

9 A Yes.

10 Q Did you make any assignments at that point in time to
11 anybody with respect to Josh Ryen?

12 A Yes.

13 Q To whom did you make that assignment?

14 A Detective O'Campo.

15 Q And what assignment did you give him?

16 A That he was to check continually on the well being of
17 Josh. That I wanted him to become known to Josh because
18 he would be the one interviewing Josh eventually.

19 Q At the time that Mr. Sharp gave you information he had,
20 Mr. Sharp indicated, did he not, that he felt Joshua
21 wasn't sure as to whether his attackers were white or
22 Mexican?

23 A That's correct. However, that information came to me
24 shortly after my first call from Sharp at the hospital.
25 I received a second call from him and at that time he
26 changed it from white to Mexican.

00009962

7-2

1 Q As far as your investigation was concerned, did you
2 think it important to try and get clarification from
3 Josh as soon as possible?

4 A As soon as possible, yes.

5 Q Did you tell Mr. O'Campo if Josh was well enough to
6 answer any questions, that he could go ahead and ask
7 him questions?

8 A No. My instructions were to wait until hospital staff
9 approved of an interview with Josh to find out when
10 Josh would be able to speak and make sure that nothing
11 was going to go wrong with Josh's recovery.

12 Q Had you received any information from the hospital staff
13 that they didn't want Josh talked to about the crime?

14 A I didn't want him talked to.

15 Q Why not?

16 A He's a youngster eight years old with heavy trauma,
17 certainly under medication, and there are more important
18 things than ruining his health at that point in time.

19 Q Did you think asking him questions about what had
20 happened would ruin his health?

21 MR. KOCHIS: I object. That's not relevant. No
22 foundation. 352. There is no foundation that he is
23 competent to give an opinion as to whether talking to
24 a boy he is not treating is going to hurt him or not.

25 THE COURT: I will overrule the objection.
26 Proceed.

0089963

7-3

- 1 Q Did you think that asking Josh who had attacked him was
2 going to injure him in any way?
- 3 A In my opinion, I don't think it would do anyone any
4 good and I don't think his answers would do us any
5 good while under medication.
- 6 Q Did Mr. O'Campo ever tell you that Josh had described
7 three Mexicans to him on Monday who had been at the
8 house prior to the attack?
- 9 A I'm not sure whether that came to me from O'Campo or
10 Sharp.
- 11 Q Sharp didn't talk to Joshua Ryen on Monday; is that
12 correct?
- 13 A Neither did O'Campo. Josh could not talk.
- 14 Q Sharp didn't talk to Joshua on Monday; isn't that
15 correct?
- 16 A I think that Sharp was there on Monday. I think Sharp
17 introduced O'Campo to Josh.
- 18 Q Was Sharp out in the West End on Monday evening?
- 19 A I don't know.
- 20 Q You don't recall, then, whether O'Campo ever told you
21 that Josh had described three people who had been at
22 the house?
- 23 A I don't know if it was O'Campo or Sharp. I did have
24 that information.
- 25 Q Was that as a result of an interview on Monday -- not
26 interview, but talking to Josh?

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7-4

1 A I feel that that information came from Sharp, but I'm
2 not sure. I think it came to me on Sunday.

3 Q Did Mr. O'Campo report to you as to any conversation
4 that he had had with Joshua on Monday?

5 A No.

6 Q Did he tell you that he had made contact with Josh?

7 A Yes.

8 Q Did Mr. O'Campo report to you after he had finished his
9 conversation with Josh on June the 14th?

10 A Yes, he did.

11 Q Did you tell him to go home without transcribing his
12 notes that night?

13 A I may well have. I believe I did.

14 Q Why did you do that?

15 A He had briefed me in regard to what Josh had told him
16 and, therefore, I could brief the rest of my people in
17 regard to what Josh had said and it was not important
18 that I have an immediate report.

19 Q Had Mr. O'Campo been working particularly long hours
20 in that time frame, Monday and Tuesday, the 13th and
21 14th?

22 A He certainly had.

23 Q Longer than he had the week before?

24 A I think everybody was putting in an extreme amount of
25 hours on the case. Independently, I don't have
26 recollection of exactly how many hours O'Campo put in

1 the week before.

2 Q Did O'Campo ever tell you about a phone call that he
3 received from a reserve deputy concerning statement
4 by Joshua concerning his attack?

5 A Yes.

6 Q When was that?

7 A Recently, within the last few days. Exactly what date,
8 I don't know.

9 Q He never told you about any such phone call in June?

10 A I don't recall it.

11 Q On June the 5th, when you arrived at the Ryen residence
12 for the first time, how many people were there?

13 A Three or four.

14 Q Do you remember who they were?

15 A Gilmore, Hoops, Beltz, possibly Mike Hall.

16 Q When you testified at the preliminary hearing, you said,
17 did you not, that you arrived before Mike Hall?

18 A I did.

19 Q Do you still believe that to be the case or do you
20 think you may be mistaken?

21 A I may be mistaken. I seem to remember when I testified
22 at the preliminary hearing, you asked me the location
23 of where everybody was standing, and upon reviewing my
24 transcript, I -- whether from reviewing my transcript
25 or sitting in here listening to testimony, I seem to
26 remember Mike Hall standing near the patio and coming

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2 Q Then Sergeant, now Lientenant, Gilmore was briefing you
3 as to what he had seen?

5 Q Did he give you any indication as to what, if anything,
6 had been moved inside the house when he gave you that
7 briefing?

9 Q Once you arrived, you were in charge of the crime scene?

11 Q What is the Sheriff's department policy, as best you
12 knew it on June 5th, 1983, as far as allowing access to
13 a crime scene?

17 Q Is there any policy about trying to keep as many people
18 out as possible?

20 Q That would include superior officers?

22 Q It would not include superior officers?

25 Q Were you trained by Mr. Forbush in being a homicide
26 detective?

7-7

1 A In part.

2 Q He was your supervisor for many years?

3 A Don Hardy was my supervisor. He was our supervisor.

4 Q Did Mr. Forbush ever give you any instructions about
5 keeping, quote, the brass away from crime scenes?

6 A We have always tried to keep the brass away from crime
7 scenes.

8 Q Did you do that in this particular case?

9 A I believe so.

10 Q How many superior officers to you did you allow into
11 the master bedroom of the Ryen house prior to the
12 completion of the process of the master bedroom by
13 the Crime Lab, I.D. and Homicide?

14 A Two or three.

15 Q And that was just so that they could look and see what
16 was happening; correct?

17 A Not necessarily look and see, but they may have some
18 ideas to pass on to me, also. It's an investigative
19 aid to have their knowledge, input.

20 (No omissions.)

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- 1 Q Who were the two or three?
- 2 A Lieutenant Bradford, Captain Myers, Deputy Chief Majors.
- 3 Q Sheriff Tidwell was also in there, was he not?
- 4 A I don't think he went into the crime scene.
- 5 Q How did you define crime scene?
- 6 A The areas where evidence were found or evidence of a crime.
- 7 Q That included everything, all the grounds of the Ryen
- 8 house, all the grounds of the Lease house next-door,
- 9 and in the vacant house next-door; did it not?
- 10 A Well, it could have even included parts of Payton, parts
- 11 of Old English Road. At some point you have to allow not
- 12 only supervisors and citizens in for briefings -- not
- 13 supervisor, but supervisors in for briefings, but you
- 14 have to allow citizens into a crime scene area, per se,
- 15 to carry on their life.
- 16 Q Isn't it the cardinal rule of crime scene investigation
- 17 and policy of the sheriff's department that at least
- 18 in initial stages of an investigation that you protect
- 19 as large an area of potential crime scene that you
- 20 possibly can?
- 21 A I believe that was done.
- 22 Q Is there a policy in the sheriff's department about
- 23 setting up command posts at crime scenes?
- 24 A I'm not aware of a policy. We've done that for years.
- 25 Q What is the reason for that?
- 26 A For information.

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1 Q Is a command post also used as a place to put the
2 brass and keep them out of the way?

3 A It could be utilized for that.

4 Q In your experience as a homicide investigator, have you
5 read any like texts or any other things on homicide
6 investigation?

7 A A few.

8 Q Which ones?

9 A I don't know.

10 Q That's something that's recommended in the texts, is it
11 not, to find a place out of the way --

12 A Not all of them, not all of them.

13 Q Where was the command post at the Ryen crime scene on
14 June the 5th?

15 A It started in the driveway with the car that is set up
16 for telephones and special equipment. And as a need
17 arose and as the investigation worked from room to room,
18 then we moved in out of the dark in order to utilize
19 the lights of the house and utilized the living room
20 and dining room area.

21 Q Mr. Hall was the person that was assigned to be in charge
22 of the actual processing of the crime scene; is that
23 correct?

24 A That's correct.

25 Q Mr. Hall didn't get, for example, to the living room
26 area until 9:00 or 9:30 in the evening; isn't that correct?

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1 A That may be correct.

2 Q And you and your superiors had already moved into the
3 living room approximately three hours before that; isn't
4 that correct?

5 A I don't think it was three hours. About dusk, the
6 processing had completed and we had a discussion about
7 the utilization of that room with I.D. and crime lab
8 supervisors and I decided to move into that area for the
9 purpose of continuing the investigation and assignments.

