

CASE NO. CRIM 24552

SUPREME COURT OF THE STATE OF CALIFORNIA

THE PEOPLE OF THE STATE
OF CALIFORNIA,

PLAINTIFF,

-VS-

KEVIN COOPER,

DEFENDANT.

SUPERIOR COURT
NO. CR-72787
MOTIONS

APPEAL FROM THE SUPERIOR COURT OF SAN DIEGO COUNTY

HONORABLE RICHARD C. GARNER, JUDGE PRESIDING

REPORTERS' TRANSCRIPT ON APPEAL

APPEARANCES:

FOR PLAINTIFF-RESPONDENT:

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1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 FOR THE COUNTY OF SAN BERNARDINO
3

4 THE PEOPLE OF THE STATE)
OF CALIFORNIA,)

5 Plaintiff,)

6 vs.)

7 KEVIN COOPER,)

8 Defendant.)
9

NO. OCR-9319

CL-72787

VOLUME 31

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10
11 REPORTERS' DAILY TRANSCRIPT

12 BEFORE HONORABLE RICHARD C. GARNER, JUDGE

13 DEPARTMENT 10 - SAN BERNARDINO, CALIFORNIA

14 Thursday, June 7, 1984

15 APPEARANCES:

16 For the People:

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District Attorney

17 DENNIS KOTTMEIER
18 District Attorney
By: JOHN P. KOCHIS
19 Deputy District Attorney

20 For the Defendant:

DAVID MCKENNA
Public Defender
By: DAVID NEGUS
21 Deputy Public Defender
22

23 Reported by:

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Official Reporter
C.S.R. No. 1109
and
JUDITH L. MORRIS
Official Reporter
C.S.R. No. 2400
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25
26

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1 SAN BERNARDINO, CALIFORNIA; THURSDAY, JUNE 7, 1984; 9:55 A.M.

2 DEPARTMENT NO. 10 HON. RICHARD C. GARNER, JUDGE

3 APPEARANCES:

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

11 (Leonard D. Gunn, C.S.R. Official Reporter, C-1109,
12 Judith L. Morris, C.S.R. Official Reporter, C-2400.)
13

14 THE COURT: Gentlemen.

15 MR. NEGUS: I'd like to recall Sergeant Arthur just
16 briefly for some testimony about some things that have been
17 happening in Pittsburg recently.
18

19 B I L L A R T H U R, having been previously duly sworn,
20 resumed the stand and testified further as follows:

21 THE COURT: Just resume the chair and state your
22 name again for the record. You're still under oath.

23 THE WITNESS: Bill Arthur.

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Q Sergeant Arthur, during this week were you aware that Mr. Forbush, my investigator, was attempting to contact three officers in Pittsburgh?

Q Have you had any communications with the Pittsburgh police about that?

Q When was that?

Q And to whom did you speak?

A. Inspector Moore.

Q That would be Inspector William Moore who is the head of the No. 2 station in Pittsburgh?

A I believe that's correct.

Q What was the nature of that conversation?

A. I had called for Sergeant Scherer and I had asked for Sergeant Scherer and was given to Inspector Moore. I was told that Sergeant Scherer was off for the day and I asked if your investigator had been there to see Sergeant Scherer.

I was told that he had not been there. They were aware that he wanted to talk to his men, his men did not want to talk to him. And I at some point in time said if they choose to talk to him, we would like to have

1 a tape recording made of that conversation so that we
2 would know what the officers said.

3 Q Had you had any prior contacts with Sergeant Scherer
4 about Defense interviews?

5 A No.

6 Q Had you had any prior contacts with any other people in
7 the Pittsburgh Police Department about Defense interviews?

8 A No.

9 Q To your knowledge was Ralph Williams sent back to
10 Pittsburgh, of the San Bernardino Sheriff's Office, to
11 make contact with Sergeant Scherer in February of this
12 year?

13 A I believe it was February, yes.

14 Q Were you aware of any conversations that Sergeant
15 Williams and Mr. Scherer had with respect to talking
16 to Defense investigators?

17 A No.

18 MR. NEGUS: Nothing further at this point, Your
19 Honor.

20

21 CROSS EXAMINATION

22 BY MR. KOCHIS:

23 Q Sergeant Arthur, is essentially what happened this week,
24 you received some verbal communication from Sergeant
25 Ralph Williams of this department?

26 A Yes.

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4 | A. Yes.

7 A Not as a result of that. As a result of the communication
8 held here between the two attorneys in regard to Forbush
9 receiving cooperation or not receiving cooperation.

