

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 28

Pages 2600 thru 2744, incl.

REPORTERS' DAILY TRANSCRIPT

BEFORE HONORABLE RICHARD C. GARNER, JUDGE

DEPARTMENT 10 - SAN BERNARDINO, CALIFORNIA

Monday, June 4, 1984

APPEARANCES:

For the People:

DENNIS KOTTMEIER
District Attorney

DENNIS KOTTMEIER
District Attorney
By: JOHN P. KOCHIS
Deputy District Attorney

For the Defendant:

DAVID McKENNA
Public Defender
By: DAVID NEGUS
Deputy Public Defender

Reported by:

LEONARD D. GUNN
Official Reporter
C.S.R. No. 1109
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JUDITH L. MORRIS
Official Reporter
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1 SAN BERNARDINO, CALIFORNIA, MONDAY, JUNE 4, 1984; 9:30 A.M.

2 DEPARTMENT NO. 10

HON. RICHARD C. GARNER, JUDGE

3 APPEARANCES:

4 (The Defendant with his Counsel, DAVID

5 NEGUS, Deputy Public Defender of San

6 Bernardino County; DENNIS KOTTMEIER,

7 District Attorney of San Bernardino

8 County, and JOHN P. KOCHIS, Deputy

9 District Attorney of San Bernardino

10 County, representing the People of the

11 State of California.

12 (Leonard D. Gunn, C.S.R., Official Reporter, C-1109,

13 Judith L. Morris, C.S.R., Official Reporter, C-2400)

14
15 THE COURT: Mr. Negus.

16 MR. NEGUS: Before we call our first witness, your
17 Honor, I would like to take care of one witness problem for
18 this afternoon.

19 Mr. Hall is the, as you know, the detective who did
20 the crime scene. And we have had him scheduled. We
21 originally had him scheduled for last week. Now we have
22 him scheduled to start this afternoon at approximately 2:00
23 testifying, as soon as we finish one short witness in the
24 afternoon. He has a subpoena for the same time in Victorville
25 on some sort of a motion to recousse the District Attorney.

26 We would request that as our subpoena has had priority

0091165

1-2

1 and that we have scheduled our presentation around his being
2 here this afternoon, that you order him to be here at 2:00
3 because ours is the prior subpoena.

4 THE COURT: Captain Hall, what court is it in
5 Victorville?

6 CAPTAIN HALL: Superior Court.

7 THE COURT: Which judge?

8 CAPTAIN HALL: I have no idea, sir.

9 THE COURT: Do you know the department number?

10 CAPTAIN HALL: No, sir.

11 MR. NEGUS: It doesn't appear on the face of the
12 subpoena that I have, Mr. Hall's subpoena.

13 THE COURT: Let me have the clerk call out there.
14 Give her a copy of the subpoena. Let me see if I can't
15 talk to the judge and find out, see if we can't accommodate
16 both courts. Perhaps they can use him this morning.

17 Let me talk to the judge. See if you can get a
18 hold of the judge in the department. Find out where that
19 case is being heard this afternoon or today and let me
20 talk to the judge.

21 If you can wait a few minutes or have a cup of
22 coffee and come back, I will interrupt these proceedings
23 when we get the judge.

24 CAPTAIN HALL: All right.

25 MR. NEGUS: My first witness will be Tom Houser.

26 ///

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1-3

1 T H O M A S W A R D H O U S E R, called as a
2 witness by and on behalf of the defendant, was
3 duly sworn, examined and testified as follows:

4 THE CLERK: You do solemnly swear that the testimony
5 you are about to give in the action now pending before this
6 Court shall be the truth, the whole truth, and nothing but
7 the truth, so help you God?

8 THE WITNESS: I do.

9 THE CLERK: Please be seated.

10 State your name, please, for the record, and spell
11 your last name.

12 THE WITNESS: Thomas Ward Houser, H-o-u-s-e-r.

13

14 DIRECT EXAMINATION

15 BY MR. NEGUS:

16 Q Mr. Houser, what is your occupation?

17 A Firefighter for the Chino Fire Department.

18 Q Were you so employed on June the 5th, 1983?

19 A Yes.

20 Q What station were you assigned to at that time?

21 A Station 2 at 4040 Eucalyptus.

22 Q And how far is that from 2493 English Road in the
23 Chino Hills?

24 A Approximately three miles.

25 Q On June 5th, 1983, did you receive a call dispatching
26 people from your fire station to 2943 English Road?

1-4

- 1 A Yes.
- 2 Q Who went from your station?
- 3 A Myself, Fireman Castaneda, Engineer Lundgren and
4 Captain Aguayo.
- 5 Q Did you go in one vehicle?
- 6 A Two vehicles.
- 7 Q What were those vehicles?
- 8 A The unit numbers are 1632 and 1643.
- 9 Q Is one a pumper and the other a mini-pumper?
- 10 A Yes.
- 11 Q When you arrived at that address -- Were you driving
12 any of the vehicles?
- 13 A The mini-pumper. I was driving 1642.
- 14 Q So you were driving a vehicle alone; is that correct?
- 15 A Yes.
- 16 Q When you arrived at the location, did you see anybody
17 there?
- 18 A From the vehicle?
- 19 Q Yes.
- 20 A I don't recall seeing anybody until after I got down.
- 21 Q Let me show you an aerial photograph. Does that appear
22 to be an aerial photograph of the 2943 residence marked
23 with an "R", the red "R"?
- 24 A Yes.
- 25 Q Where did you park your mini-pumper?
- 26 A Approximately where that "C" is written.

1-5

1 Q Approximately at the "C" on the diagram?

2 A Yes.

3 Q I'm showing you photograph H-4, correct?

4 A Correct.

5 Q The "C" on the H-4?

6 A That's as best as I can see from the picture.

7 Q And where was the other fire truck parked? Approximately

8 the same location?

9 A I believe it was at about where you have it marked there

10 or in that general area. He was ahead of me and I pulled

11 off just to the left of that dirt area in some grass.

12 Q Okay. When you got off your fire truck, did you see

13 anybody at that point?

14 A I don't recall seeing anyone until we started approaching

15 the house. I went and got equipment off of my truck.

16 Q What equipment did you get?

17 A A small first aid box and proceeded to the house with it.

18 Q When you were going toward the house, whom did you see?

19 A There was one Sheriff near the front door.

20 Q What was he doing?

21 A Directing us into the house.

22 Q Can you describe that Sheriff?

23 A No, I can't.

24 Q Taking the choice between an older Sheriff with dark

25 hair, a young Sheriff with blond hair, no mustache, and

26 another young Sheriff with brownish hair and mustache?

1-6

- 1 A As I recall, it was an older man.
- 2 Q It was --
- 3 A It was an older man.
- 4 Q Okay. Did you see any other Deputy Sheriffs at that
- 5 point in time?
- 6 A I can just -- All I recall seeing is the one guy.
- 7 Q Do you remember which entryway you went through on your
- 8 way into the house?
- 9 A It was the front, you know, the front door, the main
- 10 entrance to the house.
- 11 Q Showing you photo H-29, does that appear to be the door
- 12 that you are talking about?
- 13 Would it help if I showed you some photos of other
- 14 doors?
- 15 A That one doesn't appear to be it.
- 16 Q Okay. Showing you another photo, H-31, does that appear
- 17 to be it?
- 18 A You've got me.
- 19 Q Did you go over the grass to get there or did you go
- 20 over some asphalt and then up some stairs?
- 21 A It was asphalt. It was right in this general area of
- 22 the house.
- 23 Q Giving you a blue Rolling Writer pen, could you put an
- 24 "E" for "entry" in the approximate area where you went
- 25 in on photograph H-4?
- 26 A Yes.

1-7

- 1 Q Okay. But you can't remember from the photographs
2 approximately where it was that you went?
- 3 A Not from these two. I don't recall it being a slider
4 like that. That appears to be a sliding door.
- 5 Q Well, let's see.
- 6 A Or glass on one side.
- 7 Q You recall it being some other kind of a door besides a
8 sliding door?
- 9 A No, I don't recall it being that. But I don't recall it
10 being a sliding door.
- 11 Q If that door turns out to be a wooden door with glass on
12 the side, the one that I'm showing you in H-29, could
13 that be it?
- 14 A Sure.
- 15 Q Showing you H-34, another photo of the door, does that
16 appear to look like it?
- 17 A Yes. That makes more sense. The fact that it looked
18 like a sliding door in that picture is what kind of
19 threw me off.
- 20 Q But in the photograph H-34, it shows the door actually
21 closed?
- 22 A Yes.
- 23 Q Showing you diagram H-226, does that appear to be an
24 approximate floor plan of the Ryen residence that you
25 entered?
- 26 A To discuss the floor plan, I just went in the house one

009171

4 Q When you went in, do you recall where you went?

8 Q Was it a straight shot from the front door to the
9 bedroom or did you go through hallways? Do you recall?

16 Q Was that person that you were following a firefighter?

18 Q When you got to the bedroom, what did you do?

24 We were determining from the laceration on the
25 throat whether to apply the oxygen actually to the
26 laceration or to the nose and mouth area. And we

1-9

1 applied some oxygen and there wasn't any profuse
2 bleeding at the time, so we didn't do any bandaging.
3 And that's as far as I went with my first aid care.
4 Q How many people were working on the surviving victim
5 while you were there?
6 A Dave Castaneda and myself. Two of us.
7 Q You are both firefighters; is that correct?
8 A Yes.
9 Q After a period of time, did some paramedics arrive?
10 A Yes. They arrived -- On one of the Handy Talky radios
11 I heard them arrive at the scene and went out the door
12 of the bedroom to direct them in at that point in an
13 attempt to get their vehicle closer to the -- vehicle
14 and equipment closer to the scene.
15 Q Showing you H-18, is that a photograph of the door that
16 you directed the paramedics through?
17 A Yes.
18 Q And showing you, again, photograph H-4, is the C-shaped
19 driveway to the east of the house, is that the place
20 where you directed the paramedics to park their rig?
21 A Yes.
22 Q Were there also some ambulance paramedics and driver
23 there?
24 A There were ambulance people there, but I don't recall
25 where they went.
26 ///

2-1

- 1 Q When the Chino Fire Department paramedics arrived
2 there, what did you do then?
- 3 A I went out to assist with carrying the equipment into
4 the house.
- 5 Q Do you recall if this doorway which is shown in
6 photo H-18 was open when you first arrived?
- 7 A I don't recall. I don't know if I ever knew whether
8 it was open or not.
- 9 Q In August of this year, did you talk -- on August 30th,
10 to be exact -- with an investigator working for the
11 Public Defender's office by the name of Ron Forbush?
- 12 A I believe that was the day.
- 13 Q Sometime in the summer you talked with Mr. Forbush?
- 14 A Yes.
- 15 Q At that point in time, do you recall telling him that
16 the door was not open when you first arrived?
- 17 A I don't recall what I told him.
- 18 Q Was your memory --
- 19 A It's been quite awhile.
- 20 Q Was your memory fresher at that time of the event than
21 it is now?
- 22 A I'd have to say yes.
- 23 Q Did Mr. Forbush have a tape recorder that he tape
24 recorded your interview with?
- 25 A Yes.
- 26 Q After the paramedics got there, you were basically then

009174

1 just carrying equipment back and forth for them?

2-2

2 A It was a one -- there wasn't that much equipment. It
3 was one trip and then it was over with.

4 Q What did you do then?

5 A We stood outside.

6 Q Who is we?

7 A Engineer Lundgren, he and I were outside for sure that
8 I know of, and I don't recall who else was out there
9 with us.

10 Q Do you recall how many people were inside the bedroom
11 at that point in time?

12 A I'd know some, but not all who was in there. I could
13 name some.

14 Q Could you say who you can name?

15 A I would say that Paramedic Ruben Guerrero was inside
16 with the patient, Dave Castaneda, there was a ride-
17 along on the 1671 paramedic unit that day.

18 Q Was that a woman who was a nurse --

19 A Yes.

20 Q -- that worked at Riverside Community in Chino?

21 A I don't know who it was. It was a woman. I didn't
22 even know she was a nurse. I imagine she was. That's
23 what they usually do.

24 Dave Castaneda, the nurse, Ruben, that's all that
25 I know for sure was in there.

26 Q Was there any sheriff's officer in there?

0009115

2-3

1 A There was when I went out.

2 Q Did that sheriff's officer remain there pretty much
3 continuously?

4 A As far as I know. You know, to say who was in the
5 room continuously, I wasn't there.

6 Q Was there a lot of people in there? Did it appear
7 crowded?

8 MR. KOCHIS: Your Honor, I'm going to object as
9 to "a lot" and the word "crowded." Those are vague terms.

10 THE COURT: That's a commonly used word.
11 Overruled.

12 THE WITNESS: As far as having, say, four or five
13 people standing in a bedroom, you know, it was crowded,
14 but not overly so for working on a victim. From what I
15 know in our -- from our experience with working on people
16 in crowded areas, it wasn't that crowded.

17 Q (BY MR. NEGUS) It wasn't crowded enough so that it
18 was interfering with rendering aid to Joshua?

19 A No.

20 Q Do you recall whether during the time that the
21 firefighters were there you saw anything moved?

22 A I saw nothing moved.

23 Q Is it possible there was more than one deputy in the
24 bedroom?

25 A I'm sure there was more than one in there.

26 Q Do you recall telling Mr. Forbush that it was quite

0099176

1 crowded in the bedroom?

2 A Not --

3 MR. KOCHIS: Your Honor, I would object. That
4 calls for hearsay and it's not inconsistent with anything
5 he said at this hearing.

6 THE COURT: Somewhat. He's explained what the
7 word crowded means to him now, and it's somewhat
8 inconsistent. Overruled.

9 Q (BY MR. NEGUS) Do you remember saying that?

10 A I don't recall telling him it was quite crowded.

11 Q Showing you photographs H-213 and H-212, does that
12 appear to show the locations of the deceased victims
13 in the room?

14 A Yes.

15 Q And in blue drawn in H-213 is a stick figure. Does
16 that stick figure appear to depict the approximate
17 location of the surviving victim?

18 A Yes.

19 Q I'm just trying to orient the two photographs. In
20 H-212, was in fact the surviving victim close to the
21 foot of the bed that's depicted in H-212 as well?

22 A Yes.

23 Q It would be shown slightly off the photograph?

24 A Yes, kind of like that.

25 Q If you put them perpendicular to one another, you
26 would have the approximate location of the bed and --

009177

2-5

1 A It would be close.

2 Q Where approximately were you and Mr. Castaneda when you
3 were rendering first aid to Joshua?

4 A Right in this area here.

5 Q Can you put D.C. and T.H., your initials in green
6 grease pencil for the approximate location on that
7 photograph H-213, realizing it's just an approximation.

8 A Just generally one on one side and one on the other one.

9 Q In order to administer aid to Joshua, did you have to
10 move any of the bedding, the sheets, or anything like
11 that, out of the way?

12 A I didn't move anything.

13 Q What equipment was in there when you and Mr. Castaneda
14 were working on Joshua?

15 A Two first aid boxes and an oxygen unit.

16 Q And approximately where were they situated?

17 A I can't recall where I set them down. The oxygen unit
18 was close at that time.

19 Q Were they --

20 A We were intending --

21 Q Excuse me.

22 A We were intending to use it right away. That was
23 closer initially and I never opened my box to use it
24 and I don't recall where I set it down.