10 Q Didn't you in fact move in there before Mike Hall even
11 got to it?

12 A Yes, I believe so.

13 Q And the crime lab never did any work in that particular
14 room, did they?

15 A The crime -- not that day.

16 Q So the only thing that had been done prior to the bureau
17 of administration moving into the living room was that
18 Mr. Duffy had taken some pictures; is that correct?

19 A Photographs and fingerprints.

20 Q Showing you Photographs H-188, 187, 186, 185, those are
21 photographs of the living room area and the stairs
22 leading down into it; correct?

23 A That's correct.

24 Q Could you show in red grease pencil on those photographs
25 the areas that Mr. Duffy dusted for prints?

26 A It doesn't depict the area. There was something in this

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Q.

1 yourself from an underlying chart by Mr. Clifford at
2 the Preliminary Hearing; correct?

3 A. Yes.

4 Q. And the red bold outline is the area that you cleared
5 when you made your decision to open it up; is that
6 correct?

7 A. Yes.

8 THE COURT: We'll take the noon recess and return
9 at 1:30, please.

10 (Whereupon the noon recess was taken at
11 twelve noon.)

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1 SAN BERNARDINO, CALIFORNIA; WEDNESDAY, MAY 30, 1984; 1:33 P.M.

2 DEPARTMENT NO. 10

HON. RICHARD C. GARNER, JUDGE

3 (Appearances as heretofore noted.)

4
5 THE COURT: Mr. Negus.

6 Q (BY MR. NEGUS:) Sometime after you opened up the area
7 that you have outlined in red on Diagram H-210, did you
8 then also open up the kitchen area and the bathroom
9 area directly adjacent to the kitchen?

10 A At some time. I'm not sure -- I think it was -- I think
11 the kitchen was opened up after 11:00 o'clock at night,
12 but I think the bathroom was open prior to that.

13 Q Yesterday Captain Myers testified that the bathroom
14 was opened up about 6:30 p.m. Does that sound about
15 right?

16 A I don't think that's correct. I think it was later than
17 that.

18 Q Had the second bathroom been processed at that particular
19 point in time?

20 A Yes, it had.

21 Q By whom?

22 A I believe Duffy had processed that, looked through it
23 to see if there was anything of evidentiary nature, if
24 that's what you mean by processed.

25 Q Duffy had looked at it?

26 A Duffy I believe had looked through there and fingerprinted

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1 it, photographed it, I believe, and I for one had
2 reviewed the area and saw nothing of evidentiary nature.

3 Q Had the crime lab people done any testing to determine
4 whether there was any traces of blood around the sink?

5 A No. I had not seen any. Therefore, I saw no necessity
6 to send the crime lab in for tracing blood around the
7 sink. You are talking about the bathroom off the kitchen
8 and not the bathroom off the master bedroom?

9 Q Right.

10 A Yes.

11 Q So you saw no reason to check that bathroom for the
12 presence of human blood?

13 A Other than visually.

14 Q Did you check the traps in the sinks?

15 A No, I did not. Again, you said sinks. If I might
16 clarify that. The sink in that bathroom was not checked.

17 Q The sink, and there was also a tub-shower arrangement;
18 is that right?

19 A Yes.

20 Q And you didn't check in that either?

21 A No.

22 Q Were you present at 2943 English Road on June 8th when
23 the house was sprayed with luminol?

24 A Briefly.

25 Q Was that bathroom sprayed?

26 A I believe it was.

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1 Q Why? Why was it sprayed?

2 A Oh, I'm sorry. I believe the entire house was sprayed.
3 I'm not sure we selected just certain rooms. I think we
4 sprayed the entire house and portions of the grounds.

5 Q So at that point in time you were attempting to find out
6 whether or not there was any blood in that bathroom?

7 A Yes.

8 Q Had the kitchen been examined prior to your opening that
9 up at, I think you said 11:00 o'clock?

10 A Yes.

11 Q By whom?

12 A I don't recall.

13 Q When it was opened up, what was it opened up to?

14 A Walkway only.

15 Q Did people use the sink?

16 A No.

17 Q Had you looked in the refrigerator at the time that you
18 opened it up?

19 A I don't remember.

20 Q Did you ever see any blood on the inside of that
21 refrigerator?

22 A Yes.

23 Q When was that?

24 A I don't remember.

25 Q Could it have just been photographs that you saw the
26 blood in?

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1 A It could have been.

2 Q Were there lights outside of the house on the grounds?

3 A Yes.

4 Q Was there any necessity of moving all the people
5 who were there from the administration into the living
6 room?

7 A Yes.

8 Q What was the necessity?

9 A The light was not ample to write or take notes or any-
10 thing.

11 Q Which of the people from the bureau of administration
12 were sitting there taking notes?

13 A I don't recall who was taking notes. I think at a point
14 in time -- I'm not positive, but somebody was taking
15 notes about items we could and could not release to the
16 press prior to Sheriff Tidwell making his release.

17 Q Do you know what happened to those notes?

18 A No. Again, I don't know who was -- I was doing some
19 writing briefly. He was doing or somebody was doing
20 some writing, and I don't know if it was the sheriff
21 himself or just who it was.

22 (No omissions.)

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0088977

9-1

- 1 Q Was there any alternative means for getting lighting
2 other than going into that house?
- 3 A The alternative means we normally use were being used
4 in the crime scene, and those are the lights that we
5 carry on the I.D. truck. We needed better illumination
6 in there and those were being used for that purpose.
- 7 Q Would there have been any necessity for the administration
8 being in that living room, say from 5:00 until dusk?
- 9 A At that time, I felt that living room could be used at
10 the time I moved in. I found out about luminol and I
11 certainly had second thoughts about that.
- 12 Q Did you ask Stockwell or Pat Schechter their advice
13 before you opened it up?
- 14 A In a group or personally, yes, it was discussed.
- 15 Q Did they say anything to you about the possibility of
16 examining for luminol at that point in time?
- 17 A I'm not even sure they knew about luminol.
- 18 Q Did Mr. Stockwell say anything about luminol to you when
19 you were discussing with him opening up the living room?
- 20 A Again, I'm not sure I discussed one on one my opening
21 it up, "Are you ready for me to open it up?", or I
22 said to the persons in the crime scene, "Anybody have
23 any objections to me opening the living room for a
24 meeting, for a briefing area?"
- 25 And upon getting no response or a response of, "No,
26 go ahead", whatever, I opened it up.

008978

9-2

- 1 Q At the time that you opened up the living room to the
2 administration, had you determined what the point of
3 entry of the assailants was into the house?
- 4 A No.
- 5 Q Was the screen door and sliding glass door from the
6 lawn area into the living room considered as a possibility
7 for the point of entry?
- 8 A A very minor possibility due to the location.
- 9 Q What do you mean by that?
- 10 A In a whole lot of years of going to crime scenes,
11 burglary crime scenes, I have yet to see a person crawl
12 through the bottom of a screen door to gain entrance or
13 to cut the bottom of the screen door to reach in and
14 unhook a door where he could touch a knob halfway up.
- 15 Q Did you consider that door as a point of exit?
- 16 A I considered that door as a point of exit by an animal.
- 17 Q Leaving aside the editorial, did you consider it a point
18 of exit for the assailant?
- 19 A No.
- 20 Q Did one of the cuts in the screen appear to be
21 approximately the shape of a hatchet put through the
22 screen?
- 23 A I don't believe I have ever seen a hatchet put through
24 a screen or done any testing on it. I don't know.
- 25 Q Had you already examined that screen at the time you
26 opened up the room?

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- 1 A Yes.
- 2 Q Showing you H-48, is that the screen and door that we
3 are talking about?
- 4 A It is.
- 5 Q And there is a long tear in the screen and then a
6 smaller hole?
- 7 A Yes.
- 8 Q The smaller hole appears about the shape of the head of
9 the hatchet that was found by Hector Roper?
- 10 A The head of the hatchet?
- 11 Q Yes.
- 12 A The cutting edge?
- 13 Q Yes.
- 14 A The angled edge?
- 15 Q Yes.
- 16 A I suppose it could be that or the tapered edge of a
17 dog's foot and the small part could be his dewclaw.
18 There are all kinds of theories. I don't think Kevin
19 Cooper could fit through that or anybody else. Not
20 anybody else, but I think you would have to have a
21 small person fit through there.
- 22 Q Is there any evidence that somebody actually fit through
23 there?
- 24 A I think if you look at it, it comes from the inside out
25 and it appears that something came through from the
26 inside out.