13 | A. Yes.

17 | A. I do.

19 | A. Yes.

23 | A Yes.

24 Q Did you call the Pittsburgh Police Department to see if
25 they had the facilities to tape record any interview
26 that would take place between Mr. Forbush and their

1 officers?

2 A Yes.

3 Q Did you ever tell Inspector Moore that his officers
4 should not talk to Mr. Forbush?

5 A No, I have not.

6 Q Did you simply ask him that if the interview took place
7 he could ensure it would be tape recorded and you would
8 receive a copy of the tape recording?

9 A Yes.

10 MR. KOCHIS: I have nothing else.

11 MR. NEGUS: Nothing.

12 THE COURT: You may step down.

13 THE WITNESS: Thank you.

14 MR. NEGUS: This will come up again. I just wanted
15 to determine something. Could I call now Dave Hammock.

16 MR. KOCHIS: Your Honor, I might add while we're
17 on this issue, apparently Ron Forbush is in the Pittsburgh
18 area. He wants to talk to three peace officers; Officer
19 Wolfe, Officer Parsons, and Officer Ray Shearer. I'm in a
20 position at this point where I ^{am} reluctant and perhaps un-
21 willing to call those officers and talk to them, because I
22 feel based on, for example, Sergeant Arthur's testimony,
23 based on some conversations I've had with Mr. Negus, that if
24 I pick up the telephone and say anything to anybody in
25 the police department in Pittsburgh, I'm going to end up on
26 the witness stand. If I take the witness stand and say

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1 "Please talk to him" or "It's your own person decision,"
2 whatever I say, and I'm reluctant to take that step.

3 Apparently Mr. Negus has information that the position
4 of the police officers is that absent a subpoena and absent
5 a court order they do not wish to talk to his investigator.
6 My only concern is that if an interview takes place that it
7 be recorded so that I can be aware of the contents of the
8 interview.

9 I'm not opposed to Mr. Negus talking to the officers.
10 However, I don't feel I'm in a position to order any witness,
11 including a Pittsburgh Police Officer, that he must talk to
12 anyone, whether it's Sergeant Arthur or Mr. Forbush. It's
13 a practical problem that I think involves the taxpayers in
14 that Mr. Forbush is back there, and if the interview's going
15 to take place it should take place while he's back there. If
16 they're not going to tape record it, I need a day or so to
17 fly an officer back there.

18 I'm just wondering if Mr. Negus has any assistance
19 he's going to request from this Court to get the officers to
20 talk, rather than put them on the stand and take testimony.
21 That's not going to solve the problem.

22 THE COURT: What are you looking at me for? There's
23 no request being made of me at this time. There's no
24 motion before the Court. I think it's interesting, but that's
25 about all.

26 MR. NEGUS: The reason I'm bringing it up is because

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1 I think it relates to issues about withholding evidence, and
2 I'll make an offer of proof of what I think the different
3 testimony is going to be, and I'm going to be asking, I think,
4 as their position is they won't talk to us unless there's
5 an order.

6 Mr. Forbush is back there to gather information about
7 the reduced issues that Mr. Kochis presented. Mr. Forbush
8 spoke -- there's three officers we want to talk to. Two of
9 them are burglary detectives and they are the two detectives
10 who are most familiar with Mr. Cooper's past record as far
11 as committing burglaries in the Pittsburgh area are concerned.
12 They are the people that will be most familiar with his
13 modus operandi, if you wish.

14 Mr. Kochis apparently is going to try and introduce
15 some evidence of that. Mr. Forbush talked to them in August
16 of this year, both with Mr. Parsons and Mr. Wolfe. Mr.
17 Parsons and Mr. Wolfe had both told him that they had
18 information -- that is, they talked together; it was a three-
19 way conversation. But they're partners, and he said together
20 that they had information which would be helpful to the
21 Defense.

22 They also said that they had been told by a Rodney
23 Baxter, who is the Deputy District Attorney who is
24 responsible for prosecuting Mr. Cooper in the Pennsylvania
25 area, not to talk to Mr. Forbush.

26 Mr. Forbush also made contact with a man named Bello,

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1 who was at that point in time the partner of the other man
2 we wanted to talk to, Mr. Ray Scherer. Mr. Scherer was off
3 sick on the day that Mr. Forbush contacted Mr. Bello. But
4 Mr. Bello told him that he had been ordered by Rodney Baxter
5 not to talk to Mr. Forbush and that that order applied to
6 his partner, Ray Scherer, as well.