25 Q Was all the equipment within three to five feet, say,
26 of Joshua?

009178

1 Q Could it have been as many as a dozen?

2-7

2 MR. KOCHIS: Your Honor, I would object. Could
3 have been calls for speculation. He's given his estimate.

4 THE COURT: Counsel can continue to inquire. He
5 can refine his estimate.

6 THE WITNESS: I don't recall seeing, you know,
7 any -- six would just be a guess, like I say, but to try
8 and pin me down to an exact number --

9 Q (BY MR. NEGUS) Do you remember telling Mr. Forbush that
10 there were like ten to fourteen deputies?

11 A I don't remember what I told him.

12 Q As you were leaving, did you see any of the deputies
13 going in and out of the house?

14 A I don't remember.

15 Q Do you remember telling Mr. Forbush that at least
16 three were going in and out?

17 A As we were leaving?

18 Q Yes.

19 A I remember seeing people going in and out of the house.

20 Q Right, deputies.

21 A I don't remember seeing -- when we were at the door
22 there was a couple milling around by the door, but I
23 just can't remember actually watching them walk in and
24 out of the door. I can't picture that in my mind.

25 Q When you first made contact with Josh, did you speak to
26 him?

009180

2-8

1 A Yes.

2 Q Was he able to speak back?

3 A No, he didn't speak. Just kind of a groan is all I
4 heard. I don't even know if he realized I was there.
5 I just heard a groan.

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

7

8

CROSS-EXAMINATION

9 BY MR. KOCHIS:

10 Q Mr. Houser, were you inside the master bedroom when
11 Mr. Castaneda took a towel from the master bathroom
12 and brought it in to the master bedroom to wipe
13 Joshua off?

14 A I don't recall seeing that.

15 Q Do you ever recall Mr. Castaneda wiping Joshua off
16 with any object while you were inside the house?

17 A No.

18 Q Was your unit the first or second unit to park at the
19 Ryen residence?

20 A The second unit. We were, you know, one behind the
21 other.

22 Q Were you present when your captain had a discussion
23 with Sergeant Gilmore as to which door you would use
24 to enter the house?

25 A On initially entering the house?

26 Q Yes.

2-9

1 A No, I don't recall there being a discussion.

2 Q Did you take any notes of your observations of what
3 you saw on the 5th of June?

4 A No.

5 Q Is it fair to say that you were there to treat a
6 victim and not to record what had taken place at the
7 residence?

8 A Correct.

9 MR. KOCHIS: I don't have anything else, your
10 Honor.

11 THE COURT: Mr. Negus.

12 MR. KOCHIS: Excuse me. I have one. I'd like to
13 talk to Mr. Negus for a minute.

14 (NO OMISSIONS)

15

16

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009182

3-1

1 Q (BY MR. KOCHIS) Directing your attention to a
2 photograph which has been marked for identification as
3 H-151, do you recognize the yellow object in the
4 photograph on the bedsheet?

5 A It appears to be one of the rubber constricting bands
6 that paramedics use for administering IV's, but that's
7 just a guess.

8 Q Did you see that type of equipment inside the house on
9 Sunday, June the 5th when first aid was administered to
10 Josh Ryen?

11 A Prior to the paramedics arriving or after? I know they
12 use that piece of equipment, but I don't know if it was
13 there when I walked in.

14 Q Did you ever see a paramedic use that type of equipment
15 when they treated Josh Ryen on that Sunday?

16 A I can't say that I specifically saw that used.

17 Q When you went back inside to pick up the equipment that
18 was inside the residence, do you recall seeing that on
19 the bed?

20 A No.

21 MR. KOCHIS: I have nothing further.

22 MR. NEGUS: Nothing further.

23 THE COURT: Thank you very much, Mr. Houser.

24 (Witness excused.)

25 MR. NEGUS: Robert Howey.

26 ///

009183

25 Q On June the 5th, 1983, sometime after noon, did a man
26 named William Hughes come to your house?

009184

3-3

- 1 A Yes, he did.
- 2 Q After he arrived at your house, what did you do?
- 3 A After he arrived, he told me what he had seen and then
- 4 I called the Sheriff's Department.
- 5 Q Did you request that the Sheriffs come to the scene to
- 6 investigate a crime?
- 7 A I did.
- 8 Q Did you also request that they send emergency medical
- 9 personnel to the scene?
- 10 A I did.
- 11 Q Was that just one phone call or did you call different
- 12 agencies?
- 13 A Well, I called -- I couldn't find the Sheriff's number
- 14 right away, so I called the operator and told them I
- 15 had to contact the Sheriff's Department immediately and
- 16 they patched me through to the Sheriff's Department.
- 17 Q After that phone call, then what did you do?
- 18 A After that phone call, I went up to the Ryen house with
- 19 Mr. Hughes.
- 20 Q Was that in his car?
- 21 A He went in his car and -- his truck. I went in my
- 22 vehicle.
- 23 Q You said he went in his car and his truck?
- 24 A No. In his truck.
- 25 Q Does he have an Audi?
- 26 A Now he does. At the time he had a different Audi, that's

009105

3-4

1 correct.

2 Q Was he driving that Audi on the 5th?

3 A As I recall, he could have been. I saw the Audi

4 several times that day.

5 Q You are not quite sure exactly what vehicle he had at

6 that time?

7 A I think he did have the Audi, come to think about it.

8 Q Is that a blue Audi?

9 A It was a gray Audi at that time.

10 Q What kind of truck did you have?

11 A I had a Chevy duelie one-ton.

12 Q What color was it?

13 A Mine?

14 Q Yes.

15 A Blue and white.

16 Q Showing you H-45 for identification, that truck in the

17 background there, is that yours?

18 A That's correct.

19 Q When you got to the Ryen residence, approximately where

20 did you park your truck?

21 A Approximately directly west of the kitchen entrance.

22 Q Showing you photograph H-41, does that depict the

23 kitchen entrance to which you refer?

24 A That's correct.

25 Q You would have parked on the driveway that's --

26 A Approximately over here. And then later, I was asked to

009105

3-5

- 1 move the truck forward a little bit.
- 2 Q So you parked just to the left of the photograph there?
- 3 A Out in here, that's correct.
- 4 Q When you arrived there, was the kitchen door already
- 5 open?
- 6 A It was ajar, yes.
- 7 Q Did you and Mr. Hughes enter the house?
- 8 A Yes, we did.
- 9 Q Where did you go?
- 10 A We went through the kitchen and I pushed the door on
- 11 open. I went in ahead of Mr. Hughes. I pushed the door
- 12 open with the back of my hand. I did not grab the knob.
- 13 Q Then where did you go once you got inside?
- 14 A Mr. Hughes then went ahead of me and I asked him to show
- 15 me where they were.
- 16 Q Showing you diagram H-226, does that appear to be a
- 17 floor plan of the Ryen residence?
- 18 A Yes.
- 19 Q Taking the green grease pencil, could you trace the
- 20 approximate route that you and Mr. Hughes went through
- 21 the house on that occasion?
- 22 A (Witness complied.) Into the bedroom.
- 23 Q When you got into the bedroom, what did you do?
- 24 A When I got into the bedroom, Mr. Hughes asked me to
- 25 check Chris, his son, to see if he was dead. He said
- 26 he thought he was. But I looked at him and because of

009187

3-6

1 Bill, I did check him, but he was cold.

2 Q Was there anybody alive in the room?

3 A Yes.

4 Q Who was that?

5 A Josh Ryen.

6 Q What position was Josh in when you first saw him?

7 A He was laying down, laying down on his left side.

8 Q Did he have anything under his head at that time?

9 A Yes, he did.

10 Q What was that?

11 A It looked like that he had taken a pair of jeans and

12 rolled them up to make a pillow.

13 Q So there were some rolled up jeans under his head?

14 A Yes. I would say they were jeans. That's what it

15 appeared to be. They were denim-colored and it looked

16 like a pair of jeans. I did not remove them.

17 Q Did you do anything with Josh?

18 A No, other than bend down and check him and something

19 told me don't move the boy. He was breathing very

20 heavily and something told me don't move him.

21 Q So what did you do? Just stand by?

22 A I stood by. He rolled his eyes and looked at me. They

23 were in a glazed condition and -- glazed state. And I

24 looked around and I thought I saw Doug move and I went

25 over and checked him and, of course, it was just

26 something I thought I saw at that time.

005-66

3-7

- 1 Q Did Mr. Hughes stay with you?
- 2 A No. I told him to go back down to be with his wife.
- 3 Q And did he leave out the same direction in which you
- 4 had come in?
- 5 A I'm not sure which way he left, but, as I recall, he
- 6 came out approximately the same way. I couldn't say
- 7 for sure which way he went back out.
- 8 Q What did you do?
- 9 A I stayed until the deputy came.
- 10 Q Go ahead. What happened then?
- 11 A He came in and said, "Come on, let's get out of here."
- 12 I said, "I'm not leaving until Josh gets some help."
- 13 Q Then what did he do?
- 14 A About that time, the paramedics or Fire Department showed
- 15 up and then I went out with the deputy.
- 16 Q Did the deputy leave before you did?
- 17 A I think we were both right in -- he was right in front
- 18 of me as we went out, but we both left at the same time,
- 19 yes.
- 20 Q When you first saw the deputy, you were inside the
- 21 bedroom with Joshua?
- 22 A That's right.
- 23 Q You stayed with Josh until the arrival of some emergency
- 24 people?
- 25 A The deputy was there also, but it was shortly after the
- 26 deputy got there that the Fire Department showed up.

3-8

- 1 Q Do you recall which way the Fire Department came into
2 the house?
- 3 A No, I don't, because I didn't see them enter the house.
4 I just saw them when they came in the bedroom.
- 5 Q Did they enter the bedroom through the doorway where
6 Jessica was lying?
- 7 A That's correct.
- 8 Q How many fire people came in?
- 9 A As I recall, there were, I think, two.
- 10 Q And they took over taking care of Josh at that point in
11 time; is that correct?
- 12 A That's correct. I left.
- 13 Q Through which exit did you leave?
- 14 A I left through the kitchen.
- 15 Q The same way that you came in?
- 16 A Yes, that's correct.
- 17 Q Once you left, then where did you go?
- 18 A At that time, I was instructed to go down the hill,
19 which I did.
- 20 Q Were you ever standing out back in the patio area?
- 21 A Not until, I believe it was the next day.
- 22 Q At some point in time, you came back to feed the horses,
23 that sort of thing; is that correct?
- 24 A That was later in the afternoon, that's correct.
25 Probably, I would say around 3:00 when we asked and
26 Sergeant Arthur said we could go feed the horses and

00091900

3-9

- 1 he showed me how he wanted me to, you know, enter the
2 barn.
- 3 Q At that point in time, you drove your truck up to the
4 approximate location where I showed you on that
5 photograph H-45; is that correct?
- 6 A I think it was about that time, that's correct.
- 7 Q Then you just went to the barn area? You never went
8 into the house at that point in time?
- 9 A I did not go back into the house.
- 10 Q On June the 5th, how were you dressed?
- 11 A Just work clothes. I think I had on a pair of Levis and
12 a western shirt and a hat.
- 13 Q What kind of hat was it?
- 14 A It was just a ball cap, I guess you would call it.
- 15 Q A cap?
- 16 A Cap.
- 17 Q Did it say C-a-t, Cat, on it?
- 18 A No. I said cap.
- 19 Q I'm asking you a different question. Did the particular
20 cap say C-a-t as in Cat?
- 21 A No, it didn't. I think the one I had on, I think it
22 said Keystone.
- 23 Q At that point in time, did you have a beard?
- 24 A Did I have a beer?
- 25 Q Yes.
- 26 A In the house?

3-10

- 1 Q Excuse me. Beard with a "d" on the end.
- 2 A No, I did not. I have never worn a beard.
- 3 Q Did Mr. Hughes have a beard?
- 4 A No. He had a mustache.
- 5 Q Was there anybody that you knew living on English Road
- 6 at that time, any male that wore a beard?
- 7 A I believe that Doug Ryen was wearing a beard at that
- 8 time.
- 9 Q Anybody else?
- 10 A Not that I can recall, no.
- 11 Q Did you have boots on that day?
- 12 A I did.
- 13 Q You have met Ron Forbush, the investigator who works for
- 14 me; is that correct?
- 15 A That's correct.
- 16 Q At some point in time, did Mr. Forbush come out and
- 17 take a photograph of the boots that you were wearing
- 18 on that particular day?
- 19 A He did.
- 20 Q When you left the house and were directed to go back
- 21 down to your house, were you ever standing in the
- 22 driveway or standing around anytime?
- 23 A I did not go down to my house. I went down to the
- 24 lower end, I guess, of the Ryens' property. I was
- 25 there the rest of the afternoon.
- 26 Q Could you indicate on the diagram -- excuse me -- the

0099192

2 A Approximately right here.

4 A Just at the Edwards' driveway and down below, there was

6 | Ryens.

9 | A That's correct.

11 A That's correct.

13

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4-1

1 Q Do you know the name of the deputy that came into the
2 bedroom when you were there with Josh?

3 A I don't recall his name at this time, no.

4 Q I'm giving you a choice of three. Was he an older
5 deputy with dark hair, a younger deputy with blond
6 curly hair, or a younger deputy with brown hair and
7 a mustache?

8 A It was a younger deputy, and I think that -- I don't
9 recall whether he had a mustache at that time or not.
10 But it was a younger deputy. He had brown hair.

11 Q Did you ever talk to an older sergeant with darker hair
12 that day?

13 A It's very possible.

14 Q While you were inside the house or on the grounds at
15 the Ryen residence?

16 A While I was at the residence, I remember Sergeant Arthur
17 showed me which way to go. As far as another officer,
18 I think there was one that went into the barn with me
19 to make sure that I did not go certain places in the
20 barn.

21 Q This was later in the afternoon when you came back to
22 feed the horses?

23 A That's correct.

24 Q While you were in the house, did you touch anything
25 aside from the kitchen door which you moved with the
26 back of your hand?

009194

4-2

1 A No, that I recall, no, because I walked in and went
2 into the bedroom. The only thing I touched in the
3 bedroom was Chris Hughes, Josh, and Doug Ryen.

4 MR. NEGUS: I have nothing further.

5 MR. KOCHIS: I have no questions.

6 MR. NEGUS: Thank you, Mr. Howey.

7 THE COURT: Thank you, Mr. Howey. You may be
8 excused, sir.

9 MR. NEGUS: Let me check my list. Mr. Castaneda
10 should be out there -- excuse me. Mr. Guerrero.

11 THE BAILIFF: Please face the clerk and raise your
12 right hand.

13
14 RUBEN RAYMOND GUERRERO,
15 called as a witness by the Defense, was sworn and testified
16 as follows:

17 THE CLERK: You do solemnly swear that the testimony
18 you are about to give in the action now pending before this
19 court shall be the truth, the whole truth, and nothing but
20 the truth, so help you God.

21 THE WITNESS: I do.

22 THE CLERK: Please be seated. State your name for
23 the record, please, and spell your last name.

24 THE WITNESS: Ruben Raymond Guerrero,
25 G-u-e-r-r-e-r-o.

26 ///

00091955

DIRECT EXAMINATION

BY MR. NEGUS:

Q Mr. Guerrero, what's your occupation?