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- 1 Q Like being hit with something and splitting it?
- 2 A It could be from the inside out.
- 3 Q It appeared to be freshly cut; did it not?
- 4 A Yes.
- 5 Q Was there any examination for trace evidence done of
- 6 the rug in the living room prior to your allowing in
- 7 the Bureau of Administration?
- 8 A Other than visual by means of possibly Baird or Bellomy,
- 9 no.
- 10 Q You were aware, were you not, of the possibility of
- 11 examining, among other things, carpets for trace evidence?
- 12 A Yes.
- 13 Q You didn't think that was worthwhile?
- 14 A I thought it would be unneeded exercise in that room.
- 15 Q Did you consult with any criminalists before you made
- 16 that determination?
- 17 A I don't believe I did.
- 18 Q When the luminol was sprayed in the bathroom next to
- 19 the kitchen, do you recall whether you observed the
- 20 results of it?
- 21 A No, I did not.
- 22 Q After you assigned Mike Hall to do the crime scene, was
- 23 he then continuously for the rest of that day in the
- 24 master bedroom?
- 25 A Basically.
- 26 Q He was not in a position where he could monitor people

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9-5

- 1 going in and out of the house; is that correct?
- 2 A No. Only in the crime scene.
- 3 Q Only in the master bedroom?
- 4 A Which was the crime scene.
- 5 Q What point in time did you determine that the only
- 6 crime scene, what you were going to consider the crime
- 7 scene and try and protect was the master bedroom?
- 8 A Well, I tried to protect the entire residence, as far
- 9 as that goes, and the grounds, but at a point I determined
- 10 that because there was nothing of an evidentiary nature
- 11 visible and photographs had been taken or fingerprint
- 12 powder had been dusted and nothing found, I determined
- 13 that the investigation was complete at that point.
- 14 Q Up to that point, who was monitoring who was coming in
- 15 and out of the house?
- 16 A Well, probably myself, basically.
- 17 Q Did you keep a list?
- 18 A I did not.
- 19 Q Why not?
- 20 A I don't think it's necessary.
- 21 Q Is there any Sheriff's policy on that?
- 22 A I teach at the Academy that there is a need for that.
- 23 I cannot honestly tell you why that need is to a point,
- 24 though.
- 25 Q In this particular case, after several months after the
- 26 fact, did you attempt to find out who had been in that

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1 room that day?

2 A Yes.

3 Q Was it easy?

4 A Yes.

5 Q Was your list complete?

6 A I think we missed a few. But for the limited purpose,
7 it was easy.

8 Q You missed a few. The purpose that you were doing it
9 was to try and find out which shoes had been in that
10 room that day; is that correct?

11 A Yes.

12 Q And if you don't have a complete list, it's hard to be
13 sure whether or not you may have missed something; isn't
14 that correct?

15 A The investigation itself is hard, to be sure. That's
16 just something that came up that wasn't accomplished
17 and we accomplished it.

18 Q How did you go about accomplishing it?

19 MR. KOCHIS: Objection. Irrelevant. It certainly
20 seems to be a 352 issue.

21 THE COURT: If the subject matter is relevant,
22 foundation for his action is permissible. Overruled.

23 THE WITNESS: We first started by, I believe,
24 viewing the photographs and talking to people who were there,
25 talking to the investigators who were there and word of
26 mouth, "Who did you see there?", and that type of thing,

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1 and then, "What were you wearing that day?"

2 Q (BY MR. NEGUS) So it's essentially a process of
3 interviewing or relying upon people's memories three
4 months after the fact?

5 A Yes.

6 Q And did you find that most of the people that you
7 interviewed had no precise idea who had been in the
8 house that particular night?

9 A Not necessarily. The problem that we found in regard
10 to that, however, was the fact that even had we listed
11 the arrival time and each person that entered in or out,
12 I would not have ever put what shoes they were wearing,
13 what color or what soles they were wearing, and that was
14 the problem that we had and that's why we had to go back.

15 Q Are you aware of the general literature, in the general
16 literature concerning homicide investigation that
17 precisely that's the reason that it's recommended that
18 only one or two people be allowed to the crime scene
19 while it's being processed?

20 A While it's being processed.

21 Q Is that correct?

22 A That's correct.

23 Q While the crime scene at the master bedroom in the Ryen
24 house was being processed, there were often as many as
25 ten people in that room; is that correct?

26 A I don't believe so.

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1 Q While the master bedroom was being processed --

2 By the way, what time did the processing of that
3 master bedroom finish?

4 A I would say within 30 to 45 minutes of our leaving the
5 area that night.

6 Q So 2:30 in the morning, something like that?

7 A Probably.

8 Q During that period of time, were you standing in that
9 bedroom for a considerable period of time watching?

10 A On occasion, yes.

11 (No omissions.)

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- 1 Q Did deputies from the field who had been out interviewing
2 witnesses come into that bedroom to report to you and get
3 further assignments?
- 4 A No.
- 5 Q That never happened?
- 6 A I don't think that ever happened.
- 7 Q How many people did you allow into that master bedroom
8 during that period of time in the processing just to
9 look who were not actually engaged in the taking of
10 evidence?
- 11 A I believe maybe three in the bedroom.
- 12 Q Was Phil Danna one of those?
- 13 A Yes, he was.
- 14 Q Shelby Gaul?
- 15 A No.
- 16 Q Did Shelby Gaul ever come in there just to look?
- 17 A No, I don't believe I saw Shelby Gaul.
- 18 Q What about Tim Wilson? Did he come in just to look?
- 19 A I don't believe so.
- 20 Q Sheriff Tidwell?
- 21 A I don't believe so.
- 22 Q I believe you said Deputy Chief Majors did?
- 23 A I believe he may have stepped in either the bathroom or
24 the bedroom. I do remember seeing him in the hall.
25 Now, I'm counting him, but I'm not sure about him.
- 26 Q Captain Bradford was in there?

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- 1 A Yes.
- 2 Q Captain Myers?
- 3 A Yes.
- 4 Q How about Assistant Sheriff Follett?
- 5 A No.
- 6 Q Bill Baird?
- 7 A Yes.
- 8 Q Lieutenant Bellomy?
- 9 A I never saw him in there. Certainly he had a right to
10 be in there.
- 11 Q But he wasn't involved in doing any of the I.D. work in
12 the master bedroom on June 5th, right?
- 13 A Not involved? He was in the crime scene, I'm sure he
14 was involved in some type of I.D. work, whether it was
15 setting up numbers of directing his men or making
16 suggestions. I'm sure he was involved. He wasn't there
17 just looking.
- 18 Q When you had your briefing outside before the crime lab
19 people went in, did you set up any procedures as to the
20 division of labor or was that just understood?
- 21 A That's understood, except for Mike Hall. I directed
22 to Mike Hall that it be his crime scene.
- 23 Q While the crime scene was being processed, were you and
24 your investigators attempting to reconstruct what had
25 happened?
- 26 A I believe so.

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1 Q In determining what evidence to seize or not seize, did
2 you try and make an analysis as to what happened to
3 try and determine what would be relevant?

4 A Yes.

5 Q Was there anybody there who was attempting to interpret
6 the patterns of blood splatters on the walls, furniture,
7 and bedspread?

8 A Well, I think the investigators all took a look at that.

9 Q Did that include yourself?

10 A Yes.

11 Q Do you have any training or experience in interpreting
12 blood splatters?

13 A Limited.

14 Q What do you mean by that?

15 A Twenty-six years of being a law enforcement officer,
16 seminars, symposiums, homicide investigation classes,
17 some blood splatter classes.

18 Q Were you able to determine based on that how many
19 different representative samples you thought were
20 necessary?

21 A I didn't give it a thought in that vein.

22 Q Was it discussed in that vein at all; that is, how
23 many different representative samples?

24 A It was discussed and asked that they take samples from
25 every area of an independent or every area where there
26 was an independent stain or pattern, I should say, rather

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1 than stain.

2 Q By independent, does that mean that -- what do you mean
3 by independent?

4 A Well, if there was a splatter or if there was, for
5 instance, a splatter on the door that was apparently
6 from one slain, bloodstain from a weapon or arm, then
7 I want independent samples from there.

8 Q On the same door, if there was a smear of fingerprints
9 you'd want a second sample?

10 A I would. That's independent.

11 Q And that was understood in your briefing with the
12 criminalists?

13 A I believe it was.

14 Q But you didn't go through and point out each independent
15 one? You left that up to them?

16 A Yes.

17 Q On Monday, the 6th, were you contacted in the afternoon
18 concerning whether or not to halt the removal of
19 furniture and carpeting from the master bedroom?

20 A No.

21 Q Did you have on Monday the 6th any contact with either
22 Craig Ogino or Dan Gregonis from the crime lab?

23 A Not that I recall.

24 Q Were there any time constraints that were placed on the
25 work as to how fast the work had to be done on June the
26 5th?

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1 A No.

2 Q Were there any time constraints that the bodies, for
3 example, had to be transported away by any given time?

4 A Yes.

5 Q What was that?

6 A I wanted the bodies out of there as soon as possible --
7 so did Dr. Root -- so that those bodies were not
8 deteriorating while they were there any longer than
9 needed. I wanted them in the refrigerator as soon as
10 possible.

11 Q What steps were taken to make sure that getting the
12 bodies into the refrigerator wouldn't interfere with
13 the other processing of the crime scene?

14 A To a point, the crime scene was completed around the
15 bodies before we allowed Dr. Root in, before we called
16 the coroner. Before it became necessary to remove those
17 bodies, those areas were processed or at least protected.
18 And even when we removed the bodies, there was a certain
19 path that people were to use and a certain way that people
20 were to remove the bodies.

21 Q Did you yourself take charge of overseeing that that
22 was done correctly or was that done by somebody else?

23 A I was there and I didn't see anything wrong.

24 Q As far, then, as the work of fingerprinting was
25 concerned, what areas were dusted for fingerprints before
26 the bodies were removed?

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1 A Well, there was a great deal of work done before the
2 bodies were removed with fingerprint powder. There was
3 nothing in the area of the bodies that couldn't be
4 fingerprinted later using caution to remove the bodies.

5 Q What about the collection of trace evidence? Was there
6 any effort made to get, for example, trace evidence off
7 the rug?

8 A Other than the random blood samplings, I knew I was
9 going to take the rug, but certain risks have to be
10 taken to remove bodies by persons in the room.