7 Mr. Forbush talked to at least a half dozen, I
8 believe, other police officers who had not been ordered by
9 Rodney Baxter not to talk to him, and they all gave -- they
10 freely gave an interview to him about matters of concern.

11 When Mr. Williams was back in Pittsburgh -- and I
12 don't have my police report with me right now, so I'm not
13 sure that I can state precisely what he said -- but he and
14 Ray Scherer traveled around together.

15 Included in an interview, included in the discovery
16 is some discussion of Mr. Scherer, Mr. Williams, and a young
17 woman named Lori Stahl in which Mr. Williams apparently,
18 from what I can read in the reports, advised her not to talk
19 to Mr. Forbush. She also indicated that she didn't want to
20 talk to him, but there was some sort of indication in the
21 report that there's been advisals by Mr. Williams not to
22 talk to Mr. Forbush. I can't say that precisely, because I
23 haven't looked through it that recently and I don't remember
24 it.

25 What I'm going to be asking for, because Mr. Forbush
26 is going to be coming back, he's going to be leaving the

1 Pittsburgh area the middle of next week, I would imagine is
2 probably on Monday an order by this Court that if the officers
3 don't talk to Mr. Forbush, then there has been a withholding
4 of helpful evidence to the Defense and that evidence which
5 the Prosecution wishes to introduce should not be admitted.

6 THE COURT: I'm going to be very hesitant to give you
7 any order in this case unless first you make some effort to
8 try and get by cooperation what you're now trying to get
9 by playing hardball. I don't see why in the world you don't
10 go ahead and indicate to the Prosecution that interviews
11 with the officers in Pennsylvania, that you assure Mr. Kochis
12 that Mr. Forbush will tape record it and furnish it.

13 MR. NEGUS: We have no problem.

14 THE COURT: They'll undoubtedly cooperate.

15 MR. NEGUS: That's not true. We worked it out that
16 Mr. Baxter through the opposite number back there, we agreed
17 to have Mr. Baxter there tape recording it for Mr. Kochis.

18 MR. KOCHIS: Your Honor, as of yesterday morning
19 when I talked to Mr. Negus, I was left with the impression
20 that everything was settled, that the officers were going
21 to be perhaps interviewed if they chose to, so it was going
22 to be tape recorded and I was going to get a copy of the
23 tape recording.

24 MR. NEGUS: We have no problem with that.

25 THE COURT: So Mr. Forbush will make a tape recording
26 of any interviews he makes of law enforcement officers in

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1 Pennsylvania and you'll furnish a copy of that to Mr. Kochis.

2 MR. NEGUS: I think that there's a problem with that,
3 but we can solve -- we can have the same result. Mr. Baxter
4 will be there with his tape recorder.

5 THE COURT: Who is Baxter?

6 MR. NEGUS: He's a Deputy D.A. in Pittsburgh. A
7 representative of the Prosecution will be there with their
8 tape recorder, Mr. Forbush with his tape recorder, so Mr.
9 Kochis will get a copy of the interview. We have never
10 tried -- anybody who has wanted to tape record the interviews
11 along with Mr. Forbush, Mr. Forbush has freely consented to
12 that, and I know the Prosecution has received at least one
13 witness that has done that for them. We have no problem
14 with that.

15 THE COURT: Perhaps then I could talk to the
16 Deputy D.A. back there and simply encourage him to encourage
17 the officers to freely discuss --

18 MR. KOCHIS: Well, Your Honor --

19 THE COURT: Would that help? That would take you
20 off the hook.

21 MR. KOCHIS: He doesn't have any objection to that.
22 That's my understanding. I received a telephone call from
23 him at home this morning, and he said he had spoke to two
24 of the officers -- they represent that they speak for all
25 three -- that they do not wish to talk to a Defense investiga-
26 tor unless they are subpoenaed or unless there is a court

1 order. He started --

2 THE COURT: I can't give a valid order in Pennsylvania.

3 MR. KOCHIS: I don't think you can. I think Mr. Negus
4 can send them a subpoena.

5 MR. NEGUS: I happen to just have done a little
6 research on this. I'm sure Mr. Kochis knows from his past
7 experience that a valid out-of-state subpoena requires sending
8 considerable amount of money with it.

9 THE COURT: Of course it does. Is it your impression
10 that the officers back there are simply trying to get a
11 vacation or something to California?

12 MR. KOCHIS: Your Honor, I have not talked to them.
13 I don't know what their impression is. Mr. Baxter attempted
14 to talk to me about a case that creates some type of liability
15 on officers' parts in his state if they talk, and I didn't
16 want to get into it, so I don't know if it's they don't
17 want to talk to Mr. Negus, they don't want to talk to me,
18 if they want to come out here and tell their story on the
19 witness stand. I'm not sure.