A I'm currently a firefighter paramedic for the Chino Fire District.

Q Were you so employed on June 5th, 1983?

A Yes, I was.

Q And at that point in time, were you assigned to the station Number 1 on Central at Chino Avenue?

A Yes, I was.

Q On that date, did you receive a call to go to 2943 English Road?

A Yes.

Q And who went with you to that call?

A My partner firefighter paramedic Frank Sexton and a medical intensive care nurse.

Q Do you recall her name?

A First name is Karen. I can't recall her last.

Q How long approximately did it take you to get to the Ryen residence?

A Approximately 10 to 12 minutes.

Q In the division of labor between yourself and Mr. Sexton, are you the paramedic and he --

A We're both paramedics. I was in charge -- paramedic in charge of patient care, Paramedic Sexton was in charge of radio communications.

0099196

4-4

- 1 Q When you arrived at the Ryen residence, were you met
2 by anybody?
- 3 A Some of our firefighters were coming out of the
4 building at that time.
- 5 Q Do you remember where they were coming out from?
- 6 A They were coming out from the sliding glass door.
- 7 Q Showing you photograph H-26, does that depict the
8 sliding glass door to which you refer?
- 9 A Yes.
- 10 Q When the firefighters came out of that door, did they
11 direct you to go to any particular place?
- 12 A Yes, they told me to enter through the sliding glass
13 doors.
- 14 Q Where did you park your vehicle?
- 15 A I was not the person driving.
- 16 Q Where did Mr. Sexton park the vehicle?
- 17 A Well, we pulled in right behind the ambulance and I
18 took my equipment off and walked toward the building.
19 At that time they were moving the vehicles around and
20 finding a better location for them to park.
- 21 Q Do you recall where it was that you were let off?
22 Was it --
- 23 A I was on the driveway.
- 24 Q Showing you H-4, an aerial photograph, does that appear
25 to be the Ryen residence marked there in R?
- 26 A Yes.

4-5

- 1 A Yes.
- 2 Q Which driveway were you let off at?
- 3 A We were just here on the asphalt.
- 4 Q Right where it says the letter B -- or 3?
- 5 A Yes.
- 6 Q So you walked back across the grass around to the
- 7 sliding glass doors; is that correct?
- 8 A Yes, I did.
- 9 Q When you went through those sliding glass doors, how
- 10 many fire personnel were there in the room?
- 11 A I believe there was three in the room.
- 12 Q Do you remember who they were?
- 13 A Firefighter Castaneda, Firefighter Houser, and I
- 14 believe Captain Aquayo was in the room.
- 15 Q Were there any sheriff's people in there?
- 16 A I believe there was.
- 17 Q Do you remember how many?
- 18 A Possibly two. There was somebody in the doorway.
- 19 Q How many deputy sheriffs did you see on the scene in
- 20 total, do you remember, at approximately the time of
- 21 your arrival?
- 22 A No, I don't. I would have to estimate possibly two
- 23 to four.
- 24 Q Do you recall seeing an older sheriff, a sergeant,
- 25 with dark hair?
- 26 A I seen a sergeant, I believe, with brown hair, dark,

009198

4-6

- 1 black, brown hair, sergeant I've seen before.
- 2 Q Do you know if his name was Sergeant Gilmore?
- 3 A No, I don't.
- 4 Q But you had seen him before?
- 5 A Yes.
- 6 Q Do you remember seeing a younger deputy with blond
- 7 hair?
- 8 A No.
- 9 Q How about a younger deputy with brown hair and
- 10 mustache?
- 11 A I just remember seeing the color uniform they wear. I
- 12 don't remember seeing any faces, just stripes.
- 13 Q When you arrived, did you see Firefighter Alan Lundgren
- 14 on the scene?
- 15 A Yes.
- 16 Q Where was he?
- 17 A I believe I saw him outside.
- 18 Q He was where? On the grass, the patio?
- 19 A On the grass area.
- 20 Q What was he doing?
- 21 A He seemed just trying to keep out of the area we were
- 22 working in.
- 23 Q When you entered the bedroom, did you take charge of
- 24 treating the young boy Josh Ryen?
- 25 A Yes, I did.
- 26 Q And what did you do?

009199

4-7

- 1 A Initially I checked for any vital signs, checked for
2 his pulse, see if I had a pulse still. I could see
3 he had his eyes open. And then I was taking note of
4 the wounds I could see without turning him over. It
5 seemed like he was having difficulty breathing and he
6 was laying on, I believe, his left lateral side and
7 seemed to be ventilating there. Ventilating means he's
8 able to breathe all right.
- 9 Q Did he have anything underneath his head?
- 10 A Not that I can recall.
- 11 Q Did you ever change his position?
- 12 A Yes.
- 13 Q And how did you do that?
- 14 A I rolled him on his back.
- 15 Q Showing you photograph H-213, does that photograph
16 appear to depict the approximate position that young
17 Josh was lying in?
- 18 A Yes, it would be -- his feet would be in this area,
19 his head would be further away.
- 20 Q Okay.
- 21 A As you have it, I believe. Is this the person here?
22 Feet here and arms here. That's what it would be
23 like.
- 24 Q The way as depicted by the little stick diagram here?
- 25 A Yes.
- 26 Q When you moved Josh, did his position change in any

4-8

1 way?

2 A I moved him from his lateral side to flat on his back,
3 supine position.

4 Q Did that move him to the left or right or anything?

5 A It would move him to his right.

6 Q Just a little bit, just enough --

7 A Just enough to put him flat on his back.

8 Q Did you change his condition in any way? That is,
9 did you take his clothes off him or anything of that
10 nature?

11 A We removed his undergarment, shorts.

12 Q Showing you the photograph, there are multi-colored
13 garments laying on the floor between Christopher Hughes
14 and Peggy Ryen. Was Joshua wearing those clothes when
15 you first saw him?

16 A I believe he was wearing a top of -- a pajama top of
17 some type.

18 Q Did you remove that as well?

19 A Yes.

20 Q And how did you remove that? Just take it off?

21 A I believe I just tore the rest of it off. I believe
22 it was partly torn and I finished tearing the rest of
23 it so I could expose his chest.

24 Q Did you clean up Joshua in any way?

25 A Yes. His shorts were soiled with fecal material and
26 we were cleaning him off a bit.

4-9

- 1 Q Showing you again the photograph that depicted there
2 was a towel lying on the leg of Peggy Ryen. Did you
3 use that towel?
- 4 A Possibly could have used that towel. I'm not sure if
5 that's what we used.
- 6 Q Did you yourself get something to clean off Joshua or
7 somebody else get it for you?
- 8 A I did not leave his side.
- 9 Q Did somebody hand you something?
- 10 A Yes.
- 11 Q Do you know who that was?
- 12 A I believe it may have been the paramedic from Kniffin
13 Ambulance.
- 14 Q Do you know a paramedic from Kniffin Ambulance by the
15 name of Paul Barker?
- 16 A Yes, I do.
- 17 Q Was he the one that was at the scene?
- 18 A Yes.
- 19 Q Did you put anything on Josh?
- 20 A Yes, we put on the MAST trousers.
- 21 Q Did somebody bring those MAST trousers to you again?
- 22 A Yes.
- 23 Q Do the MAST trousers come from your unit or from some
24 other unit?
- 25 A From our unit. In fact, I believe I brought them with
26 me when they told me we had a trauma, a major trauma.

00092022

(NO OMISSIONS)

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5-1

1 Q How long were you there treating Joshua?

2 A Total amount of time may have been 30 to 45 minutes.

3 Q Did you attempt to start an IV on him?

4 A Yes.

5 Q Were you able to do that?

6 A No.

7 Q During the time that you were attending to Joshua, did
8 you happen to move any of the bedding on the bed?

9 A I believe some of the bedding was lying at the foot of
10 the bed. I may have moved some of that when I came in.

11 Q Showing you photograph H-51, does that depict the bed
12 and bedding that we are talking about?

13 A Yes.

14 Q Do you recall which parts of that bedding you may have
15 moved?

16 A No, I don't.

17 Q Showing you photograph H-151, do you recognize the item
18 that appears, the yellow item that appears in that
19 photograph?

20 A Yes.

21 Q What is that?

22 A It's a tourniquet.

23 Q What is that used for?

24 A It's used in order to tourniquet the artery on the
25 patient's arm to try to get the patient's veins to
26 come up.

0009204

5-2

- 1 Q In order to start an IV?
- 2 A In order to start an IV.
- 3 Q Did you use such an item on Josh when you were trying to
- 4 get the IV started?
- 5 A Yes.
- 6 Q And that item also appears, seems to appear in some
- 7 smaller form in H-51; is that correct?
- 8 A Yes.
- 9 Q Do you recall placing that item in that location?
- 10 A No.
- 11 Q While you were working, you were the person that was
- 12 primarily doing the treatment of Josh; is that correct?
- 13 A Yes.
- 14 Q Were you essentially being assisted by other people and
- 15 calling out what you wanted and they would bring the
- 16 stuff to you?
- 17 A Paramedic Paul Barker was also assisting me.
- 18 Q And were there other people there fetching things for
- 19 you besides he?
- 20 A Yes.
- 21 Q During the time that you were treating Joshua, were
- 22 both you and Mr. Sexton in the room at various times?
- 23 A I was always in the room. Paramedic Sexton was in
- 24 and out of the room.
- 25 Q How many people were there from Kniffens?
- 26 A Two.

0009205

5-3

- 1 Q Were they both in the room at various times?
- 2 A Yes.
- 3 Q How many firefighters were in the room at various times?
- 4 A Excluding ourselves, there should have been four.
- 5 Q Four others besides the paramedics?
- 6 A Yes.
- 7 Q And was Nurse Karen, was she also in the room?
- 8 A Yes, she was.
- 9 Q Were there any deputy Sheriffs in the room?
- 10 A As I recall, there were.
- 11 Q How many? Do you know?
- 12 A I can't recall if I remember seeing one or two.
- 13 Q Did you attempt to find out from Joshua how old he was?
- 14 A Yes.
- 15 Q Was he able to indicate that?
- 16 A Using his fingers, he held up eight fingers.
- 17 Q Did he appear to you to be conscious and alert?
- 18 A He was conscious. I wasn't quite sure how alert he was.
- 19 I was trying to ask him some questions and one of the
- 20 questions I asked was, "How old are you?" And he gave
- 21 me eight fingers. He could not communicate verbally.
- 22 Q That was because of the cut that he had in his throat;
- 23 is that correct?
- 24 A Possibly.
- 25 Q At some point in time, did a helicopter from a firm
- 26 called Life Flight arrive?

009206

2 Q And did you accompany Joshua on the helicopter ride to
3 Loma Linda Hospital?

5 Q During that helicopter ride did you have any attempted
6 communications with Joshua about what had happened to
7 him?

9 Q Other than just trying to ask the questions like about
10 his age and that sort of thing to determine his level
11 of consciousness, did you try and get any other
12 information from him?

14 Q When you arrived at Loma Linda Hospital, was Josh then
15 immediately taken to the emergency room?

17 Q After Josh arrived in the emergency room, did you have
18 any further contact with him?

22 Q At that point in time, were you aware of his identity?

24 Q Was there a Deputy Sheriff there in the emergency room?

26 Q Did you give that Deputy Sheriff any information?

3 Q Did you ever tell him that there was a gunshot involved
4 in the crime?

5 A I believe he may have asked me what caused the wounds or
6 what type of wounds were they and I may have told him I
7 wasn't sure if the wounds, if it possibly could have
8 been a gunshot. I wasn't sure myself what it was.

9 Q Did the deputy ask you any information about suspects?

10 A I can't recall.

11 Q Did you have any information about suspects?

12 | A No.

13 Q As you and Josh were leaving in the helicopter, were
14 there any Sheriff's people arriving at the scene?

15 A I didn't notice any other people arriving. There may
16 have been.

17 Q Did you notice any Sheriff's officers going in and out
18 of the house?

19 | A Yes.

20 Q Approximately how many?

21 A Anywhere between three and five.

22 Q Do you remember talking to Mr. Forbush last summer, I
23 believe it was August the -- excuse me. Do you remember
24 talking to Ron Forbush, the investigator from the
25 Public Defender's Office, on September the 14th, 1983?

26 A I remember talking to an investigator. I'm not sure

009208

009209

5-7

1 that you saw the person in?

2 A Yes.

3 Q And was that person a deputy?

4 A By the uniform, I believe so.

5 Q Did that person appear to be ill?

6 A He seemed to be shaken.

7 Q Did you tell Mr. Forbush that he was pale and he was
8 sick to his stomach?

9 A I don't recall exactly what I told him. I remember seeing
10 a deputy with his hand on the wall.

11 Q Again, would your memory of that be more accurate in
12 September than it would be now?

13 A Yes.

14 MR. NEGUS: I have nothing further.

15

16 CROSS-EXAMINATION

17 BY MR. KOCHIS:

18 Q Mr. Guerrero, did you take any notes of your observations
19 of what you saw in the Ryen house on June 5th?

20 A No. The other man, the radio man, does the report
21 writing.

22 Q For example, when you talked to the investigator in
23 August of 1983 about what you recall taking place at
24 the home in June, were you giving him estimates as to
25 the number of people you may have seen there at any one
26 time?

00099210

5-8

1 A Yes.

2 Q Is it fair to say when you left the Ryen home in the
3 helicopter, you were more concerned with Josh Ryen's
4 condition than with the number of people present at
5 the scene?

6 A Yes.

7 MR. KOCHIS: Nothing further.

8 MR. NEGUS: Nothing further.

9 THE COURT: Thank you, Mr. Guerrero. You may step
10 down.

11 (Witness excused.)

12 THE COURT: We haven't yet been able to get a hold
13 of Judge Simmons in Victorville. Hopefully, he will call
14 us at the recess. Let's take our recess at this time.

15 (Whereupon the morning recess was taken.)

16 (No omissions.)

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PAUL GREGORY BARKER,

called as a witness by the Defense, was sworn and testified as follows:

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

THE WITNESS: I do.

THE CLERK: Please be seated. Please state your name for the record and spell your last name.

THE WITNESS: Paul Gregory Barker, B-a-r-k-e-r.

DIRECT EXAMINATION

BY MR. NEGUS:

Q Mr. Barker, what's your occupation?

A I'm a paramedic currently with Trans-Medical, otherwise known as Mercy or Kniffin Ambulance Company.

Q Were you so employed on June 5th, 1983?

A Yes, I was.

Q On that date, did you receive a dispatch to go to 2943 English Road in the Chino Hills?

A I believe that was the address we were sent to.

Q And do you recall going to a Ryen residence in the Chino Hills?