11 Q So you were willing to take risks with trace evidence
12 on the rug in order to remove the bodies?

13 A I think you have to in some respects.

14 Q What risks did you take?

15 A Tracking something in from outside, certainly depositing
16 something in there that might later on come up, you
17 might wonder whose it was and find out after a great
18 deal of work that it was one of the body remover
19 personnel.

20 Q After the bodies were removed, were there any time
21 constraints?

22 A No.

23 Q Was there anything to prevent a careful section by
24 section vacuuming of the rug after the bodies had been
25 removed?

26 A Well, knowing that I was going to take the rug, that was

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26 THE COURT: Well, it's to your knowledge. Either he

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1 does or does not have personal knowledge.

2 Can you answer that?

3 THE WITNESS: Not without referring to photographs.

4 Q (BY MR. NEGUS:) Did you direct that the carpet be
5 removed before the wall was cut out?

6 A Excuse me. I directed that the furniture and the
7 carpet be removed, and then the wall was requested.
8 There was a second direction, remove the wall.

9 Q No direction then as to sequence?

10 A Step one through three, no.

11 Q In attempting to get the bodies of the victims out of
12 the bedroom so -- the reason for that was so that they
13 wouldn't deteriorate due to the heat in the room; is
14 that correct?

15 A That's correct.

16 Q Did you set any priorities as to what should be seized
17 first as far as other items of evidence besides just
18 fingerprints?

19 A I don't believe so.

20 Q No?

21 A I don't believe so.

22 Q Who made the determination that, okay, we've done
23 enough, take the bodies?

24 A I may have misunderstood your last question. Could I
25 have that over, please, because this question --

26 Q Okay. Did anybody -- well, first of all, did you make a

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1 Q Which items were those?

2 A I'm not really sure whether the sheets were taken before
3 the bodies were removed or after or just one sheet was
4 taken before. Items of clothing were strewn about the
5 floor. I believe that those items had to be processed,
6 photographed before we could remove those bodies, and
7 certainly I wanted Dr. Root there to review the bodies
8 to look at the positions, et cetera, before they were
9 moved.

10 Q When the actual process of removing the bodies began,
11 how long did that take?

12 A A wild guess, 30 to 45 minutes.

13 Q And that was done at the direction of Mr. Hammock from
14 the Coroner's Office; is that correct?

15 A He called for the removal service and was there during
16 the removal at my request.

17 Q Did he supervise it or did somebody else?

18 A We have got a joint jurisdictional situation there. I
19 think that we both supervised the removal because there
20 are certain steps that we both require, that we both
21 have requirements of.

22 Q When the people -- There were two people from the body
23 service; right?

24 A Yes.

25 Q When they came in, did they have a gurney with them?

26 A I believe they did.

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26 A Yes.

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1 Q Where was that?

2 A A gurney measures 18 inches on wheels by probably four
3 and a half to five feet in length, and I think there
4 were ample spots in that room to set a gurney down. And
5 if a roller gurney wasn't used, then there is just an
6 area where the pads of a lift gurney would be used, and
7 that's probably a one-inch square area.

8 There is ample room there to set a carrying device
9 down without destroying anything.

10 Q The way the bodies are physically loaded to be taken out
11 is first they lay down a sheet on the ground; is that
12 correct?

13 A No.

14 Q Do they ever lay down a sheet on the ground?

15 A Yes.

16 Q What do they do first?

17 A Sometimes they lay down a sheet and sometimes they pick
18 the body up and place it directly in a bag. Sometimes
19 they place a sheet over a gurney. There is just a number
20 of different ways of processing that.

21 Q For the Ryen homicides, what method did they use?

22 A I believe that a bag was laid open on the gurney, a
23 sheet was on the bag and the body was moved to the
24 sheet.

25 Q Was there any attempt made to take any trace evidence off
26 the bodies of the deceased before they were placed in

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1 the body bag?

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2 A Anything of a nature that would have fallen off, I
3 believe would have been taken. But normally items
4 such as blood, hair, fibers, anything inside the bodies
5 themselves are removed at the time of the autopsy.

6 Q That's your normal procedure?

7 A Yes.

8 Q Did you notice on the body of Peggy Ryen whether there
9 were some hairs adhering to her body that appeared to
10 be a different color and texture than her own hair?

11 A I can't honestly say. I believe I did.

12 Q Was that removed prior to her being transported?

13 MR. KOCHIS: Objection. That assumes a fact not in
14 evidence. He can't say there was such evidence on the body.

15 THE COURT: Sustained.

16 Q (BY MR. NEGUS) Showing you photograph H-127, I will ask
17 you to look at the left knee of Peggy Ryen.

18 A Yes.

19 Q Do you see some long strands of hair there?

20 A I'm not sure if that's hair or if that's just a streak
21 of blood.

22 Q How about photograph H-131?

23 A I wouldn't say one way or the other with the photographs.
24 I can't honestly tell. You may be right.

25 Q Do you recall whether that hair was moved prior to her
26 being put in the body bag?

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1 MR. KOCHIS: Objection. I believe the detective
2 testified he can't tell from the photograph that there was
3 hair.

4 THE COURT: Lay a foundation. Sustained.

5 Q (BY MR. NEGUS) Do you recall that strand, whatever it
6 is, being removed prior to Peggy Ryen being placed in
7 the body bag?

8 A Again, I'm not sure it's a strand. It could be blood.

9 THE COURT: Whatever it is, he said.

10 THE WITNESS: I do not recall anything being removed
11 from her knee.

12 Q (BY MR. NEGUS) Showing you picture H-130 of the back
13 of Dr. Peggy Ryen. There appears to be hair adhering
14 to the small of her back; is that correct?

15 A Yes.

16 Q Do you recall whether that was removed prior to her
17 being put in the body bag?

18 A I don't believe so.

19 Q Showing you photograph H-149, a picture of Dr. Doug Ryen.
20 There appears to be some hairs, some loose locks of
21 hair adhering to his back.

22 Do you remember that?

23 A I don't. I remember the hair. I don't remember seeing
24 it removed at any time.

25 Q During the time that the crime scene was being processed,
26 some of the blood on the floor there was still wet?

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- 1 A Yes.
- 2 Q Was anything done to keep people off that blood?
- 3 A The use of common sense.
- 4 Q There were footprints of people who had stepped in the
5 blood around the room; were there not?
- 6 A I don't believe any of the investigators stepped in the
7 blood.
- 8 Q Does that include the Bureau of Administration?
- 9 A Yes.
- 10 Q Did Captain Monte Davis come into the bedroom while it
11 was being processed?
- 12 A No.
- 13 Q Was he at the house?
- 14 A He was in the driveway. I don't think he came inside.
- 15 Q Did you ever review the items of physical evidence
16 seized by the Crime Lab above what they had taken?
- 17 A Not for several months after this.
- 18 Q Essentially, then, not while it was still possible to
19 go back and reseize something that had been missed?
- 20 A I don't believe a review was made until after Cooper
21 was captured, so it would have been a month and a half
22 later.
- 23 Q The house had been turned back over to Dr. Mary Howell
24 on June the 23rd; is that correct?
- 25 A Yes.
- 26 Q How many vehicles, police vehicles, were parked in the

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11-7

1 driveway of the Ryen residence on Sunday?

2 A When I arrived?

3 Q During the time that you were there.

4 A I have no idea.

5 Q Lots?

6 A I didn't pay a whole lot of attention to the driveway.

7 I don't know. Everybody that was there, I believe,

8 had their own vehicle.

9 Q Let me just --

10 A And that's a long driveway.

11 Q -- limit it a little bit.

12 Showing you this photograph Exhibit S-25, there is
13 an area of blacktop which is directly to the north and
14 a little west of the Ryen house; is that correct?

15 A Yes.

16 Q How many police vehicles were parked on that blacktop?

17 A Maybe two. There could have been three.

18 (No omissions.)

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1 Q And that was the area where people were congregating
2 when they arrived for the most part at least during the
3 daytime; is that correct?

4 A The blacktop, yes, blacktop and a grassy area near
5 the intersecting dirt road and the drive.

6 Q Was there any attempt made by yourself to have that
7 area cordoned off so that investigators wouldn't go
8 tromping over possible evidence?

9 A Not cordoned off.

10 Q Keep people in one particular place so they couldn't
11 move around?

12 A Told them where they could go and where they couldn't
13 go.

14 Q Was the area you told them they could go, had that
15 been searched prior to you letting them go there?

16 A Yes, sir.

17 Q By whom?

18 A Well, I did some searching myself, and other people
19 looked around. I think all the investigators -- not
20 all the investigators, but I think there were several
21 people that certainly were aware of items such as the
22 blood soaked string in the driveway that was located
23 and brought to my attention. So there were investigators
24 looking for evidentiary items, footprints, trace
25 evidence.

26 Q On Monday there was a formal search of that area; is

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- 1 that correct?
- 2 A There was a formal search Sunday, a formal search
- 3 Monday, a formal search Tuesday.
- 4 Q What time was the formal search on Monday?
- 5 A I'm guessing at ten o'clock, eleven o'clock it started.
- 6 Q At night?
- 7 A Maybe sooner -- no, earlier in the a.m. hours.
- 8 Q Maybe I misspoke. I thought I said Sunday.
- 9 A In the afternoon Sunday there was a search by
- 10 deputies of the roadways leading into the English Road
- 11 area and English Road.
- 12 Q At some point in time was there suspected blood found
- 13 in the area where people were congregating?
- 14 A Yes.
- 15 Q When was that?
- 16 A I believe that was the 8th.
- 17 Q The 8th?
- 18 A The night of the luminoling, I believe, was when that
- 19 was found.
- 20 Pardon me. That's when I became aware of it, I
- 21 should say.
- 22 Q How many people did you see on Sunday out on the
- 23 patio area behind the entrance to the Ryen bedroom?
- 24 A I don't know.
- 25 Q More than ten?
- 26 A Maybe only three ten times. I honestly don't know.