20 I'm hesitant to talk to them personally and become
21 a witness myself, and I might add with the Lori Stahl
22 comments that Mr. Negus made, Ms. Stahl is represented by an
23 attorney on a civil suit. It stems from some actions Mr.
24 Cooper committed. And I believe Mr. Negus is not going to
25 attempt to talk to her without going through her attorney.
26 That's completely --

1 THE COURT: Some of the information from the officers
2 back there would be applicable in the Pennsylvania suit,
3 perhaps.

4 MR. NEGUS: The civil suit has to do -- the only
5 civil suit I'm aware of has to do with an alleged rape that
6 occurred in 1982. And there is a civil suit filed by the
7 victim of that against, at the present time, Mayview Hospital.
8 The officers are not named, but I suspect that they might
9 fear that they would be. Mr. Forbush has no intention of
10 talking to anybody about that particular charge.

11 (No omissions.)
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1 THE COURT: Well, of course, the civil attorney
2 would perhaps be interested in, you know, want to attend
3 like a deposition, perhaps. All it does is complicate the
4 matter.

5 MR. NEGUS: I don't think the civil suit is the
6 reason. The reason I brought up the thing about Williams
7 talking to Mr. Scherer is because I believe that communicated
8 to Mr. Scherer the idea that it was not a good idea to talk
9 to Mr. Forbush.

10 THE COURT: If you are successful, Mr. Kochis, in
11 using the charges back there against Mr. Cooper in California
12 to show similars, would you be bringing those officers out?

13 MR. KOCHIS: No. They arrested Mr. Cooper for the
14 burglaries for which he was committed to Mayview Hospital.
15 I agreed pursuant to Judge Kayashima's request to not
16 introduce evidence of those burglaries at either the guilt
17 phase or the penalty phase in this case.

18 What Mr. Negus is talking to is Diane Williams has
19 been interviewed. She testified at the preliminary hearing
20 and she made a statement in the past to an investigator
21 which Mr. Negus has a copy of as to Mr. Cooper taping certain
22 parts of his body, his fingers, with tape in preparation to
23 commit burglaries. That's what Mr. Negus is talking about.

24 And his theory is if Mr. Wolf and Mr. Parsons
25 arrested Mr. Cooper for burglary, that they would be
26 familiar with any M.O. he may have, including whether or

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1 not he taped his fingers.

2 MR. NEGUS: And they have arrested Mr. Cooper for
3 burglary numerous times, not just once. But they are
4 familiar with it and I think also familiar with the case
5 which we are talking about.

6 THE COURT: It seems this would take a lot of time
7 and money on something that is apparently remote.

8 MR. NEGUS: The problem is, I think the evidence
9 that Mr. Kochis wants to get in is fabricated by Diane
10 Williams, so the people that can disprove it are Mr. Scherer,
11 who has information about Diane Williams, and Mr. Parsons
12 and Mr. Wolf have information about Mr. Cooper.

13 That's what I'm trying to do.

14 THE COURT: May I have permission from all three of
15 you to talk to Mr. Baxter simply to encourage him? I'm
16 confident that the District Attorney back there, if he
17 encourages them to talk, that they would do so in most
18 instances.

19 MR. NEGUS: Okay with me.

20 MR. KOCHIS: Yes.

21 THE COURT: This in some way might give me some
22 knowledge about the case which could conceivably cause
23 complications. You know, I'm hearing evidence out of course,
24 that sort of thing.

25 So, Mr. Cooper, I want your permission, I want your
26 waiver of any impropriety or disqualification based upon it.

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1 Otherwise, I can't do it.

2 I can't conceive of me talking facts with him, but
3 I just don't want there to be any irregularity come up
4 because of my personal intervening.

5 MR. NEGUS: Let me run that through my mind a
6 minute.

7 I don't think I have a problem with that.

8 THE COURT: Think about it for a while, if you want,
9 and we can take it up later.

10 MR. KOCHIS: Couldn't we handle it in a fashion in
11 which you do not talk to Mr. Baxter about the facts in
12 Pittsburg, simply to the trial judge in their case?

13 There is evidence in Pittsburg that may be --

14 THE COURT: I know what to say. I assure you I'm
15 not going to try to get involved in the facts, but I can't
16 control what he might tell me in our discussions.