009212

6-2

- 1 A Certainly do.
- 2 Q When you arrived, were you in an ambulance?
- 3 A Certainly was. Myself and my partner.
- 4 Q And your partner's name is James Anderson; is that
- 5 correct?
- 6 A Uh-huh.
- 7 Q You have to say yes or no.
- 8 A Yes, sir.
- 9 Q Were you the paramedic and he the driver of the vehicle?
- 10 A Yes, sir.
- 11 Q When you arrived, how many people were already at the
- 12 scene that you could see?
- 13 A Sheriff's Department was there, I believe there was two
- 14 people from them, as well as Chino Fire Department,
- 15 their engine and the pumper out of Station 2 from them,
- 16 which would have been three or four more people. There
- 17 were about six people on the scene.
- 18 Q When you arrived, did anybody arrive with you?
- 19 A The paramedics from Chino Fire Department arrived right
- 20 behind us. They were pulling up the driveway as we
- 21 were.
- 22 Q When you pulled up the driveway, how many actual people
- 23 could you see as you came into the Ryen driveway?
- 24 A I saw one sheriff's officer, I believe it was, and
- 25 there were vehicles parked there, and then we went
- 26 around to the back and there were other people back

0009213

6-3

- 1 there, the fire personnel as well as the other
2 sheriff's officers.
- 3 Q Where was the sheriff's officer you saw when you first
4 arrived?
- 5 A In the driveway.
- 6 Q What was he doing?
- 7 A Standing there. He told us to go around back, as I
8 remember.
- 9 Q When you went around back, showing you photograph
10 H-4, where approximately did you go? R being the
11 Ryen house and the --
- 12 A That's the road. We pulled in, the ambulance pulled
13 in back here.
- 14 Q Could you put an A for ambulance in blue Rolling
15 Writer pen at the approximate spot where you pulled in?
- 16 A (The witness complies.)
- 17 Q And did you then go into the house?
- 18 A Yes, I did.
- 19 Q Were you with anybody when you went into the house?
- 20 A No. My partner was getting the equipment out and I
21 went straight in. There was already firemen inside at
22 the time.
- 23 Q Showing you H-26, does that depict the door that you
24 entered the house?
- 25 A Certainly does.
- 26 Q When you entered, how many fire people were in the

0099214

6-4

1 master bedroom then?

2 A I believe there was one at that time.

3 Q And do you know his identity?

4 A No.

5 Q What did you do when you got there?

6 A I was told that the only person still alive was the

7 young Ryen and went directly to him to check him out,

8 find out what the injuries were.

9 Q And did you begin to treat him?

10 A Certainly did.

11 Q Was anybody else treating him with you?

12 A Shortly after I went in, a firefighter was with him,

13 the fire paramedics came in behind me and we all

14 immediately started treating.

15 Q There was a firefighter who was not actually a

16 paramedic there ahead of you?

17 A Certainly was.

18 Q And then a firefighter who was a paramedic came in

19 behind you?

20 A Right.

21 Q How long were you there treating Josh?

22 A I don't have -- I haven't seen any time records for

23 over a year now, since the incident. I believe it

24 was about 30 minutes before we actually took him

25 outside, and that was about the same time the chopper

26 was landing.

000097-15

6-5

- 1 Q During that period of time, how many people can you
2 recall being in that bedroom?
- 3 A Up to about ten, maybe, including myself.
- 4 Q And those would all be people in uniform of one sort
5 or another?
- 6 A With the one ride-out that was with Chino fire
7 paramedics. They had a nurse riding with them.
- 8 Q She was not in uniform?
- 9 A Actually, she was in street clothes.
- 10 Q During the time that you were treating Josh, what
11 treatment did you do to him?
- 12 A Evaluated his vital signs, stripped him of all
13 clothing. In doing that, I had to step into the
14 bathroom and grab a towel off of the curtain -- off
15 of the shower door to wipe him down. He had defecated.
16 Then we went on and attempted to get I.V.'s. He was
17 placed on O₂, placed on a gurney, wounds were covered,
18 and taken out the door.
- 19 Q When you attempted to get the I.V. going, were you
20 successful?
- 21 A No, we weren't.
- 22 Q Was there both Kniffin and firefighter equipment at
23 the scene?
- 24 A Yes, there was.
- 25 Q Do you recall which equipment was being used the --
26 A Fire's.

009216

6-6

- 1 Q What?
- 2 A Fire department's.
- 3 Q Showing you a number of photographs, H-161 and H-162,
- 4 do either of those photographs depict the area from
- 5 which you got the towel?
- 6 A In this photograph there was a towel hanging over the
- 7 door, over the top of it. I reached up and grabbed it,
- 8 pulled it off.
- 9 Q This photograph is H-161; is that correct?
- 10 A If you tell me it is. H-161.
- 11 Q And taking the green grease pencil, can you indicate
- 12 the approximate area from which you got the towel?
- 13 A (The witness complies.)
- 14 Q You drew a green line. Okay. Like were there any
- 15 jeans or anything like that laying with the towel when
- 16 you got it, do you recall?
- 17 A No. There was just the towel hanging on the door. I
- 18 grabbed the corner of it and pulled it off.
- 19 Q When you were going in there, was there any damp or
- 20 wet blood on the carpet in the room where you were
- 21 treating Josh?
- 22 A There was blood there, I believe, although it was dry
- 23 at the time that I went into the bathroom. No point --
- 24 the only wet blood was after we started to do the
- 25 I.V. There was a little blood from that. Most of the
- 26 blood Josh had on at the time was dry.

0099217

6-7

- 1 Q What about the blood from the other victims? Was
2 there any of that that was wet?
- 3 A Not that I remember.
- 4 Q Do you remember if you had any blood on your shoes
5 when you went into the bathroom?
- 6 A No, I don't.
- 7 Q What kind of shoes were you wearing?
- 8 A I was wearing a set of work boots with Vibran soles
9 on it.
- 10 Q At some point in time, did the sheriffs come and look
11 at the --
- 12 A Photos were taken of my boots by the sheriff's
13 department.
- 14 Q Did you ever step on a pair of jeans that were laying
15 on the floor in the master bedroom?
- 16 A Not that I know of.
- 17 Q When you exited, did you exit through the same sliding
18 glass --
- 19 A Yes, we did.
- 20 Q Do you recall a MAST or anti-shock suit?
- 21 A Yes, I do.
- 22 Q How do you spell MAST?
- 23 A It's an acronym from the military, anti-shock trousers.
24 It's spelled M-A-S-T, capital letters.
- 25 Q Does that come in a box?
- 26 A It comes in a box, it comes in a box or bag, depending

0009218

6-8

1 on which brand you're carrying.

2 Q Do you remember which brand you were carrying?

3 A I believe we were using the one with blue hard box.

4 Q Do you recall where that box was placed?

5 A No. I didn't bring them inside.

6 Q You weren't involved in getting them out either?

7 A No. I was involved in putting Josh into them, but not

8 taking them out of the box or placing the box.

9 Q When you were cleaning Josh off, were any of the people

10 doing that getting any of the feces on their hands?

11 A No, not that I know of.

12 Q Do the MAST trousers have sort of velcro on them?

13 A Yes, they do.

14 Q And showing you H-152, there is an impression, if you

15 can see it, right there in the middle of the photo-

16 graph. Do the parallel lines in that impression appear

17 to be approximately the same spacing as on the MAST

18 suit?

19 A I don't believe so.

20 Q How are they different?

21 A I don't think they're close enough. The MAST suit,

22 the velcro strappings are only an inch and a half or

23 so wide, and it's very close-knit velcro.

24 Q Is it approximately 12 rows per inch?

25 A I couldn't tell you. I use the things. We never get

26 into the velcro and the type.

00992219

1 Q Do you recall that in order to treat Josh, any of the
2 bedclothes on the bed had to be moved?
3 A No.
4 Q Showing you H-151, do you recognize the yellow object?
5 A Yes, I do.
6 Q What is that?
7 A It's an item we use as a tourniquet for starting an IV
8 for drawing blood.
9 Q Do you recall such an item being used on Josh?
10 A I certainly do.
11 Q Showing you H-51, does it appear to be the same item
12 there on the bedclothes?
13 A Yes.
14 Q Do you know how that item got there?
15 A No. I have no idea how it got there. It was laid there
16 by somebody.
17 Q Showing you photograph H-213 and directing your
18 attention to the white piece of material that's laying
19 on the body of Dr. Peg Ryen, on her leg, does that
20 appear to be the towel that you fetched from the
21 bathroom?
22 A I don't remember. It was laid in a pile with clothes
23 and attention was given to the Sheriffs at the scene.
24 I don't remember exactly where it was placed.
25 Q The multicolored pile of clothing there that's in the
26 center of that photograph, do you recognize what that is?

009221

7-2

1 A It might have been the clothes that Josh was wearing.
2 Like I said, that was a year ago. I have been trying
3 for a year to forget the whole thing. We cut all his
4 clothes off and placed them in a pile and, again, the
5 attention was given to the Sheriff's Department that
6 that was what was being done and that's where it was
7 being placed.

8 Q There is drawn in that photograph a stick figure in
9 blue. We are still on H-213.

10 Is that the approximate position that Josh was lying?

11 A Looks like it.

12 Q Do you recall where you were when you were treating him?

13 A All around him.

14 Q On both sides?

15 A Both sides, head to tail.

16 Q Were you also moving to get equipment that was brought in
17 by various people?

18 A Uh-huh.

19 Q Say "yes".

20 A Yes. I'm sorry.

21 Q And I take it that as you were working on Josh, your
22 prime attention was tending to his injuries and not
23 watching where you were stepping?

24 A That's true.

25 Q When you were finished with Josh, what did you do then?
26 When he was taken away in the helicopter.

26 Q Did you ever give Josh any medication while you were

7-5

CROSS-EXAMINATION

BY MR. KOCHIS:

Q Mr. Barker, during the 30-minute period in which you treated Josh Ryen inside the house, how many people from Kniffen's were inside the master bedroom?

A At the most, two: myself and my partner.

Q How many people inside the bedroom at that time did you recognize as being from the Fire Department, firefighters?

A Up to about five of them.

Q Would those include the paramedics that were with the Chino Fire Department?

A Yes.

Q Were there any uniformed Sheriff's officers in that master bedroom at that time?

A Yes.

Q How many?

A Two or three.

Q Were those the people that you recall being inside the house?

A Uh-huh.

MR. KOCHIS: Nothing further.

REDIRECT EXAMINATION

BY MR. NEGUS:

Q In addition to the ones that Mr. Kochis enumerated, there was also the one civilian ^{side-}right along?

Q And that would make the total of ten or eleven?

4 MR. NEGUS: Nothing further.

5 THE COURT: Thank you, Mr. Barker.

6 (Witness excused.)

7 | MR. NEGUS: David Castaneda.

9 D A V I D R A L P H C A S T A N E D A, called
10 as a witness by and on behalf of the defendant,
11 was duly sworn, examined and testified as follows

12 THE CLERK: You do solemnly swear that the testimony
13 you are about to give in the action now pending before this
14 Court shall be the truth, the whole truth, and nothing but
15 the truth, so help you God?

16 THE WITNESS: I do.

17 THE CLERK: Please be seated.

18 State your full name, please, for the record, and
19 spell your last name.

20 THE WITNESS: David Ralph Castaneda, C-a-s-t-a-n-e-d-a.

22 DIRECT EXAMINATION

23 BY MR. NEGUS:

24 Q Mr. Castaneda, what is your occupation?

25 A I'm a fireman, Chino Fire.

26 Q Were you so employed on June 5th, 1983?

009226

7-7

- 1 A Yes, I was.
- 2 Q At that point in time, were you assigned to the Number 2
3 fire station?
- 4 A Yes, sir.
- 5 Q And on that date, did you receive a call to go to
6 2943 English Road in the Chino Hills?
- 7 A Yes.
- 8 Q And did you do that?
- 9 A Yes.
- 10 Q How many firefighters were with you as you went to that
11 location?
- 12 A There was three on our engine and one on the small
13 engine, the mini-pumper. There were four of us that
14 went.
- 15 Q What were the names of the other people?
- 16 A Fireman Tom Houser, Engineer Lundgren and Captain Aguayo.
- 17 Q Captain Aguayo was in charge?
- 18 A Yes.
- 19 Q Showing you H-4, an aerial photograph. Does that appear
20 to be an aerial photograph of the area of the Chino Hills
21 where the Ryen residence is with the Ryen residence
22 marked with a red "R"?
- 23 A Yes, it is.
- 24 Q When you arrived, where was your fire truck? Were you
25 driving?
- 26 A No.

7-8

- 1 Q Where was your fire truck parked?
- 2 A It was fairly close to the main entrance in this area
- 3 right here.
- 4 Q Somewhere right to the right near the green number 3 with
- 5 a circle around it, about, I guess it's with a circle
- 6 around it?
- 7 A It was in that vicinity. I don't know exactly where it
- 8 was parked, but I know it was fairly close.
- 9 Q On the asphalt driveway near the front entrance?
- 10 A Right.
- 11 Q And showing you photograph H-34, does that appear to
- 12 be the front entrance to which you are referring?
- 13 A I don't believe we went through the front door.
- 14 Q What door did you go through?
- 15 A It seemed like it was the side door because it seemed
- 16 like it was a kitchen that we went through.
- 17 Q Okay. Let me show you another picture, if I can find it.
- 18 Showing you H-41, does that appear to be the door
- 19 that you went through?
- 20 A That looks like it. Like I said, went through the
- 21 kitchen.
- 22 Q It was the kitchen that you entered when you walked
- 23 into the house?
- 24 A Right.
- 25 Q How many people went through that door when you did?
- 26 A My initial crew at Station 2, the initial four, me and

0009228

7-10

1 through the house into the master bedroom, approximately?

2 THE COURT: For the record, he has taken a long
3 period of time.

4 Can you not trace it, sir? You don't remember?

5 THE WITNESS: I'm just confused about the family
6 room.

7 Q (BY MR. NEGUS) Do you recall seeing a room to your
8 left with a lot of trophies in it?

9 A Yes.

10 Q Assuming that that's the family room, would that help
11 you orient yourself on the diagram?

12 A Yes.

13 Q And then could you continue on into the master bedroom?

14 A All right.

15 Q Once you got to the master bedroom, was there anybody
16 in there?

17 A No, at the time, there wasn't.

18 Q Do you recall seeing the deputies anywhere in the
19 neighborhood?

20 A Yes. As we entered the kitchen.

21 Q Where was the deputy when you went in there?

22 A We met him about, pretty close to where the family room
23 is, just above. He was coming out of the hall and we
24 were coming in.

25 Q Which direction was he going?

26 A He was going out.

009231

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009232

1 Q And then the young girl that's shown lying in the
2 doorway is the other one you checked?
3 A Yes.
4 Q After you checked those people, what did you do?
5 A The deputy came in from the sliding glass doors from
6 the outside.
7 Q Was that the same deputy or a different deputy?
8 A It was a different deputy.
9 Q Showing you H-18, is that the sliding glass door to
10 which you referred?
11 A Yes, it is.
12 Q What happened when the deputy came in?
13 A He came and said there was only one alive and he pointed
14 out which one was still alive.
15 Q That was young Josh Ryen?
16 A Right.
17 Q What did you do then?
18 A I began taking vitals, trying to -- checking out where
19 the wounds were, administer O₂.
20 Q What equipment did you have when you arrived?
21 A A first aid box and O₂ cylinder.
22 Q Do you recall where you put the first aid box?
23 A It was always in my hands or within arm's reach.
24 Q On the floor?
25 A Yes.
26 Q Did you ever put anything on the bed?

Q How long did you administer to the young boy?