009003

1 Q At some point in time on Sunday, did you become aware
2 of a shoe impression on the Jacuzzi lid --

3 A Yes.

4 Q -- behind the Ryen bedroom?

5 A Yes.

6 Q What time was that?

7 A I was aware of that impression at the time Gilmore
8 pointed out to me the blood impression on the patio
9 itself, the side.

10 Q You became aware of a blood impression on the patio.
11 What about the shoe impression on the Jacuzzi?

12 A I saw that at the same time.

13 Q Did you advise anybody as to that?

14 A Yes.

15 Q Who?

16 A I think I briefed Duffy, I think -- well, in fact,
17 I think I briefed everybody of that impression, but I
18 know it was brought to my attention a second time by
19 either O'Campo or maybe Clifford. But that was noted
20 at the time I saw -- at the time Gilmore and I were
21 standing at the back patio before the assignments.

22 Q Was there anything done to try and preserve that print?

23 A It was photographed.

24 Q When you first saw it?

25 A The spa cover was -- it was photographed. I don't
26 know at what point it was photographed, but it was

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1 photographed, and the spa cover was picked up later on.

2 Q That would have been on June the 9th; is that correct?

3 A Well, it was supposed to have been on June -- I don't
4 remember at what date that we decided that spa cover
5 was necessary. It may have been the night. It may have
6 been after -- I don't know.

7 Q It was after the discovery of a similar impression in the
8 Lease residence; is that correct?

9 A Yes, it was.

10 Q In the hallway area leading from the living room past
11 the master bathroom to the master bedroom, on June the
12 5th, did you become aware of any drops of blood?

13 A On the carpet?

14 Q No, on the wall.

15 A On the wall? I don't honestly know whether I became
16 aware at that time or at a later time when it was -- it
17 became very important, a drop of blood became very
18 important. I'm not sure.

19 Q When did that drop of blood become important?

20 A Once the crime lab discovered that it was not consistent
21 with the victims.

22 Q And that would have been approximately June the 13th,
23 14th, somewhere around there?

24 A 13th.

25 Q Come again?

26 A 13th.

0009005

- 1 Q At that point in time, did you return to the scene to
2 see where it had been taken from?
- 3 A I'm not sure whether it was at that point in time or at
4 the point in time when the fly specks were removed.
5 That may have been the same day.
- 6 Q There were some fly specks removed from that same wall
7 on June the 30th; is that correct?
- 8 A Yes, I believe that's correct.
- 9 Q On June the 30th, was there a carpet that was still in
10 place in that hall?
- 11 A Yes.
- 12 Q Did you have that removed on June the 30th?
- 13 A No, I did not.
- 14 Q Why not?
- 15 A There was nothing there of evidentiary nature.
- 16 Q Showing you Photograph H-175, do you recognize that as
17 being the door from that hallway into the living room?
- 18 A No.
- 19 Q There are what appears to be smears of some substance
20 on that shown on that doorway; is that correct?
- 21 A This is the bathroom. Okay. Yes, there are smears.
22 That is the hallway leading -- hallway door leading into
23 the living room.
- 24 Q Did you see those ^{mirrors} mirrors when you were at the house on
25 the night of June the 5th?
- 26 A No.

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1 Q Did you see them when you came back on June the 30th?

2 A No.

3 Q Did you see what was collected on June the 30th or you
4 were just there separate from the criminalists?

5 A I was in and out on June the 30th and I didn't see all
6 the items collected, no. This door was, incidentally,
7 shut and or darkened out every time I was there.

8 Q What do you mean --

9 A I'm sorry. Not shut, back against the wall and/or the
10 room was darkened out when I was there.

11 Q Showing you H-181, did you ever see a speck of blood --
12 excuse me, a smear such as that on a hall wall near
13 Jessica's room when you were there on June the 5th?

14 A No.

15 Q Did you ever see that smear at all?

16 A Whether in the photograph or at some other time, I may
17 have, but on June the 5th I don't recall seeing that.

18 Q Showing you H-176, there's a photograph of a wall. Does
19 that appear to be the hall wall?

20 A I believe it is the hall wall. I can't be sure. That
21 configuration would fit. Yes, that's the hall wall.

22 Q There is a drop or a spot somewhere on that wall up a
23 couple feet. Did you ever see that particular spot when
24 you were examining the hall wall?

25 A No.

26 Q To your knowledge is the carpet that was in that hall

00000007

1 that was not seized still in existence?

2 A. No. You made a request after June 30th, I believe it was,
3 or after -- in July sometime, I believe you made a
4 request. I checked with the contractor and I missed
5 being able to seize that by about a week and a half.
6 And I wasn't able to dig up the dump for it.

7 Q. On this diagram that we used before, H-210, in green
8 grease pencil -- well, the amount of carpet goes from
9 approximately where you have EM-2 on the diagram down to
10 the door into the step to the living room?

11 A. I believe approximately.

12 Q. Could you sort of trace that area in in green grease
13 pencil on H-210.

14 A. (The witness complies.)

15 THE COURT: Would this be a convenient point for
16 a recess?

17 MR. NEGUS: A convenient point.

18 THE COURT: We'll take the afternoon recess.

19 (Recess.)

20 (No omissions.)

21

22

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009008

13-1

1 THE COURT: Continue.

2 Q (BY MR. NEGUS) On June the 14th, did you consult with
3 some people at the Loma Linda University Medical Center
4 along with Mr. O'Campo about whether it was permissible
5 to talk to Josh Ryen?

6 A Yes.

7 Q At that point in time, did you agree that Mr. O'Campo
8 would do a formal interview with Josh that evening?

9 A I don't think the time entered into it. I think the
10 agreement was that O'Campo, possibly myself and Jerry
11 Hoyle would interview him. An exact time, I don't think
12 was agreed to at that time.

13 Q In fact, what happened was it was Mr. O'Campo and
14 Dr. Hoyle, right?

15 A Yes.

16 Q Did you discuss with Mr. O'Campo what steps should be
17 taken to preserve Josh's responses in that interview?

18 A No.

19 Q At some point in time, did you have a discussion with
20 Mr. O'Campo about the possibility of doing a videotape
21 of an interview with Josh?

22 A Yes.

23 Q When was that?

24 A The morning after the interview. I again went through
25 the interview with Mr. O'Campo and found that a tape
26 recording had not been done. I had not made myself

009009

13-2

1 clear on that and at that time I said that as soon as
2 possible, as soon as practical, we will get a video-
3 audio.

4 Q Was that ever done?

5 A No, it was not.

6 Q Why not?

7 A I think the next day Dick Ryen came in and took Josh
8 out of state.

9 Q Josh didn't leave until the morning of June the 18th;
10 is that right?

11 A It may have been. It was before we could get around to
12 it. Because of equipment problems, we didn't have the
13 video to do that with and we had to locate one.

14 Q Were there any practical problems in doing the video
15 once Josh had left the state?

16 A Monetary problems and time problems is all.

17 Q Was there any monetary constraints on you sending someone
18 back to New Jersey?

19 A I don't think I could justify even asking for a trip to
20 New Jersey at that time because I had O'Campo's report.
21 It was a good report, and though I would have liked to
22 have had a tape recording and a video of how Josh
23 reacted, I don't have it and I don't think it's that
24 necessary.

25 Q So you didn't think it was important enough to spend
26 the money?

009010

13-3

1 A No.

2 Q There was no problem of any resistance by Richard Ryen
3 to having that done?

4 A No.

5 Q In assessing the money thing, you sent your investigators
6 out on excursions out of state on many more marginal
7 assignments than that; did you not?

8 MR. KOCHIS: Objection. That's argumentative.

9 THE COURT: Sustained.

10 Q (BY MR. NEGUS) Did you send your investigators out of
11 state in connection with this particular case on
12 assignments much more marginal than a videotape of
13 Joshua?

14 MR. KOCHIS: Same objection. Argumentative.

15 THE COURT: You are trying to get the witness to
16 agree to a theory that you have, Mr. Negus. That's
17 argumentative. Sustained.

18 Q (BY MR. NEGUS) Did you send your investigators out of
19 state on any marginal assignments?

20 MR. KOCHIS: Same objection. It's vague as to what
21 constitutes marginal. It's argumentative. How is it
22 relevant? He didn't have Josh Ryen's interview tape
23 recorded. We have established that.

24 THE COURT: Modify the word "marginal".

25 Q (BY MR. NEGUS) Did you send your investigators out of
26 state on any assignments connected with this particular

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13-4

1 case?

2 A Yes.

3 Q To what states?

4 A Arizona, Texas, Mexico, if you want to call that a
5 state, country of Mexico.

6 Q Was one of the trips to Arizona to collect a blood sample
7 from two people who had known the Ryens seven or eight
8 years ago?

9 A Yes.

10 THE COURT: Counsel, this is all argumentative. I'll
11 sustain the objection.

12 Q (BY MR. NEGUS) When you say that you hadn't made yourself
13 clear to Mr. O'Campo about your wishes about the interview
14 being tape recorded, how did you communicate with him?
15 Did you --

16 A It was in my mind that when an interview was done with
17 Josh, that it would be recorded, and I just -- I didn't
18 tell him. It was also in my mind that I would be part
19 of that interview and I didn't make it clear to him that
20 I wanted to be part of that interview. I had other
21 things to do and an appropriate time came and he and
22 Dr. Hoyle did the interview.

23 Q At some point in time, did you get Dr. Hoyle's notes of
24 his interview with Josh?

25 A Yes.

26 Q When was that?

009012

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- 1 A I believe that was during the preliminary.
- 2 Q Did you get those yourself or did you have somebody else
3 get them?
- 4 A No. I sent Detective O'Campo after them.
- 5 Q Did you also have Detective O'Campo interview
6 Mr. Gamundoy and Mr. Fisher?
- 7 A I don't know if that was O'Campo that did that or it
8 may have been both of them.
- 9 Q Or both?
- 10 A It may have been.
- 11 Q These assignments were after Mr. O'Campo testified on
12 December 28 at the preliminary hearing; is that right?
- 13 A Yes.
- 14 Q During that testimony, there was a suggestion that
15 there would be a discrepancy between the testimony of
16 Dr. Hoyle and that of Mr. O'Campo; is that correct?
- 17 A Yes.
- 18 Q Did you think it important to send Mr. O'Campo on an
19 investigative task which was concerned with an
20 investigation into his own credibility?
- 21 A I would have to explain that rather than give you a yes
22 answer.
- 23 Q Fine.
- 24 A O'Campo was available. He was a member of the case. I
25 was trying to avoid any other persons being involved in
26 the case.

009013

13-6

1 And when I talked to Dr. Hoyle, I was told that he
2 would have that in an envelope at the desk and it would
3 be brought to me. I did not know that I would receive
4 it without an envelope and, therefore, I thought that I
5 would receive a sealed document from the doctor and thus
6 he would not have a chance to review that.

7 Q Did you present a release signed by anybody to Dr. Hoyle
8 in order to get that?

9 A We had a release signed by Dr. Mary Howell and by Dick
10 Ryen for documents. I'm not sure at what point the
11 hospital received those, whether that was an
12 all-encompassing thing or whether a copy of that
13 release was sent.

14 Q A copy was presented to Dr. Hoyle on February 1st when
15 Mr. Woods went to interview him; is that correct?

16 A I remember some testimony. I don't know when that was
17 done.

18 Q You remember sometime after you received the note and
19 after the preliminary hearing was over you sent
20 Mr. Woods out to Loma Linda to interview many, many
21 people, including Dr. Hoyle?

22 A Yes.

23 Q And at that point in time, you sent along the release
24 with Mr. Woods to Dr. Hoyle; is that correct?

25 A That may have been not to Dr. Hoyle, but that may have
26 been to the administrator of the hospital.

0090014

13-7

1 Q When you got the notes from Dr. Hoyle originally back
2 in December, end of December, you didn't have the
3 release; is that correct?

4 A I had the releases at the time of the hearing for the
5 custody of Josh Ryen, whenever that was. I was given
6 those at that time.

7 Q So that would have been in September?

8 A I don't know.

9 Q The hearing for Josh Ryen's custody took place prior to
10 the preliminary hearing; is that correct?

11 A Yes.

12 Q Did you assign Mr. O'Campo to do an interview with a
13 reserve deputy named Luis Simo?

14 A No, I did not.

15 Q Did he do it on his own?

16 A Yes.

17 Q On June the 7th, 1983, did you go to 2991 English Road,
18 the vacant house?

19 A Yes.

20 Q While you were in that house, did you see any blood on
21 the walls?

22 A Yes.

23 Q Where?

24 A On the light switch as you enter the entryway and turn
25 between the front window and counter, the light switch
26 to the top portion of the countertop had what appeared

009015

13-8

1 to be a stain on it.

2 Q Showing you Exhibit S-32, that little area in purple was
3 put on that diagram by you at the motion to suppress as
4 to the location of that particular drop of blood; is
5 that correct?

6 A That's correct.

7 Q While you were in the house, did you ever see any bloody
8 clothing?

9 A No, I didn't.

10 Q Was there ever reported to you that a bloody pair of
11 corduroy pants were found in the house?

12 A No.

13 Q Was there ever reported to you that a bloody undershirt
14 was found?

15 A In the house?

16 Q 2991.

17 A No.

18 Q On the sheets on the Ryen house, did there appear to be
19 in blood an impression similiar to that which might be
20 made by corduroy pants?

21 A Yes.

22 (No omissions.)

23

24

25

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009016

1 Q Did you ever see inside the vacant house at 2991
2 English Road any partially washed clothing in a
3 washer-dryer?

4 A No.

5 Q Did Mr. Swanlund ever tell you that there was some
6 partially washed clothing in a washer-dryer?

7 A Yes.

8 Q When did he tell you that?

9 A I'm not sure if it was that same day, on the 7th.
10 And my understanding was that he had found partially
11 washed clothing.

12 Q There was a washer-dryer in the kitchen area of that
13 house; is that correct?

14 A I didn't pay that much attention. I believe there was,
15 but --

16 Q And that was the washer-dryer that he was talking about?

17 A I felt at that time he was talking about that washer
18 and dryer.

19 Q Did he tell you that it appeared that the suspect had
20 come back to the Lease house and washed his clothes in
21 that washer and dryer?

22 A No.

23 Q No?

24 A No, he didn't tell me that.

25 Q Words to that effect?

26 A I heard that or I may have said that on an assumption,

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1 but I'm not sure whether it came from him, from myself,
2 I don't know.

3 Q After the removal of the items on June the 6th, 1983,
4 was there ever a decision to remove additional parts of
5 the doors or furniture or anything from the Ryen residence
6 in the early part of June? If that question is compound --

7 A You're talking about after the wall was removed?

8 Q Right. The decision to remove the wall, the carpet,
9 the furniture was all done on June 6th, right?

10 A Yes.

11 Q Was there ever a decision to remove closet doors, other
12 parts of the house after that?

13 A Well, at some point in time additional doors, mouldings,
14 et cetera, were taken. I'm not sure if that was done
15 on the 6th or the 7th or -- I don't think it would have
16 been done after the 7th.

17 Q Was that decision made by yourself or by someone else?

18 A Well, I entered -- I don't know that I entered into it
19 or was just told that somebody wanted those and I said
20 "take them." It seems like I had a conversation with
21 Swanlund about it. I know I did about the wall and at
22 some point I was aware that there was additional items
23 taken. I don't know where they were from.

24 Q And those items had blood on them?

25 A Yes.

26 Q Were you aware of a request by Mr. Kottmeier essentially

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1 to take any door, moulding, what have you, anything
2 moveable that had blood on it out of the house?

3 A I don't know whether it came from Kottmeier or who it
4 came from. I can't answer that.

5 Q Who was responsible for the removal and preservation
6 of that particular evidence?

7 A I believe that would be Swanlund, ultimately myself.

8 Q Swanlund had the actual day-to-day job of accomplishing
9 that?

10 A Yes.

11 MR. NEGUS: I know I have some additional questions
12 of Sergeant Arthur. I believe most of them stem from the
13 examination of the photographs and things of that nature.
14 If Mr. Kochis is agreeable, either we could break now or if
15 he's agreeable to start his redirect on what I've done so
16 far, I know I'm going to have some more things tomorrow, but
17 I don't know off the top of my head what they are.

18 MR. KOCHIS: Your Honor, on the photographs,
19 Sergeant Arthur and I have looked at them over the lunch
20 hour and I believe he's prepared to answer questions Mr.
21 Negus would have on the photographs and the blood from the
22 Ryen house.

23 THE COURT: Proceed, Mr. Negus.

24 MR. NEGUS: Fine.

25 Q (BY MR. NEGUS:) Do you now have in mind -- there were
26 15 known samples of blood taken from the Ryen residence;

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2 | A I don't know the amount.

5 | A Yes, sir.

8 A. That's correct.

10 A. After reviewing through a comparator scope at the lab,
11 I found that these photographs had been taken prior to
12 the removal of the blood. The photograph was taken of
13 the area where the blood was to be removed but was taken
14 before the blood was removed. Therefore, I could not
15 locate on the comparator that area I was looking for.

18 | A I didn't look at 79. However, I looked at the doors --

20 | A. H-79.

23 | A. Yes.

24 Q If you go out and physically examine those doors using
25 this photograph as a comparison, you can determine, can
26 you not, the areas from which the blood was taken on those

1 doors?

2 A I believe so.

3 Q With that exception, is it possible to tell the areas
4 from which any of the other blood was taken?

5 A With the exception of the carpet and only using this
6 photograph as a --

7 Q The photograph you're talking about is --

8 A I'm sorry, yes, H-83. H-83 shows a piece of furniture
9 that I have viewed today and I can see where blood was
10 scraped from that piece of furniture. It does not
11 depict that it had been scraped prior to this photograph,
12 however.

13 Q Mr. Ogino from the crime lab went out and scraped some
14 samples from the furniture a month or to ago; is that
15 correct?

16 A I believe that's correct.

17 Q Is it possible to tell whether the areas have been taken
18 off this particular piece of furniture, were those
19 taken by Mr. Ogino or were those taken back in June of
20 1983?

21 A I am only assuming, but I think they were taken by
22 Ogino.

23 Q So there was a sample A-36 that was taken from that
24 somewhere on that piece of furniture, but we can't say
25 where; is that correct?