7 Q So you were in the bedroom with Josh until the time
8 that the helicopter took him away?

10 Q During that period of time, did you ever leave the
11 immediate area of Josh?

13 Q Do you recall an I.V. being started or attempted to be
14 started?

16 Q Where was the equipment for the I.V. placed?

18 Q Yes, on the floor, bed, do you remember?

20 Q At some point in time were clothes removed from Josh?

22 Q When the clothes were removed from Josh, was he cleaned
23 up?

26 Q Do you remember if he had defecated?

1 A No.

2 Q Do you ever recall anti-shock trousers being placed

3 on Josh?

4 A Yes, sir.

5 Q Who did that?

6 A I don't know who actually -- it was the medics and the

7 ambulance crew assisted, probably.

8 Q Where did they get that equipment? Did that equipment --

9 was that brought in or did somebody bring it in when

10 they first came in?

11 A I think they sent for it from our unit and it was

12 brought in.

13 Q Do you remember who did that?

14 A I don't know.

15 Q Did you see any civilian people in the area when you

16 arrived?

17 A Yes.

18 Q Can you describe that person?

19 A Fairly large, heavy man. I believe it was the guy that

20 lived down the street from them.

21 Q Where do you recall seeing that person?

22 A At the front of the house as -- I mean towards that

23 kitchen door around in that area.

24 Q The same spot where you entered?

25 A Right.

26 Q Did you see any other civilians in the area?

009235

2 Q Did you speak to Ron Forbush, an investigator from my
3 office, last August at your fire station?

6 Q Rather heavy-set man with gray hair?

8 Q Who identified himself as Ron Forbush, a private
9 investigator?

11 Q At that point in time, was your memory more clear and
12 accurate than it is now of what had occurred?

14 Q Did he tape record the conversation that you had with
15 him?

17 Q While you were working on Josh, was there a deputy or
18 deputies in the room with you?

23 Q When you first got in the room, was the sliding glass
24 door open or closed?

26 Q Do you recall a sheriff who was a sergeant?

8-5

1 A Yes.

2 Q Do you recall him coming into the room and going out,
3 in and out, in and out during the time that you were
4 there?

5 A I remember he was the one that told us, and he came in
6 and told us and then he stepped out. And that's the
7 last I remember seeing him.

8 MR. NEGUS: I have nothing further.

9

10 CROSS-EXAMINATION

11 BY MR. KOCHIS:

12 Q Mr. Castaneda, did you ever take a towel from the
13 bathroom or master bedroom to clean some of the blood
14 off Josh Ryen?

15 A No, sir.

16 Q Did you ever use the towel to clean blood off Josh
17 Ryen?

18 A No, sir.

19 Q Do you recall being interviewed by telephone by a
20 deputy sheriff after this took place?

21 A No, I don't.

22 Q Is your first name David?

23 A Yes.

24 Q And back in June was your residence phone number
25 Area Code 213-334-2725?

26 A Yes.

3 | A No, I don't.

5 MR. NEGUS: Wait. I don't think we got an audible
6 response.

8 MR. KOCHIS: I did.

10 Q (BY MR. KOCHIS) Did you ever tell a deputy sheriff on
11 the San Bernardino County Sheriff's Department that you
12 took the towel from the bathroom to clean Josh Rye up?

14 MR. KOCHIS: I have nothing else, your Honor.

16 MR. NEGUS: No.

18 Do you have somebody else?

20 THE COURT: We'll adjourn until then.

21 (The proceedings were recessed at
22 11:52 a.m.)

26

009238

1 SAN BERNARDINO, CALIFORNIA, MONDAY, JUNE 4, 1984

2 1:30 O'CLOCK P.M.

3 DEPARTMENT NO. 10

HON. RICHARD C. GARNER, JUDGE

4
5 (Appearances as heretofore noted.)

6
7 THE COURT: Your next witness.

8 MR. NEGUS: Karen Seabert.

9
10 K A R E N S E A B E R T, called as a witness by and
11 on behalf of the defendant, was duly sworn, examined
12 and testified as follows:

13 THE CLERK: You do solemnly swear that the testimony
14 you are about to give in the action now pending before the
15 Court shall be the truth, the whole truth, and nothing but
16 the truth, so help you God?

17 THE WITNESS: I do.

18 THE CLERK: Please be seated.

19 State your name, please, for the record, and spell
20 your last name.

21 THE WITNESS: Karen Seabert, S-e-a-b-e-r-t.

22
23 DIRECT EXAMINATION

24 BY MR. NEGUS:

25 Q Miss Seabert, what is your occupation?

26 A I'm a nurse.

9-2

- 1 Q Do you have a particular specialty within nursing?
- 2 A I'm a M.I.C. nurse.
- 3 Q What does M.I.C. mean?
- 4 A It's a Mobile Intensive Care nurse.
- 5 Q as part of your training for that particular job, do you
- 6 ever act as a ridealong nurse with paramedics?
- 7 A As part of my initial certification and also as part of
- 8 my recertification, I do.
- 9 Q Were you involved in such a ridealong program on
- 10 June 5th, 1983?
- 11 A Yes, I was.
- 12 Q At that date, where were you acting as a ridealong?
- 13 A With the Chino Fire Department.
- 14 Q Would that be Station Number 1?
- 15 A Yes, Station 1.
- 16 Q And were you assigned to be with any particular
- 17 paramedics on that date?
- 18 A I was with Ruben and Frank. They were the only ones
- 19 who were on at that time.
- 20 Q Ruben and Frank. Do you know their last names?
- 21 A I did. I can't remember.
- 22 Q Would the name Guerrero and the name Sexton refresh
- 23 your recollection?
- 24 A Yes.
- 25 Q Ruben Guerrero and Frank Sexton?
- 26 A Yes.

00092400

9-3

1 Q On that date, did you receive a call to go to 2943 English
2 Road in the Chino Hills?
3 A Yes, we did.
4 Q When you arrived at that location, what vehicle were you
5 in?
6 A I was in the Station 1's paramedic unit.
7 Q Did the paramedics --
8 A They have their own little truck, yes.
9 Q And did their truck -- Where did that truck go when it
10 arrived?
11 A It went up the driveway and stopped at the top of the
12 driveway somewhere up by the top of the driveway.
13 Q Then what happened?
14 A Then we got out and went up to the house.
15 Q Do Ruben and Frank divide their duties when they are on
16 call?
17 A Yes. One is the patient person and one is the radio
18 person. I was with Ruben, who was the patient person,
19 and Frank was the radio.
20 Q When you went up to the house, did you see any people
21 that were already there?
22 A There were two Kniffen paramedics already there. There
23 were some firemen there. And there was, I assume, a
24 Sheriff's officer there, plus another person.
25 Q Why do you assume it was a Sheriff's officer?
26 A He had a uniform on. I assume it was Sheriff's.

009247

25 Q In any of those three pictures can you see the spot
26 where the deputy and the civilian were standing?

9-5

- 1 A I couldn't say absolutely for sure, but I think they
2 were right about in here.
- 3 Q You are indicating on H-18 the spot where the gentleman
4 in clothes with a badge in his belt was standing?
- 5 A Uh-huh.
- 6 Q You have to say "yes".
- 7 A Yes.
- 8 Q When you and Ruben went up there, did you have any
9 equipment with you?
- 10 A We had -- I'm not sure. We had equipment. I'm not
11 sure exactly what we had. I know we had a drug box and
12 I think we had a mast suit and there was another box with
13 other equipment in it. Somebody had that. It may have
14 been firemen.
- 15 Q When you say a mast suit, is that an anti-shock suit?
- 16 A Yes.
- 17 Q What kind of packaging does that come in?
- 18 A Either a brown or blue box. I'm not sure for the little
19 one. Someone said, "We need the little one." It's a
20 plastic box, kind of square.
- 21 Q When you say "the little one", are you referring to one
22 that is suitable for children?
- 23 A Yes.
- 24 Q All right. Approximately January 27th of this year, did
25 Mr. Forbush, a private investigator working for me, come
26 out and talk to you?

9-6

- 1 A Yes, he did.
- 2 Q And on that occasion did you show him the type of mast
3 suit and box that was used on June 5th?
- 4 A Yes.
- 5 Q And did Mr. Forbush take a picture?
- 6 A Yes, he did.
- 7 Q When you went into the room with Ruben, how many other
8 people were in the room?
- 9 A There were two people in there already that I'm sure of
10 and then there was Ruben and I, and we went in with
11 another fireman and I don't know if there were other
12 firemen in there or not at the time.
- 13 Q The two that you are sure of, were they fire people?
- 14 A They were the Kniffen paramedic and the E.M.T.
- 15 Q And E.M.T. is an Emergency Medical Technician?
- 16 A Yes.
- 17 Q He is the guy that drives the ambulance?
- 18 A Right.
- 19 Q What did Ruben do when you got in there?
- 20 A Well, he went to the little boy, which is where the
21 paramedics already were, and just started taking care
22 of him.
- 23 Q Were you told anything about who was alive when you
24 walked in?
- 25 A I wasn't specifically, but one of the firemen, I think,
26 had already told Ruben that there was only one person

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2 | A Yes.

4 A I'm not sure. It probably was. They come in blue and
5 brown. It was either blue or brown. I can't remember.

9 A There was at least one other box.

11 A There must have been two, but I only remember one. The
12 other box has bandages and just supplies, general
13 supplies, in it.

15 A There was, but the thing I can't remember is whether the
16 IV stuff was in the bandage box or not. It's probably
17 two separate boxes. I'm not sure.

19 | A He had oxygen on him.

21 | A Right, yes.

24 | A Yes.

25 Q And that's the same kind of box that you had on June
26 the 5th?

009246

9=9

- 1 A Yes.
- 2 Q Showing you H-232, do you recognize what that is?
- 3 A Yes. That's the mast suit.
- 4 Q That's not the complete mast suit, just a corner of it?
- 5 A Just the Velcro part of it.
- 6 Q When you say "the Velcro part of it", the suit connects
- 7 by a Velcro snap?
- 8 A Yes. You just lay it under the person and you fold it
- 9 over and it just connects with Velcro to hold it on.
- 10 Q The Velcro that was on the mast suit that you were
- 11 using had that particular pattern to it; is that correct?
- 12 A Yes.
- 13 Q During the time that you were at the crime scene tending
- 14 to Joshua, did you ever leave the master bedroom area?
- 15 A No. While he was there, no.
- 16 Q Did Ruben ever leave the master bedroom area while he
- 17 was there?
- 18 A No.
- 19 Q Did you see any deputy Sheriffs in the room?
- 20 A There was one in the room.
- 21 Q What was he doing?
- 22 A I think he was just looking around. He was in the room
- 23 and I saw him go into the bathroom.
- 24 Q How long was he in the bathroom, if you recall?
- 25 A Not very long. He just kind of looked in there and
- 26 walked out.

9-10

1 Q Did he actually walk into the bathroom?
2 A I remember he did.
3 Q Showing you Exhibit H-233, do you recognize that as a
4 diagram of the Ryen residence?
5 A Well, I only saw the bathroom and the bedroom, but I
6 recognize the bedroom.
7 Q All right. Can you show on the diagram, using the
8 green grease pencil, show where you saw the deputy?
9 A All I saw was that he must have gone in this door and
10 was in here.
11 Q Where did you see him, if you can put an "X" in the spot
12 where you saw him?
13 A Not specifically. I saw him from where -- I could see
14 him here. I could just see him in here somewhere.
15 (No omissions.)
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0099248

10-1

1 Q Showing you H-161, a photograph, does that appear to
2 be the door into the bathroom?

3 A Uh-huh.

4 Q With a green grease pencil, could you put an X on that
5 photograph at the approximate spot where you saw the
6 deputy?

7 A I think I saw him kind of in front of the --

8 Q Maybe you should mark, make an X on the carpet.

9 A All right.

10 Q Now, how many different deputies can you recall seeing
11 at the scene?

12 A I only remember seeing one. I saw the one originally
13 and then someone later asked me my name and whether or
14 not they were the same one. I'm not sure.

15 Q The fellow that asked you your name, was he a young
16 fellow with blond hair?

17 A I don't remember who he was at all. But I wouldn't --
18 that doesn't ring a bell.

19 Q The person that you saw in the bathroom, was he an
20 older person with dark colored hair?

21 A I don't know.

22 Q When the equipment was being used, was it being placed
23 in any particular -- were there -- wipe that out and
24 let me start again.

25 Did any of the deputies tell you where to put or
26 not to put your equipment as you were setting up?

000924-9

10-2

- 1 A Not that I remember hearing.
- 2 Q Do you remember seeing any of the bedding or anything
3 like that moved in order to make room to work?
- 4 A No, I don't remember that, unless it happened before I
5 got there. But I don't remember anyone moving anything
6 while I was there.
- 7 Q Showing you photograph H-51, does that appear to be the
8 bed with the adult male victim lying beside it?
- 9 A Yes, it does.
- 10 Q Can you determine approximately where the MAST suit was
11 laying on that bed?
- 12 A I think that it was right around here (indicating).
- 13 Q Could you put an X for that spot?
- 14 A Right here.
- 15 Q You put an X in green grease pencil for that spot; is
16 that correct?
- 17 A Yes, sir.
- 18 Q Showing you photograph H-151, do you recognize what
19 looks to be a latex article in there?
- 20 A It's a tourniquet.
- 21 Q Was that type of tourniquet used in treating Joshua?
- 22 A Uh-huh, yes, it was.
- 23 Q Do you recall specifically how that tourniquet got
24 into the sheet area?
- 25 A Not specifically.
- 26 Q At some point in time -- when you first arrived and

10-3

- 1 saw Josh, was part of him covered with feces?
- 2 A Yes.
- 3 Q Did you work -- you, meaning you collectively -- work
4 to clean that off of him?
- 5 A Someone took his pajama bottoms off. Other than that,
6 I don't know if they -- I didn't see anyone clean it
7 off specifically.
- 8 Q Did you ever see anybody wipe their hands off on the
9 bed?
- 10 A No.
- 11 Q Showing you photograph H-213, does that appear to
12 depict the approximate spot where Josh was lying?
- 13 A Yeah, approximately.
- 14 Q Would that be indicated by the blue stick figure on
15 the diagram?
- 16 A Yes, it would.
- 17 Q Does that picture show where the EKG monitor was set
18 up?
- 19 A Well, I don't remember specifically where it was. It
20 was up here, and I thought it was right around -- see,
21 I thought he was a little more turned that way.
- 22 Q Let me see. If you wish, if you'd like to draw in
23 orange a stick figure to indicate the way you
24 remember Josh rather than the way somebody else did.
- 25 A Well, you know, he was right around here. I just
26 thought he was a little more this way.

000925-1

1 | Q So you --

A The reason I was thinking that is because we put the monitor on his back, so I thought the monitor was more -- if that's the way you're going to have him, then there was probably the monitor here, because we put it on his back and he was on his side.

Q So the relationship of the red rectangle to the right of Joshua in the photograph and the blue stick figure would be approximately the relationship of the monitor and Josh, approximately, realizing --

A Approximately.

Q Okay. What about the oxygen bottle?

A I don't remember where the oxygen bottle is, except
I would say it was on this side of him.

Q Indicating the right side of the photograph?

A The right side.

Q When Josh was taken out to the helicopter, was he put on any sort of carrying device?

A He was put on somebody's gurney or somebody's stretcher.