26 A Not with these photographs.

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1 Q Any photographs that you are aware of?

2 A No. I didn't mean it the way you took it. Not with
3 the photographs that we have here.

4 Q So as far as our knowledge present today, we don't know
5 where they came from; is that right?

6 MR. KOCHIS: Your Honor, I would object, "our
7 knowledge." It's a vague term as to who that consists of;
8 Sergeant Arthur and Mr. Negus, people in the crime lab,
9 people in the --

10 THE COURT: Sustained.

11 Q (BY MR. NEGUS:) As far as you're able to ascertain, you
12 don't know where A-36 came from; is that correct?

13 A I did not see that, no.

14 Q There's no documentation, photographs, or other items
15 that you have reviewed which would tell you the answer
16 to that question?

17 A Well, I can't answer that, because I haven't -- I don't
18 recall looking specifically for that answer in the
19 documents. There may be, it may be in the crime lab,
20 it may be in the evidence as to the location that a drop
21 of blood was scraped from. But I certainly can't tell
22 by the photographs, because they were taken prior to the
23 scraping being done.

24 Q In the area of crime lab, I.D. and homicide, whose
25 responsibility is it to make sure that the location
26 from which an item of evidence like that blood was

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1 seized is a proper document?

2 A Well, it falls in several areas. I think the criminalist
3 who takes it has a definite responsibility and meets
4 that responsibility with the documents that he used,
5 the sketches, and the diagrams that he used. As far
6 as our homicide's responsibility, we have a responsibility
7 to see that that is done at least in some manner.

8 Q On the night of June 5th, did you make sure that Mr.
9 Stockwell was making notations so that one could
10 determine, for example, where on the piece of furniture
11 that's shown in H-83 that drop of blood A-36 was taken
12 from?

13 A No, I did not.

14 Q And why didn't you do that?

15 A I had faith in the crime lab and in Stockwell that he
16 would know what he was doing and I had other things to
17 do other than to look over his shoulder.

18 Q And you never went back and reviewed his work at some
19 later time; is that correct? At least not at a time
20 when you could do anything about it?

21 A I have reviewed some of his work and I think some things
22 are still continuing to be done that is a result of
23 reviewing the work, the documents, the testimony, and
24 everything else that has come into this case.

25 (No omissions.)

26

15-1

- 1 Q Did you request Mr. Ogino to go back and take additional
2 samples of blood?
- 3 A No.
- 4 Q Did you cause somebody else to request it?
- 5 A I believe that was accomplished and I'm not sure exactly
6 how it was accomplished, but I know they did go back
7 and take additional samples.
- 8 Q From the Sheriff's Department did you receive any
9 training or instruction as to how long blood stains
10 would be typeable in a nonfrozen, nonrefrigerated
11 state?
- 12 A I don't know where I have learned over the years about
13 that, whether it's from the Sheriff's Office, exposure
14 of other agencies or just what.
- 15 Q In June of this year, what was the state of your
16 knowledge in that area?
- 17 A Typeable blood I still believe can be typed on this
18 case today.
- 19 Q For enzymes?
- 20 A ABO.
- 21 Q Leaving aside the question of ABO, what about for
22 enzymes?
- 23 A I'm not aware of enzymes and I've never been aware of
24 enzymes until this case.
- 25 Q In June of this year, were you aware of the existence
26 of a physical evidence outline prepared by the Crime

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1 Lab which would instruct noncriminalists on how to
2 handle physical evidence?

3 MR. KOCHIS: Excuse me, your Honor. I don't believe
4 we have had a June of this year. Is Mr. Negus talking about
5 June of 1983?

6 MR. NEGUS: I don't know what I said, but, yes, I
7 am. Thank you.

8 THE WITNESS: I vaguely remember a lesson plan or
9 a subject being taught in the basic Academy about the
10 handling of evidence.

11 Q (BY MR. NEGUS) That was the basic Academy you went to
12 20 years ago or a later academy?

13 A I have been to three academies but the Sheriff's
14 Academy I do remember very vaguely a handout or something
15 at that time.

16 Q That would have been 20 years ago?

17 A Yes.

18 Q Were you aware in June of 1983 that the Crime Lab had a
19 handout that they would give investigators, deputies?

20 A Yes.

21 Q Did you attempt to get a hold of that and use it in
22 handling the physical evidence in this particular case?

23 A No.

24 Q When you arrived at the crime scene on June the 5th,
25 did the scene appear to you to be exceedingly rich in
26 physical evidence compared to many other crime scenes

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2 | A Yes.

8 A No. The Academy isn't the only source I have had of
9 training. I'm constantly in touch with different
10 agencies and officers of crime labs, educators on new
11 ideas and new ways of doing things.

14 A No.

18 MR. KOCHIS: Objection. The terms he is using are
19 vague. There is no foundation that he had the ability at
20 that time to appreciate serological significance.

22 Q (BY MR. NEGUS) Did it appear to you that --

24 | A ABO.

26 A Very, very minor amount of enzymes. I'm aware of some

15-4

1 things being done with saliva and semen on an enzyme
2 breakdown, what an enzyme is. But other than the way
3 this case developed, the enzyme testing from this case,
4 I was not aware of it.

5 Q Had you ever had a homicide case in which Mr. Gregonis
6 was involved?

7 A Yes.

8 Q When he was involved, did he do enzyme typing?

9 A I believe the only case that I had with him was a
10 West End case and there was not enough blood for
11 enzyme typing and that the shoes had been previously
12 washed where they had blood on them and the soap is
13 enzyme itself which creates a distinct problem for it.

14 Q You were involved in the case of Louis Lujan; is that
15 correct?

16 A Yes.

17 Q Mr. Gregonis collected blood samples and did enzyme
18 typing in that case; did he not?

19 A I don't recall.

20 MR. NEGUS: I haven't anything further at this time.

21 THE COURT: Mr. Kochis.

22 MR. KOCHIS: Your Honor, before I proceed, with
23 reference to the photographs, I believe it's Mr. Negus' and
24 my contention that we not move into evidence until the
25 conclusion of the hearing the numerous photographs which
26 have been marked.

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1 I have no objection to Mr. Negus at this point
2 offering the photographs he has had marked for the Court
3 receiving them subject to a motion to strike as to any of
4 the photographs for which a foundation is not laid during
5 the course of this hearing.

6 That way, the Court can view those photographs and
7 appreciate and understand the evidence better.

8 THE COURT: The photographs and diagrams?

9 MR. NEGUS: That's fine with me. I know that, for
10 example, H-18 through 188, inclusive, are those three by five
11 photographs of the crime scene, and I will have all of those
12 identified by Mr. Duffy.

13 THE COURT: 18 through 188?

14 MR. NEGUS: Yes.

15 THE COURT: The house diagram was 202 or something
16 like that.

17 MR. NEGUS: There are several house diagrams, your
18 Honor. H-200, 201, 202, 203, down through and inclusive of
19 209.

20 MR. KOCHIS: Your Honor, likewise, I feel it might
21 be of assistance for the Court to accept at this time S-25
22 and H-211, 212 and 213. They are eight by ten color
23 photographs of portions of the master bedroom and an aerial
24 overview of the Lease and Ryen residences.

25 MR. NEGUS: Fine with me, as well as H-3 and H-4
26 and H-5, which are all aerial photographs, and then also

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3 MR. KOCHIS: I have no objection to any of those
4 documents.

5 THE COURT: All of these mentioned so far, counsel,
6 pursuant to stipulation, counsel will permit the Court to
7 examine.

8 MR. NEGUS: Can I add three more, H-13, 14 and 15?

9 MR. KOCHIS: No objection to those.

10 THE COURT: Thank you. I think that will make it
11 more understandable for me. I will review those tomorrow.

12 MR. KOCHIS: May I proceed for the balance of the
13 day, your Honor?

14 THE COURT: Please.

16 CROSS-EXAMINATION

17 BY MR. KOCHIS:

18 Q Sergeant Arthur, is it fair to say that you are not a
19 serologist?

20 | A That's correct.

21 Q Is it fair to say that you don't have any special
22 educational training in that particular field?

23 | A That's correct.

24 Q Is it fair to say that your knowledge of serology is
25 greater after having us go through the Kelly-Frye
26 foundation in this case than it was at the preliminary

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1 hearing in Mr. Cooper's case?

2 A Absolutely.

3 Q Is it fair to say that you have a greater understanding
4 of this field of serology after Mr. Cooper's preliminary
5 hearing was over than you did prior to the time of the
6 preliminary hearing?

7 A Yes.

8 Q Is it also fair to say that as Mr. Gregonis conducted
9 serological analysis in this case during the months of
10 June, July and August, you obtained more knowledge
11 about this field than you had on June the 5th, 6th,
12 7th and 8th of 1983?

13 A Yes.

14 Q Sergeant, directing your attention to a series of
15 photographs that Mr. Negus directed your attention to
16 earlier this afternoon, for example, H-95, do you
17 recognize what that photograph depicts?