Q Was that the kind of gurney that has wheels on it or the kind that has little --

A It was one they just carried him on. I don't know if it was one that had wheels on it originally or not, but I don't think -- I think it was just a backboard.

Q Do you recall where that was placed when he was placed on it?

009252

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009255

10-8

1 first people?

2 A There were the two Kniffin paramedics there, may have
3 been another fireman in there. I'm not sure.

4 MR. KOCHIS: Thank you. I have nothing further,
5 your Honor.

6

7 REDIRECT EXAMINATION

8 BY MR. NEGUS:

9 Q The fire person that walked in with you, had he been
10 outside pointing at you when you arrived as to where
11 to park?

12 A Oh, I don't know if that's what he was doing or not.
13 He walked down towards us, I remember, but I don't --

14 Q He walked down towards you when you arrived?

15 A Yes.

16 Q But you don't remember him pointing?

17 A I don't remember what he was doing now.

18 MR. NEGUS: Fine. Thank you very much.

19 THE COURT: Thank you, Mrs. Seabert.

20 MR. NEGUS: My next witness would be Mike Hall.

21

22 MICHAEL D. HALL,

23 called as a witness by the Defense, was sworn and testified
24 as follows:

25 THE CLERK: You do solemnly swear the testimony
26 you are about to give in the action now pending before

0009256

10-9

1 this court shall be the truth, the whole truth, and
2 nothing but the truth, so help you God.

3 THE WITNESS: I do.

4 THE CLERK: Please be seated. State your name
5 for the record, please, and spell your last name.

6 THE WITNESS: Michael D. Hall, H-a-l-l.

7 THE COURT: Detective Hall, I tried to get ahold
8 of the judge in Victorville and never did, but I talked
9 with his clerk and told her the situation. You might want
10 to call the subpoenaing attorney, the one that subpoenaed
11 you, when you finish with these proceedings. I told them
12 you'd be here, not there.

13 THE WITNESS: Yes, sir.

14 THE COURT: If you get in trouble, let me know.

15 THE WITNESS: Thank you.

16

17 DIRECT EXAMINATION

18 BY MR. NEGUS:

19 Q Mr. Hall, what's your occupation?

20 A I'm a detective with the San Bernardino County
21 Sheriff's Department.

22 Q And were you so employed on June the 5th, 1983?

23 A Yes, sir, I was.

24 Q At that point in time was your assignment homicide?

25 A Yes, sir.

26 (NO OMISSIONS)

009257

1 Q And were you being dispatched out of the Central
2 Sheriff's station here in San Bernardino?
3 A Yes, sir.
4 Q At some point in time on June the 5th, were you called
5 and asked to go to 2943 English Road?
6 A Yes, sir.
7 Q What time was that?
8 A Approximately 1:05 in the afternoon, sir.
9 Q Had you, prior to June 5th, 1983, been a detective
10 assigned to the West End Substation?
11 A I was assigned at the West End Substation. Not as a
12 detective.
13 Q As a deputy?
14 A As a deputy, sir.
15 Q And how long were you a deputy at that substation?
16 A Approximately six to seven years.
17 Q Were you generally familiar with the area of the Chino
18 Hills?
19 A Yes.
20 Q You had patrolled that area yourself?
21 A Yes, sir.
22 Q On June the 5th, did you make a list of times that
23 various personnel arrived and exited from the residence
24 at 2943 English Road?
25 A No, sir.
26 Q Did you take notes?

2 Q The notes that you took were not complete lists of
3 everybody that came and went, but just some of the
4 people you happened to notice; is that correct?

6 Q Do you still have the notes that you took on that
7 occasion?

9 Q Were you informed that there was a subpoena issued in
10 August or September for any notes of Sheriff's Homicide
11 about their investigation into the Ryan killing?

15 Q Are they here in San Bernardino?

17 Q What time did you arrive at the Ryen residence?

19 Q When you arrived, how many Sheriff's personnel were
20 already there?

22 Q Had Sergeant Arthur arrived?

24 Q Do you recall how long after you arrived it was that
25 Sergeant Arthur arrived?

26 | A Very shortly.

009259

11-3

- 1 Q Within just a couple of minutes?
- 2 A Yes, sir.
- 3 Q You didn't actually take notes of what time you arrived,
4 though; is that correct?
- 5 A No, sir.
- 6 Q At 2:06, did Bill Baird from the Crime Lab arrive?
- 7 A Approximately, yes, sir.
- 8 Q And you took note of that?
- 9 A Yes, sir, I did.
- 10 Q At 2:07, did Gale Duffy from I.D. arrive?
- 11 A Yes, sir.
- 12 Q At 2:45, did Dave Stockwell and Pat Schechter from the
13 Crime Lab arrive?
- 14 A Yes, sir.
- 15 Q After that, did various Homicide detectives arrive whom
16 you didn't take note of?
- 17 A Yes, sir.
- 18 Q Is there any reason why you didn't take note of the
19 Homicide detectives arriving?
- 20 A Basically, my responsibility is to note the persons that
21 were present at the time of my arrival and to note the
22 Crime Lab, Identification Bureau and Coroner's Office,
23 specifically those three divisions.
- 24 Q Why was that your responsibility?
- 25 A This is the way I was taught. I was told that I would
26 note the people present when I arrived and then the

00092500

11-4

1 following divisions, Crime Lab, Identification and the
2 Coroner's Office.

3 Q You were taught that at the Sheriff's Academy?

4 A No, sir. I was taught that by my first partner in
5 Homicide.

6 Q Who was that?

7 A Sergeant Bengé. Detective Bengé at the time.

8 Q When did Mr. Hammock, the Coroner, arrive? At 5:30?

9 A Yes, sir, he did.

10 Q Did you take note of what time the bodies of the various
11 victims were removed from the residence?

12 A Yes, I did.

13 Q And was the first person to be removed Christopher Hughes?

14 A Yes, sir.

15 Q Was he removed at 8:30?

16 A I believe it was, yes, sir.

17 Q If you have any doubt, feel free to consult your notes.

18 A I believe he was, yes, sir.

19 Q And was Peggy Ryen removed at 8:40?

20 A Yes, sir.

21 Q And was Jessica Ryen removed at 8:48?

22 A Yes, sir.

23 Q Was Douglas Ryen removed at 9:05?

24 A Yes, sir.

25 Q Did you leave the residence at 3:30 in the morning on
26 the 6th?

000929

11-5

- 1 A Either 3 or 3:30.
- 2 Q Do you have that noted?
- 3 A Yes, sir.
- 4 Q Page 22.
- 5 A Approximately 3:30, yes, sir.
- 6 Q And did you return the next morning at 9:20?
- 7 A Yes, sir.
- 8 Q On Monday, did you likewise take note of the same
9 divisions arriving?
- 10 A Crime Lab and I.D., yes, sir.
- 11 Q And the Crime Lab arrived at -- excuse me -- the I.D.
12 people arrived at 11:00 on Monday, June 6th; is that
13 right?
- 14 A Yes, sir.
- 15 Q And the two people from the Crime Lab, Mr. Ogino and
16 Mr. Gregonis, arrived at 2:00 on Monday afternoon?
- 17 A Yes, sir.
- 18 Q Did you take note of the arrival of the District
19 Attorney's Office?
- 20 A No, sir.
- 21 Q That was, again, because that wasn't what you were taught?
- 22 A I didn't feel it was necessary.
- 23 Q When you arrived at 9:20 in the morning on Monday, June
24 the 6th, were you alone?
- 25 A I went to the residence by myself, yes, sir.
- 26 Q At what time did other people first start to arrive?

1 A It was shortly after my arrival that the personnel
2 from Career Criminal arrived, but they were later
3 assigned basically at the time of the arrival to certain
4 areas for further investigation, further contacts.
5 Q Those were areas outside of the house?
6 A Yes, sir.
7 Q At some point in time did they become involved in work
8 inside the house?
9 A Yes, sir, they did.
10 Q Approximately what time was that?
11 A It was later that afternoon at the time of the service
12 of the search warrant.
13 Q Do you know what time the search warrant was served?
14 A That would have been Detective Clifford's report, the
15 service of the search warrant. I think I can find it.
16 Q From Detective Clifford's report?
17 A I think I have a report.
18 Q All right.
19 A It was just later in the afternoon.
20 Q Would Detective Clifford have served the search warrant
21 at approximately 4:15?
22 A Approximately, yes.
23 Q The C.C.D. people didn't come in until after that?
24 A I believe there was some that entered the residence
25 during the day.
26 Q But you are not sure as to whom and when?

009263

11-7

- 1 A No, sir.
- 2 Q Going back to your arrival on June the 5th, did you
3 obtain the names of any other people that were present?
- 4 A I noted that the Chino Fire Department was present and
5 Kniffen's Ambulance Service was present. I noted the
6 two divisions. They were in the process of leaving at
7 the time of my arrival, so I wasn't able to get their
8 names. It was my understanding that Deputy Hoops had
9 already gotten them or had them. I learned later he
10 had some of their names.
- 11 Q Deputy Hoops had some names but not all; is that
12 correct?
- 13 A Yes, sir. Apparently, he had a problem.
- 14 Q Did you then, you yourself, obtain the names of the
15 Chino Fire Department people who had been there from
16 some information officer in the Chino Fire Department
17 at a later date?
- 18 A Yes, sir, I did. I called them.
- 19 Q When you arrived, was there anybody other than the
20 four dead victims who were inside the master bedroom
21 area?
- 22 A I saw nobody else in that house.
- 23 Q Were all three deputies that were there, Sergeant Gilmore,
24 Deputy Hoops and Deputy Beltz, were they all outside
25 somewhere?
- 26 A When I saw them, they were, yes.

0009264

11-8

- 1 Q Whereabouts outside?
- 2 A Deputy Beltz was at the base of the driveway monitoring
3 the vehicle and pedestrian traffic, if any.
- 4 Deputy Hoops was at the east side of the residence.
- 5 Sergeant Gilmore contact me at my vehicle when I
6 arrived.
- 7 Q Where did you park your car?
- 8 A To the northeast of the driveway.
- 9 Q That would have been on a field area?
- 10 A Basically, yes, sir.
- 11 Q When you arrived, did you go inside right away?
- 12 A No, sir.
- 13 Q How long did you wait before you went inside?
- 14 A Until after I was assigned by Sergeant Arthur.
- 15 Q And that would have been at 2:15 in the afternoon?
- 16 A That's when I was assigned, yes, sir.
- 17 Q After that, you would have gone in?
- 18 A Yes, sir.
- 19 Q Up to the time that you went in, had anybody else gone
20 in that you observed?
- 21 A Not that I observed.
- 22 Q Did you ever see Sergeant Gilmore and Sergeant Arthur
23 go in before you did?
- 24 A No, sir.
- 25 Q When you did enter, was it with anybody else?
- 26 A Yes, sir, it was.

11-8

25 A It appeared on the bed on the west side of the bed
26 there was a dental device. We documented the location.

009267

11-11

- 1 They subsequently collected that.
- 2 Q Was there any formal arrangement you had as to how the
- 3 work would be divided up? Did you sit down and talk
- 4 about it or just proceed?
- 5 A It's the responsibility of the Crime Lab to seize
- 6 physical evidence and collect it. There is some items
- 7 of evidence that I will collect during a crime scene.
- 8 However, in this particular incident, I did not. They
- 9 collected the evidence.

10 (No omissions.)

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12-1

- 1 Q Did you request them to collect any evidence?
- 2 A They were assigned to the scene to collect physical
3 evidence. That is their responsibility. I asked
4 them to make tests of items in the house of what I
5 thought might be blood.
- 6 Q What can you recall particularly that you asked them
7 to test for blood?
- 8 A The refrigerator, the stain inside the refrigerator
9 on the west wall, there was a stain in the hallway
10 across from the son's bedroom, there was a stain on
11 a record player, inside the daughter's bedroom on a
12 record player.
- 13 Q Were those requests made on Sunday or Monday?
- 14 A I believe they were made on Monday.
- 15 Q On Sunday, did you request any items to be tested?
- 16 A No. I was with them the majority of the time while
17 they were collecting items of like -- such as the
18 sheets and so forth. I didn't feel I had to. They
19 were doing it.
- 20 Q Whose responsibility between you and the crime lab is
21 it to make sure that the items they seized are
22 properly packaged?
- 23 A I feel it would be their responsibility.
- 24 Q Why is that?
- 25 A To properly package the items, because they're the
26 expertise for collecting, seizing evidence, especially

009259

12-2

- 1 in regards to blood.
- 2 Q What about with respect to trace evidence like hair,
3 fibers, soil, things of that nature?
- 4 A The crime lab personnel. I think in a technical
5 investigation it should always be done by them.
- 6 Q Did you take note of what the crime lab, what items
7 the crime lab seized as they were seizing it?
- 8 A Most of it I did.
- 9 Q As you went through the crime scene yourself, did you
10 note places where there were what appeared to be
11 bloodstains?
- 12 A Yes.
- 13 Q Did you take notes of that and put that into your
14 report?
- 15 A Yes, I did.
- 16 Q Was there blood on a drapery rod that was lying on the
17 floor near the sliding glass doors?
- 18 A Yes, sir.
- 19 Q Showing you four different photographs -- H-113,
20 H-114, H-115, and H-116 -- first off, does H-113 show
21 the drapery rod lying on the floor?
- 22 A Yes, sir, it does.
- 23 Q And are the other three photographs -- 114, 115, and
24 116 -- close-ups of different portions of that
25 drapery rod?
- 26 A Yes, it is.

12-3

- 1 Q There appear on the drapery rod in the photograph in
2 H-114 various little reddish-brown specks.
- 3 A Yes, sir.
- 4 Q Do they appear to you to be blood?
- 5 A Yes, sir.
- 6 Q There appears on H-116 a rather bigger drop, reddish-
7 brown. Does that appear to you to be blood?
- 8 A Yes, sir, it does.
- 9 Q Did you note an exercise bike in the master bedroom?
- 10 A Yes, sir.
- 11 Q Showing you photograph H-133, does that depict the
12 exercise bike?
- 13 A Yes, sir, it does.
- 14 Q Where on that bike did you observe blood?
- 15 A There was some on the front brake assembly, handlebars,
16 and there's some gauges also.
- 17 Q In photograph H-113, there's depicted a dresser.
- 18 A Yes, sir.
- 19 Q Did that dresser appear to have blood on it?
- 20 A Yes, sir.
- 21 Q Where?
- 22 A Front portion and the west side.
- 23 Q That would be the side closest to the bed?
- 24 A Yes, sir, it would.
- 25 Q Showing you photograph 82, does that appear to be a
26 wall unit that was in the crime bedroom?

009271

12-4

- 1 A Yes, sir.
- 2 Q Did that wall unit have blood on it?
- 3 A Yes, sir, it did.
- 4 Q Where?
- 5 A On the front portion of the tall dresser, the desk
- 6 portion.
- 7 Q Was there any on any of the shelves that you observed?
- 8 A Not necessarily the shelves. There was quite a bit on
- 9 some items lying on the floor, such as a typewriter,
- 10 three-ring notebook.
- 11 Q The typewriter and the three-ring notebook that you
- 12 indicated, are they depicted in photograph H-99?
- 13 A Yes, sir.
- 14 Q And whereabouts did they have blood on them?
- 15 A Just the top portion.
- 16 Q Was there also blood on an office machine that was
- 17 underneath the desk?
- 18 A Yes, sir.
- 19 Q Is that depicted in H-85?
- 20 A Yes, sir, it is.
- 21 Q There's also in H-85 what looks like a tray with some
- 22 boxes and stuff in it just to the right of the office
- 23 machine.
- 24 A Yes, sir.
- 25 Q Did that have blood on it as well?
- 26 A Yes, sir, it did.

12-5

- 1 Q In the room was there also a nightstand?
- 2 A Yes, sir, there was.
- 3 Q Is that nightstand depicted in photograph H-69?
- 4 A Yes, sir, it is.
- 5 Q Where on that nightstand was there blood?
- 6 A Top portion and the front portion.
- 7 Q On the nightstand, was there two clock items?
- 8 A Yes, sir.
- 9 Q Did they both have blood on them?
- 10 A Yes, sir.
- 11 Q Was there also a lamp?
- 12 A Yes, sir.
- 13 Q And did that have blood on it?
- 14 A Yes.
- 15 Q Is some of that blood depicted in photograph H-72?
- 16 A Yes, sir.
- 17 Q Behind Douglas Ryen, was there a set of four folding
18 closet doors?
- 19 A Yes, sir.
- 20 Q Did each of those appear to have blood on them?
- 21 A Yes.
- 22 Q Showing you photographs H-77, H-76, H-80, H-79, and
23 H-78, do those photographs depict the blood that was
24 on those closet doors?
- 25 A Yes, sir.
- 26 Q In the center of the room was there a waterbed?

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Q The south wall. The waterbed was the largest piece of furniture in the room; is that correct?

Q And that is where the various sheets and blankets that you spoke of earlier were?

Q Did the waterbed itself have blood on it in various spots?

Q Did it have blood in the upper left-hand corner pooled?

Q Is that depicted partly in Exhibit H-63?

Q Did it also have blood pooled in the southwest corner as depicted in photograph H-70?

Q Did it also have blood along, trickling down over the various sides as partially depicted in photograph H-73?

Q And does photograph H-62 give another view of the blood that was pooled in the southeast corner?

(NO OMISSIONS)

15-1

1 Q Did each of the walls likewise have blood on them?

2 A Yes, sir.

3 Q By the way, have you examined all the photographs that
4 the I.D. Bureau took of the master bedroom?

5 A I believe I have.

6 Q Starting with the south wall in the east corner, was
7 there any blood on that wall behind the dresser?

8 A Yes, sir.

9 Q Have you seen any pictures which depict that blood?

10 A On the south wall?

11 Q On the south wall behind the dresser.

12 A Yes, I have.

13 Q Do you know them by Sheriff's I.D. number?

14 A No, sir.

15 MR. NEGUS: Perhaps we could take our break right
16 now while I find the next picture. It's almost time.

17 THE COURT: All right.

18 MR. NEGUS: Could I also request that I be given
19 Detective Hall's notes over the break?

20 THE COURT: If he has them with him.

21 Do you have them here?

22 THE WITNESS: No, sir, I don't.

23 Q (BY MR. NEGUS) Are they in Homicide?

24 A They are in my office.

25 MR. NEGUS: That's right downstairs.

26 THE COURT: Would you try to get them over the

2 THE WITNESS: Yes, sir.

4 (Whereupon the afternoon recess was taken.)

5 THE COURT: All right. Continue, please.

9 | A Yes, sir, it does.

10 Q Is there any other picture that you know of that depicts
11 the presence or absence of blood in that particular area?

12 A I can only say what I saw and that is, you know, I really
13 didn't make any notes as to which pictures had what.

14 Q Was there any blood in the area that is shown there like
15 by Mr. Swanlund?

16 A In front of him, directly in front of him?

17 | Q Right.

18 A Not that I saw. Basically, it was off to the side of
19 the dresser.

20 Q Is there a light switch -- Excuse me. Is there a phone
21 jack down there?

22 A On the east wall, there is.

23 Q Was there any blood on that?

24 A Not that I recall.

25 Q Continuing along the south wall, was there a large
26 pattern of blood that -- or patterns that continued

009276

13-3

- 1 the width of the bed along the south wall?
- 2 A Basically, yes, sir.
- 3 Q And are those patterns shown in photographs H-61, H-62,
- 4 H-60 and H-63?
- 5 A Yes, sir.
- 6 Q Was there also what appeared to be a castoff pattern
- 7 that extended from the area of the bed over toward the
- 8 dresser?
- 9 A It appears to be.
- 10 Q Is that depicted in H-64?
- 11 A Yes, sir. If that's the south wall. I can't tell
- 12 offhand. It appears to be.
- 13 Q If you can look at it --
- 14 A Basically, there it is right there on H-62. It does
- 15 show right there.
- 16 Q And at some point in time on Monday, were portions of
- 17 that wall cut out and taken away?
- 18 A Yes, sir.
- 19 Q And does photograph H-66 show the portions of the wall
- 20 that were cut out and taken away?
- 21 A Yes, it does.
- 22 Q Continuing on, were there patterns of blood on the
- 23 south wall behind the night stand?
- 24 A Yes, sir.
- 25 Q And are they depicted in H-71 and H-69?
- 26 A Yes, sir.

3 | A Yes, sir.

5 | A Yes, sir.

7 A I did not see any.

11 A I would assume they were.

17 MR. NEGUS: I'm not sure that we can. I don't think
18 this will take much more than the rest of the afternoon to
19 go through these photographs.

23 THE COURT: It's coming out. I'm permitting you
24 wide latitude in bringing the evidence out. I'm sure the
25 District Attorney isn't going to fight the fact that the
26 stipulation would be that such and such items were located

21 THE COURT: Go ahead and proceed right now since
22 you haven't done it, but you are talking about another month
23 or something on this motion. Think about it, Mr. Kochis
24 and Mr. Kottmeier and Mr. Negus, all three of you, and let's
25 see if we can't get the issues before the Court without
26 jeopardizing your record in any way in a more expeditious

009279

13-6

1 manner.

2 Go ahead.

3 Q (BY MR. NEGUS) Was there blood on the east wall between
4 the glass doors and the dresser?

5 A Yes, sir.

6 Q And do photograhs H-117, 113 and 112 depict some of
7 that blood?

8 A Yes, sir.

9 Q They do not depict all the blood that was on there,
10 though; is that correct?

11 A It depicts the area where the blood was located, beyond
12 the east wall south of the sliding glass door, would be
13 on the east wall south of the sliding glass door.

14 Q Was there also blood on the sliding glass door?

15 A Yes, sir, there was.

16 Q Have you seen any photographs of that blood?

17 A Yes, sir, I have.

18 Q Can you point them out?

19 A Exhibit 118.

20 Q Could you indicate where the blood was on that door?

21 A On the sliding door which slides from south to north,
22 when opened, it's below the door handle and maybe four
23 to five inches over from the rail.

24 Q Could you use the orange grease pencil on that
25 photograph and circle it?

26 A That appears to be blood. There was blood, what I

00092800

2 Q From your notes and your memory of the scene, is that
3 where the blood was?

6 Q Along the other side of the -- would be the northern
7 side of the east wall between the sliding glass doors
8 and the north wall, was there any blood on that section
9 of the wall?

15 (No omissions.)

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00928

1 Q Showing you photograph H-110, does that appear to
2 show the exercise bench leaned up against the wall?
3 A Yes, sir, it does.
4 Q Showing you photographs H-108 and H-109, were there
5 two closet doors that appeared to be closed along
6 the north wall?
7 A Yes, it does.
8 Q Did they have any blood on them?
9 A Yes, sir.
10 Q Is all the blood that they had on them depicted in
11 photographs 108 and 109?
12 A Basically I would say so.
13 Q Was there also blood on the wall between the door to
14 the bathroom and the closet doors?
15 A Yes, sir.
16 Q Is all of that blood depicted in photograph H-107?
17 A Yes, sir.
18 Q On the door into the bathroom, was there any blood
19 on the door from the master bedroom into the bathroom?
20 A Yes, sir.
21 Q And is all of that blood depicted in photographs
22 H-102, H-93, H-97, H-106, and H-101?
23 A Yes, sir.
24 Q Were there also blood smears on the wall between the
25 doorway into the bathroom and the doorway from the
26 master bedroom into the hall?

14-2

- 1 A Yes, sir.
- 2 Q Were there any bloodstains behind that particular
- 3 door from the master bedroom into the hall?
- 4 A None that I saw.
- 5 Q Is all the blood that was on that wall depicted in
- 6 photograph H-105?
- 7 A Yes, sir.
- 8 Q Were there bloodstains on the door itself that led
- 9 from the master bedroom into the hall?
- 10 A Yes, sir.
- 11 Q And is all that blood depicted in photographs H-94,
- 12 H-99, and H-125?
- 13 A Basically these photographs show the lower portion of
- 14 the door. There is blood on it.
- 15 Q Is there also blood on the upper portion?
- 16 A I'd have to refer to my notes offhand as far as how
- 17 high it was.
- 18 Q Would you like to refer to them?
- 19 A The blood extends up approximately 22 inches at its
- 20 highest point.
- 21 Q That would be all basically in the photographs that
- 22 we referred to?
- 23 A Yes, sir.
- 24 Q Was there also blood on various doorjambs leading
- 25 from the hall into the master bedroom?
- 26 A Yes, sir.

009287

2 | A Yes, sir.

4 | A Yes.

6 | A Yes, sir.

9 A I believe so, yes. I believe it extended up approxi-
10 mately 41 inches. That would be accurate in this one
11 here.

13 | A Yes, sir.

17 | A Yes, sir.

20 A Yes, sir, it does.

22 | A Yes, sir.

26 | A Yes, sir.

009284

14-5

1 Q Which sink was that?

2 A The one on the north wall.

3 Q Is that depicted in photograph H-166?

4 A Yes, sir, it is.

5 THE COURT: I see a bath on the north wall. You
6 mean there are sinks in the bedroom?

7 MR. NEGUS: We're talking about the bathroom.

8 THE COURT: This would have been the bathroom or
9 are you talking about within the bedroom?

10 MR. NEGUS: The sink we're talking about is on
11 the north wall of the bathroom. Is that correct?

12 THE COURT: Oh, the wall of the bathroom.

13 THE WITNESS: Yes, sir.

14 Q (BY MR. NEGUS) On the carpet in the master bedroom,
15 was there any blood on that carpet?

16 A Yes, sir, there was.

17 Q Showing you picture H-100, does that depict blood on
18 the carpet in the hallway and into the master
19 bedroom which would have been corresponding to the
20 position of Jessica Ryen?

21 A Yes, sir.

22 Q Showing you photographs H-122 and H-195, does that
23 depict blood on the carpet area of the master bedroom
24 which would have been under Peggy Ryen?

25 A Yes, sir.

26 Q And showing you photograph H-126 -- excuse me.

14-6

- 1 A This area would have been Peggy Ryen in here.
- 2 Q You're talking about in photograph H-122, the area,
3 the large area of smears near to the --
4 A West wall.
- 5 Q Would have been Peggy Ryen and then out in the center
6 would have been the area --
7 A Christopher Hughes.
- 8 Q Christopher Hughes. Then there's a smear in the
9 center between the area that you've referred to as
10 Peggy Ryen and Christopher Hughes. Is that the area
11 where Joshua's clothes were found?
12 A I'd have to see.
- 13 Q Showing you photograph H-125.
- 14 A Well, it would be between that location, would be
15 between Peggy Ryen's left hand and the clothing of
16 Christopher -- or of the boy, the small child.
- 17 Q Joshua?
- 18 A Joshua. Both are resting basically on that pattern.
- 19 Q And does photograph H-127 show Peggy's hand touching
20 the beginning of that pattern?
21 A Yes, sir, it does.
- 22 Q Does photograph H-140 show areas of bloodstains on
23 the carpet that was near the foot of the bed?
24 A Yes, sir, it does.
- 25 Q And were there any particular -- when you saw that,
26 were there any particular bodies lying in that

0009207

14-7

- 1 particular area?
- 2 A No, sir.
- 3 Q Does photograph H-142 depict a bloody telephone that
- 4 was lying near the left side of the bed?
- 5 A Yes, sir, it does.
- 6 Q And does it also depict splatters of blood that were
- 7 on the carpet?
- 8 A Yes, sir, it does.
- 9 Q Does photograph H-126 depict blood smears that were
- 10 near the feet of Peggy Ryen leading over towards a
- 11 bare spot in the carpet?
- 12 A Yes, sir.
- 13 Q And that all appeared to be blood as well; is that
- 14 correct?
- 15 A It appeared to be.
- 16 Q And in photograph H-67, does that depict the barest
- 17 part in the carpet in which concrete was exposed
- 18 underneath?
- 19 A Yes, sir, it does.
- 20 Q Were there large spots of blood on that concrete?
- 21 A Yes, sir, there was.
- 22 Q Showing you photographs H-163, H-164, H-165, H-167,
- 23 and H-168, do they all appear to you to depict bloody
- 24 impressions on the floor in the master bathroom?
- 25 A It appears with the exception of H-165. I don't see
- 26 any blood unless you can point it out to me.

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14-8

1 Q Okay.

2 A These would be accurate here.

3 Q So that's H-167, H-168, H-164, and H-163?

4 A Yes, sir.

(NO OMISSIONS)

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15-1

1 Q And H-170, does that depict blood stains on the carpet
2 that was underneath the body of Douglas Ryen?

3 A H-70?

4 Q Yes. Excuse me.

5 A Yes.

6 Q When you were doing your crime scene search, did you
7 note whether or not there appeared to be any hairs or
8 fibers on the carpet?

9 A No. Well, I would assume that there was hair on the
10 carpeting and that would have been left up to the
11 Crime Lab to check for.

12 MR. KOCHIS: I object and move to strike the last
13 answer. It calls for speculation.

14 THE COURT: Sustained. It will be stricken.

15 Don't tell us what you assumed. Tell us what you
16 saw and observed.

17 THE WITNESS: Yes, sir.

18 MR. NEGUS: Can we just strike the "I assume" but
19 leave in the other up to that?

20 THE COURT: Yes.

21 Q (BY MR. NEGUS) Did you see any large clumps of hair on
22 the carpet?

23 A No.

24 Q At any time during the time that you were processing
25 the crime scene, did you measure the location of any
26 hair seized by the Crime Lab?

00092900

15-2

- 1 A No.
- 2 Q At any time during the time that you were processing the
3 crime scene, did you measure the location so that you
4 could locate where it was taken from of any blood that
5 was seized by the Crime Lab?
- 6 A In the master bedroom?
- 7 Q Yes.
- 8 A No. Well, I did measure areas of blood on the floor.
- 9 Q What areas did you measure?
- 10 A Basically the areas around where Mr. Ryen was at rest,
11 a bare spot in the rug leading up toward the foot of
12 the bed, the area in the bathroom, the areas around
13 the phone. I documented the location of the phone which
14 had blood around it.
- 15 Q That documentation was done prior to the Crime Lab
16 seizing any samples of blood; is that correct?
- 17 A I'm not sure.
- 18 Q In your documentation of where you saw blood on the
19 carpet, did you document in addition the spot where the
20 Crime Lab took the sample, if it did?
- 21 A No.
- 22 Q Do you even know if the Crime Lab took samples from all
23 the different spots that you documented?
- 24 A No, I don't.
- 25 Q And do you know what spots on the walls, if any, the
26 Crime Lab took blood samples from?