18 A Yes, I do.

19 Q And does that photograph depict a portion of the master
20 bedroom of the Ryen house?

21 A Yes, it does.

22 Q And does it depict certain items in the master bedroom,
23 specifically a typewriter?

24 A Yes.

25 Q There is a number 37 on that typewriter?

26 A There is.

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15-8

- 1 Q And are you familiar with how that type of number is
2 used at a crime scene?
- 3 A That number was devised about eight years ago to be
4 utilized at crime scenes to establish a correlation of
5 items, to establish and correlate items that are
6 photographed and recovered and talked about in reports.
- 7 Q Is that system often used in coordinating the
8 Identification Bureau and the Crime Lab in the collection
9 and preservation of evidence?
- 10 A That's the original reason that was established and
11 it's still used for that.
- 12 Q For example, does the procedure involve placing a
13 number on top of an item that's later going to be
14 seized and having the Identification Bureau shoot the
15 photograph with the number on top of the object showing
16 the position the object is in when you arrive at a
17 crime scene?
- 18 A That's correct.
- 19 Q And then does the Crime Lab often refer to the number
20 itself as the identification number of either the item
21 that's seized or a sample that's taken off an item?
- 22 A That's correct.
- 23 Q For example, you reviewed the Crime Lab reports in this
24 particular case?
- 25 A Yes.
- 26 Q And you are aware that Ms. Schechter and Mr. Stockwell

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15-10

1 Q Does that in fact depict a portion of the master
2 bedroom inside the Ryen home?

3 A Yes, it does.

4 Q Does it depict a portion of the wall that was behind
5 the Ryen master bed?

6 A Yes.

7 (No omissions.)
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- 1 Q Does it depict the area to the west of the bed above
2 a small piece of furniture, if you recall?
- 3 A Yes, it does.
- 4 Q And likewise is there a number inside -- is there a
5 number depicted in that photograph that was not there
6 when you arrived at the crime scene?
- 7 A Correct.
- 8 Q That's No. 34?
- 9 A Thirty-four.
- 10 Q And that's the number that was placed in the photograph
11 by someone from I.D. or the crime lab?
- 12 A Yes, it is.
- 13 Q And the No. 34 also corresponds to a sample of blood
14 that was collected by the crime lab from that portion of
15 the Ryen house; is that not correct?
- 16 A That's correct.
- 17 Q And from the photograph you can tell what room the
18 blood was collected from?
- 19 A Yes.
- 20 Q Whether it was collected from the ceiling, the wall,
21 or a rug?
- 22 A Yes.
- 23 Q And approximately where in the room the blood came from?
- 24 A Yes.
- 25 Q Is it fair to say, however, from looking at the
26 photograph you cannot tell which of the blood drops were

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1 later scraped and collected by the crime lab?

2 A. That's correct.

3 Q From the following photographs, Exhibit H-79, H-63, H-177,
4 H-163, H-112, H-83, and H-106, does each one of those
5 photographs depict the process we've been talking about
6 in terms of a number being placed in a photograph that
7 corresponds to a piece of evidence that was seized by the
8 crime lab?

9 A. Yes.

10 Q And does each one of those photographs when used in
11 conjunction with the evidence list typed by the crime
12 lab allow you to determine whether, for example, a blood
13 sample was taken from inside or outside the house?

14 A. Yes.

15 Q What room in the house the item was taken from?

16 A. Yes.

17 Q Whether the item was taken from a wall or a carpet?

18 A. Yes.

19 Q And the approximate location within the room?

20 A. That's correct.

21 Q You were assigned the Ryen homicides on June the 5th of
22 1983; is that correct?

23 A. Yes, sir.

24 Q As a sergeant assigned to a homicide investigation, are
25 your responsibilities limited to the scene at which
26 the homicides take place?

- 1 A No.
- 2 Q Is that one of several duties that you assume when you're
3 assigned a homicide?
- 4 A Yes.
- 5 Q Would another duty include developing investigative leads
6 as to the person responsible for the homicide?
- 7 A It would.
- 8 Q And would your duties also include the apprehension of
9 the person whom the leads develop is responsible for
10 the homicide?
- 11 A Yes, it would.
- 12 Q Would you have had all of those responsibilities on
13 June the 5th, 1983?
- 14 A Yes.
- 15 Q When you're assigned a particular homicide as a
16 sergeant, are you supposed to stay at that scene for
17 several days and not pursue any of your other responsi-
18 bilities?
- 19 A No.
- 20 Q When you arrive at a crime scene generally are there
21 certain procedures that you follow in conducting a crime
22 scene investigation?
- 23 A Yes.
- 24 Q What would those procedures consist of?
- 25 A Upon arrival I would normally be briefed.
- 26 Q By whom?

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1 A By the deputy, deputies, or supervisor at a scene. I
2 would at that time possible make some alteration to
3 something that had already been done. I would then view
4 the scene, conduct --

5 Q Why do you view a scene?

6 A So that I will know when the rest of my team, the crime
7 lab, I.D., my investigators or any other support
8 personnel arrive, so I will know some of the areas that
9 is necessary to be covered as soon as they arrived.

10 Q Is it necessary for you to view a crime scene to
11 determine whether any other units should respond to a
12 scene?

13 A Absolutely.

14 Q For example, as the sheriff's office, specifically you,
15 investigated crime scenes in which the body was not at
16 the scene of the homicide?

17 A Yes.

18 Q In that situation, for example, do you call the coroner
19 if you don't have a body?

20 A No.

21 Q Would you call Dr. Root?

22 A No.

23 Q Now, in this particular case when you arrived at the
24 crime scene on June the 5th at the Ryen home, in
25 following your procedures were you briefed by anybody?

26 A Yes.

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- 1 Q Who was that?
- 2 A Sergeant Gilmore.
- 3 Q And based on that briefing did you contact any other
- 4 divisions and have them proceed to the Ryen residence
- 5 or had you done that prior to the time that you go there?
- 6 A I had previously done that.
- 7 Q And who did you instruct to respond to the crime scene?
- 8 A I instructed Mike Hall, Tim Wilson, to respond to the
- 9 crime scene before I arrived and I instructed that the
- 10 crime lab and I.D. roll to the scene.
- 11 Q Are there people in other divisions within the sheriff's
- 12 department that have more expertise, for example, in
- 13 searching for latent fingerprints?
- 14 A Yes.
- 15 Q Are there people in members of the I.D. bureau who have
- 16 more expertise than you do in photographing the crime
- 17 scene?
- 18 A Yes.
- 19 Q Are there people within other divisions in the sheriff's
- 20 office who have a background which is greater than
- 21 yours in the area, for example, of serology?
- 22 A Absolutely.
- 23 Q With that in mind, did you request the people from other
- 24 divisions in your department proceed to the Ryen scene
- 25 on June the 5th?
- 26 A Yes, I did.

1 Q After you were briefed by Sergeant Gilmore, did you then
2 conduct a walk-through of the residence?

3 A Yes, I did.

4 Q For what specific purpose was that done on June 5th?

5 A To associate myself with the inside of the residence
6 and the need for investigators, the personnel needed in-
7 side that residence, to accomplish --

8 Q When you arrived at the Ryen scene on June 5th, had a
9 roadblock been set up?

10 A Either at the time I arrived or shortly after I arrived.

11 Q Did you take any steps to set up one or more roadblocks
12 to that crime scene?

13 A Yes.

14 Q What steps did you take?

15 A I asked that the highway patrol block off all the
16 exiting areas from that location.

17 Q Did you instruct any deputy sheriffs or their
18 supervisors to set up roadblocks in the specific Chino
19 Hills area?

20 A Yes.

21 Q Where?

22 A At Payton and Old English Road and at the driveway
23 area leading up to the residence.

24 Q Payton and Old English Road, is that essentially the
25 intersection that leads into this community in which
26 there are a dozen or so homes?

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- 1 A That's correct.
- 2 Q And would a roadblock at that location essentially
- 3 prevent anyone who wanted to use a paved road from
- 4 entering that area of the Hughes residence, the Lang
- 5 residence, and the Ryen residence?
- 6 A That's correct.
- 7 Q And then was a roadblock set beyond that even closer
- 8 to the crime scene?
- 9 A Yes.
- 10 Q The roadblock that was the closest to the Ryen home,
- 11 approximately how far from the Ryen home was that in
- 12 yards, if you can estimate?
- 13 A A hundred, hundred and fifty yards.
- 14 Q And how far from the Ryen home approximately in yards
- 15 was the roadblock at Payton and Old English Road?
- 16 A I'm guessing at a half to three-quarters of a mile.
- 17 Q Who would have been allowed beyond the first roadblock,
- 18 the roadblock at Payton and Old English Road, after it
- 19 was set up?
- 20 A Officers and residents with proof of residency.
- 21 Q Would people from the coroner's office also be allowed
- 22 through?
- 23 A They are officers, yes.
- 24 Q Dr. Root as well?
- 25 A He's a, yes, deputy coroner.
- 26 Q Then who was allowed past the roadblock approximately

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1 one hundred, one hundred ten yards away from the Ryen
2 home itself, the second roadblock?

3 A Only officers.

4 Q On the 5th while you were there, of June, was the
5 press ever allowed beyond the second roadblock?

6 A No.

7 Q Were people other than sheriff's personnel allowed
8 beyond the second roadblock on the 5th?

9 A Yes.

10 Q Was that to assist in caring for the Ryen animals?

11 A It was.

12 Q Were they accompanied by law enforcement personnel when
13 they went to the barn?

14 A Yes.

15 Q Were they ever allowed inside the Ryen home?

16 A No.

17 MR. KOCHIS: Would this be a convenient place?

18 THE COURT: Yes. We'll resume tomorrow morning at

19 9:30.

20 (Whereupon the proceedings for the day
21 were concluded at 4:04 p.m.)
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24
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