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3 | A I didn't note any.

6 A Yes, there was.

8 A In the sink area.

12 | A Yes, there was.

14 A It was on the door that separates the living room from
15 the hallway.

17 | A Yes, sir, it did.

20 | A No.

24 A It appeared to be possibly that of blood and I requested
25 that the Crime Lab personnel test it for blood. They
26 did and I was told that it was negative.

009293

15-5

- 1 Q The phonograph that was in Jessica's room, the stain
2 that you asked be tested, did that likewise turn out
3 to be negative?
- 4 A Yes, sir, it did.
- 5 Q The stains on the refrigerator that you asked to be
6 tested, are those depicted in photographs H-183 and
7 H-184?
- 8 A Yes, sir.
- 9 Q And those were positive; is that correct?
- 10 A Yes, sir.
- 11 Q When those stains in H-183 and H-184 were tested, were
12 all of them -- was all of the stain consumed in the
13 testing?
- 14 A That was done by the Crime Lab. I don't know if it was
15 or not.
- 16 Q You just were told afterwards verbally by Mr. Gregonis
17 that it was positive?
- 18 A Yes, sir.
- 19 Q But you didn't actually see the test yourself?
- 20 A I saw the test being done, yes.
- 21 Q Did you see the blood stain after he had done the test?
- 22 A Yes. There was still some left on the wall.
- 23 Q Of the refrigerator?
- 24 A Of the refrigerator.
- 25 Q When you did an exterior check of the Ryen residence,
26 did you determine which doors were unlocked?

2 Q And showing you Exhibit H-220, is that a chart you
3 prepared or a chart prepared by Mr. Clifford which you
4 marked on during the course of the preliminary hearing?

6 Q And are the little orange "U"'s the doorways that,
7 during your inspection of the exterior, you found to
8 be unlocked?

10 Q Did you do some diagrams of the master bedroom which
11 incorporated the measurements that you took?

13 Q Showing you Exhibit H-228, is that a diagram that you
14 did which depicts the measurements of various items of
15 furniture in the Ryen master bedroom?

17 Q And at the preliminary hearing, did you put those little
18 red squiggles on the diagram indicating some of the
19 areas where there was blood on the carpet?

21 Q Did you also do a diagram which indicated the dimensions
22 of the walls of the master bedroom?

24 Q Are those two diagrams, the one that does the dimensions
25 of the wall and the one, H-228, that does the dimensions
26 of the furniture, the only two diagrams that you did of

009295

15-7

1 the Ryen master bedroom?

2 A Yes, sir.

3 Q What procedures were you aware of on June 5th, 1983,
4 established by the Sheriff's Office with respect to how
5 to handle crime scenes?

6 A I believe you are going to have to clarify that more.

7 Q On June the 5th, 1983, were you aware of any written
8 procedures which had been established by the Sheriff's
9 Department as to how to process and preserve evidence
10 from crime scenes?

11 A I'm not aware of any written procedures offhand, no.

12 Q Did you go through the Sheriff's Basic Academy?

13 A Yes, I did.

14 Q When you went through that Academy, did you receive a
15 handout having to do with the collection and preservation
16 of physical evidence?

17 A Possibly. It was 11 years ago. I have no idea.

18 Q At any rate, it was not something that you were referring
19 to and using on June 5th, 1983?

20 A No.

21 Q Were you aware of the existence of physical evidence
22 outlines which were put out by the Sheriff's Office
23 Crime Lab as to how to process physical evidence?

24 A In the processing of physical evidence, especially in
25 a homicide investigation, the Crime Lab personnel
26 processes it, collects it, stores it.

00092969

15-8

1 Q Were you aware of any procedures as to what was involved
2 in the job of handling the crime scene as far as Homicide
3 is concerned?
4 A To locate and document physical evidence.
5 Q Was there any written or other systematic procedure that
6 you were aware of passed down to you or was that
7 something you had just been told? Was that something
8 you had been told or is there anything formal that you
9 are aware of as far as what procedure?
10 A It's probably formal how to process a crime scene.
11 Q Do you have those documents or have you ever seen such
12 documents?
13 A I probably don't have any documents such as that, no.
14 Q You began work with the Homicide Division in 1982; is
15 that correct?
16 A Approximately a year and a half ago.
17 Q At that point in time, did they give you any set of
18 written instructions as to how to do crime scenes?
19 A No, sir.
20 Q Did they give you any oral instructions?
21 A Yes, sir.
22 Q From whom did you receive the oral instructions?
23 A From Detective Bengé, Chuck Bengé.
24 Q When you went to work in the Homicide Division, did
25 they give you -- were you ever shown a Detective Divisions
26 Operational Procedure which discussed handling crime

00092977

15-9

1 scenes?
2 A Not to my recollection.
3 (No omissions.)
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16-1

1 Q I'm specifically showing you Exhibit H-193 and I'll
2 ask you to look at that. Have you ever seen that
3 document or any facsimile thereof?

4 A I don't recall seeing something like this.

5 Q As part of your responsibilities in the homicide
6 department, have you ever been given any textbooks
7 or books to read as far as how to do a homicide
8 investigation?

9 A I believe I have one, if I'm not mistaken. I'm not
10 sure. I have to check. I do have my own books. I
11 have checked out material from the crime lab in
12 reference to blood. I've taken numerous courses at
13 Chaffey College. So I'm not sure if I have seen this
14 document or not. It's possible, but I'm not sure.

15 Q As you were going through the crime scene examining
16 various physical evidence, were you attempting to
17 reconstruct what happened?

18 A Basically, yes, sir, trying to determine, to gather
19 physical evidence to lead us to a suspect.

20 Q And as you were doing that, did the physical evidence
21 suggest to you certain conclusions that you could draw
22 about what had happened when these people were
23 murdered?

24 A Other than the fact that they were in bed together.

25 Q On what did you base that conclusion?

26 A The amount of blood that was on the bedsheets.

00092999

16-2

1 Q It appeared to you from --

2 A The blood that was on the south wall.

3 Q So it appeared to you from the blood on the sheets
4 and the pattern of blood on the south wall that
5 that blood had come from both the two adults?

6 MR. KOCHIS: Objection, calls for speculation as
7 to who the blood came from.

8 THE COURT: Overruled.

9 Did it so appear to you?

10 MR. KOCHIS: Well, your Honor, if you have five
11 victims who are stabbed in a room and absent some type of
12 test by a laboratory, I don't think he's qualified to
13 give an opinion as to which stain may have come from which
14 victim.

15 THE COURT: We've gone through this before. His
16 training has been to detect crime and the methods of
17 crime, and that would include theories about how it
18 happened. And for whatever it may be worth, I think it's
19 an appropriate question to ask a detective of his training
20 and experience.

21 MR. KOCHIS: I don't think foundationally there's
22 been any testimony that he has the type of training that
23 allows him to say where a particular spot on the wall came
24 from.

25 THE COURT: Well, we're not really after, I don't
26 believe, expert opinion in the usual manner here. What

009300

16-3

1 was his situation, intent, and state of mind. In any
2 event, sir, the objection is overruled. Proceed.

3 THE WITNESS: Could you repeat the question.

4 Q (BY MR. NEGUS) The amount of blood on the bedsheets
5 and the patterns on the south wall made it appear to
6 you that you had blood from both the adults; is that
7 correct?

8 A Yes.

9 Q Did you do anything to make sure that that blood was
10 collected to document your opinion?

11 A The evidence was collected. The sheets were collected
12 and documented as to their location, the position.
13 The south wall was taken. It was cut out.

14 Q As you were doing the processing of the crime scene,
15 were you aware that in order to preserve blood samples
16 for enzyme typing that they needed to be frozen?

17 A That they needed to be what?

18 Q Frozen.

19 A No, I did not know that.

20 Q Have you since learned that?

21 THE COURT: Improper and immaterial.

22 Q (BY MR. NEGUS) Did you know how to preserve the
23 blood at all as far as for typing is concerned?

24 A No.

25 Q Did you discuss the conclusions that you were drawing
26 from the evidence with the two people from the crime

16-4

- 1 lab that were collecting it?
- 2 A The conclusions that I just made?
- 3 Q Right, for example.
- 4 A No.
- 5 Q Why not?
- 6 A These were conclusions basically I think that I came
7 to probably after the crime scene, not necessarily
8 during the crime scene. No, I didn't, no.
- 9 Q And you had no reason why; is that right?
- 10 A No, I have no reason why.
- 11 Q Did the people from the crime lab discuss with you
12 any conclusions that they were drawing as to the
13 evidence as they collected it?
- 14 A I don't recall offhand, no.
- 15 Q During the time that you were looking at the house,
16 was one of the things that you were looking for as
17 the crime scene detective trying to determine a point
18 of entry and a point of exit?
- 19 A Yes.
- 20 Q During that time were you able to eliminate any of
21 the various windows or doors as possible points of
22 exit or entry?
- 23 A Not really, no.
- 24 Q When you got finished, were you able to eliminate any
25 of them?
- 26 A No.

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A Well, we knew that the sliding glass door in the master bedroom was unlocked at our arrival, and I believe through interviews it was determine that it was used by the paramedics to enter and exit. The utility room door I found unlocked. There was several items, such as fans and so forth, lying in front of the door. These items were upright, not knocked over, not pushed out of the way, but sitting in front of the door.

Q So, for example, it was a conclusion that you drew during the course of your investigation that the utility room or laundry room door had not been the point of entry or exit; is that correct?

Q Similarly, there was one of the windows which had a rip in the screen that you examined, is that right, to the west side of the house?

Q No. I think there was a window on the western side

009303

16-6

1 of the house that you looked at which had a rip in
2 the screen, but there appeared to be cobwebs or stuff
3 over it.

4 A There was a window, yes.

5 Q By looking at the cobwebs and the patterns of dust,
6 you could make a conclusion as you went through that
7 that particular window had not been a point of entry
8 or exit; is that right?

9 A That's true.

10 Q With respect to the sliding glass doors into the
11 bedroom, you were not aware, were you, of whether
12 they had been locked or unlocked at the time of the
13 original arrival of the officers?

14 A Correct.

15 Q So that was a possible point of entry?

16 A Possible.

17 Q The front door, you weren't aware whether that had
18 been locked or unlocked when people arrived; is that
19 correct?

20 A Well, going back to the master bedroom sliding glass
21 door, I believe I learned early in the investigation
22 that the bedroom door was locked, I believe, and it
23 was later unlocked.

24 Q So you eliminated the bedroom door as a possible point
25 of entry or exit?

26 A No, not necessarily. I didn't eliminate anything.

0009304

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A Not necessarily, no.

Q With respect to the front door, that was at least unlocked when you discovered it; is that correct?

A Yes, sir, it was.

Q So that was at least a possibility as far as a point of entry is concerned or exit?

A Possible.

Q Likewise, the living room sliding glass doors had a slit in the screen and that was likewise unlocked; is that correct?

A Yes.

Q And so that was a possibility as a point of entry or exit; is that correct?

A Yes.

Q And the rip in the screen appeared not to have any rust or corrosion or dust or cobwebs or anything on it; is that correct?

A That's correct.

Q So it appeared to be at least relatively fresh?

A Yes, but I might add that the rip was only extended up 21 inches and I would think it would be very unlikely that an assailant, let's say, would cause

009305

16-8

1 that rip. It was below the door handle of the sliding
2 glass door.

3 Q It was pushed out, was it not?

4 A Basically, yes, the bottom portion.

5 Q On an exit from the house possibly the person could
6 have kicked it out without seeing it in the dark?

7 A Possibly. I disagree with that. I don't think some
8 kick would cause a rip like that.

9 Q What appeared to you to have caused that?

10 A I don't know. There was a cut in the screen 21 inches
11 in length.

12 Q There was also a shorter cut approximately the
13 dimensions of a blade of an ax right next to that cut,
14 was there not?

15 A Well, I don't know. There was a secondary cut, but
16 they also have animals at the residence.

17 Q Did the cut appear to be ripped or cut?

18 A I am not -- I don't have any expertise in making that
19 type of a judgment.

20 Q Did anybody at the scene that you observed attempt to
21 examine the door to find that out?

22 A Not that I'm aware of.

23 Q During the time that you were -- how long was it until
24 you finished working in the master bedroom?

25 A There was no set time until on Monday when we
26 completed. I was in and out of that room and other

0009306

16-9

1 rooms in the residence constantly.

2 Q I mean, did you work essentially straight through on
3 the master bedroom until the bodies were removed?

4 A Not necessarily, no. I was in there and I would exit,
5 leave the master bedroom, might go into another room
6 for a brief moment, and come back.

7 Q Basically, though, were you working primarily on the
8 master bedroom up until the time that the bodies were
9 removed?

10 A Basically, yes.

11 Q As far as your note-taking is concerned and your
12 measurements was concerned, you were engaged in note-
13 taking and measurements on the master bedroom up until
14 the time that the bodies were removed; is that right?

15 A Yes. But I also redid measurements the following day,
16 too, I believe.

17 Q I'm just trying to get what your activities were up
18 until the time that the bodies were removed and the
19 actual area where you were focusing your analysis,
20 note-taking, and measurements on at that point in
21 time was the master bedroom, right?

22 A Basically.

23 Q And you didn't take any notes about any other areas
24 outside of the master bedroom?

25 A I'd gone into the other areas of the residence at
26 different points in time looking for signs of physical

009307

16-10

- 1 evidence that would stand out, such as weapons or
2 spots of blood on the other walls, and I didn't find
3 any.
- 4 Q At some point did you, on June the 5th, did you finish
5 at least temporarily taking notes and measurements of
6 the master bedroom and then proceed to go through the
7 other parts of the house and taking notes as to where
8 you saw the location of the furniture, other items
9 that you saw in the rooms?
- 10 A Yes, sir.
- 11 Q And that was done after the bodies were removed; is
12 that correct?
- 13 A Basically.
- 14 Q During the time that you were working in the bedroom,
15 were you assisted by anybody?
- 16 A Yes, I was.
- 17 Q Who was that?
- 18 A Sergeant Arthur, Detective Clifford, later in the
19 evening was Detective Wilson and Detective O'Campo.
- 20 Q Do you remember approximately what time it was that
21 Mr. Clifford started helping you?
- 22 A That would be indicated in his assignment. I didn't
23 note that.
- 24 Q Was that during the daytime or --
- 25 A Yes, it was.
- 26 Q What about Mr. O'Campo?

009308

16-11

1 A That was probably later in the evening.

2 Q Mr. Wilson?

3 A Later in the evening.

4 Q During the time that you were processing the house on
5 the 5th, did you note the criminalists to be working
6 in any areas other than the master bedroom, master
7 bathroom, and hallway right where Jessica was found?

8 A I don't recall if they were or not.

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

10 THE COURT: You're not concluded?

11 MR. NEGUS: No.

12 THE COURT: When do you have to go back to
13 Victorville?

14 THE WITNESS: I can get a disposition here shortly
15 as far as what's going to be needed.

16 THE COURT: Can you come back here tomorrow
17 morning?

18 THE WITNESS: I don't see why not.

19 THE COURT: All right. 9:30 then.

20 (The evening recess was taken at
21 4:00 p.m.)
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009309