17 MR. NEGUS: I don't think I have -- Do we have a
18 setup where everybody can listen?

19 THE COURT: That's not going to work. I can't be
20 on the record and have the same powers of persuasion that I
21 could if I were talking to him informally.

22 MR. NEGUS: I don't like things off the record in
23 this case.

24 THE COURT: I'm just trying to help.

25 MR. NEGUS: I understand. I have to weigh, to
26 balance off. I understand what you are saying and I know

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1 that you can't have the same powers of persuasion. But I'm
2 also thinking about what an appellate attorney might say
3 years hence, and I think I would not even, though I would
4 like to do it, I wouldn't feel comfortable with it if it's
5 off the record.

8 THE COURT: Inspector?

14 THE COURT: I strongly encourage it. My goodness,
15 in the interest of justice, economy, expedition, everything,
16 there is nothing wrong with the defense investigator
17 inquiring from the officers back there. I see no reason
18 why they should not cooperate in that regard.

24 DEPUTY ARTHUR: I will see what I can do.

25 THE COURT: Appreciate it. Thank you.

26 | Let's go.

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1 MR. NEGUS: Mr. Hammock.

2
3 D A V I D H A M M O C K, called as a witness by
4 and on behalf of the defendant, was duly sworn,
5 examined and testified as follows:

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

10 THE WITNESS: I do.

11 THE CLERK: Please be seated.

12 State your name, please, for the record, and spell
13 your last name.

14 THE WITNESS: David Hammock, H-a-m-m-o-c-k.

15

16 DIRECT EXAMINATION

17 BY MR. NEGUS:

18 Q Mr. Hammock, what is your occupation?

19 A Deputy Coroner for the County of San Bernardino.

20 Q And were you so employed in June of 1983?

21 A Yes, I was.

22 THE COURT: Are you related to the supervisor?

23 THE WITNESS: Yes, I am.

24 THE COURT: Congratulations. He just prevailed
25 another election.

26 MR. NEGUS: May I have a second, your Honor?

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1 Q (BY MR. NEGUS) On June 5th, 1983, were you notified by
2 another person in your office to go to 2943 English Road
3 in the Chino Hills?

4 A Yes.

5 Q And did you receive that notification to go there at
6 4:10 in the afternoon?

7 A Yes.

8 Q What time did you actually arrive at the residence in
9 the Chino Hills?

10 A 5:30 in the afternoon.

11 Q When you arrived, were there any Sheriffs there?

12 A Yes.

13 Q When you arrived, did you go to one particular room in
14 the house first?

15 A Yes.

16 Q And what room was that?

17 A I assume it was the living room. It was a room to the
18 left of the entrance doorway.

19 Q Showing you photograph H-188, does that appear to be a
20 photograph of the room that you first went into?

21 A Yes.

22 Q Were there any Sheriff's people in that room at that
23 time?

24 A Yes, there was.

25 Q Whom, if you can recall?

26 A Captain Myers was in the room. I believe Sheriff Tidwell

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- 1 was in the room on my arrival.
- 2 Q Were there any others?
- 3 A There were other persons in the room. I don't recall
- 4 who they were.
- 5 Q Do you recall a Lieutenant Bradford being in the room?
- 6 A No, I don't.
- 7 Q Do you recall seeing Lieutenant Bradford at the residence?
- 8 A No.
- 9 Q Do you know who Lieutenant Bradford is?
- 10 A I would not recognize him.
- 11 Q Do you recall there being a thin gentleman with dark
- 12 hair who was at that time the person in charge of the
- 13 homicide in the room?
- 14 A No.
- 15 Q What did you do when you went into the living room?
- 16 A I talked to Captain Myers.
- 17 Q And what did you do after that?
- 18 A I went into the master bedroom of the home.
- 19 Q How long were you in the master bedroom when you went
- 20 in there?
- 21 A Probably an hour the first time I was in there.
- 22 Q What were you doing?
- 23 A Taking photographs and making notes.
- 24 Q And did you later reduce those notes to a report?
- 25 A Yes.
- 26 Q And did the photographs and the notes concern the

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1 position of four deceased persons who were in the room?

2 A Yes.

3 Q Who else was in the room at the time you went in there,
4 if you recall?

5 A Detective O'Campo from the Sheriff's Department,
6 Detective Wilson, Deputy Duffy. Those are the only
7 three I recall.

8 Q Do you know a gentleman named Mike Hall?

9 A Yes.

10 Q Was he in the room?

11 A I don't recall if he was.

12 Q Back to the living room.

13 In addition to Captain Myers, were there other
14 personnel there in the room in civilian clothing?

15 A Yes.

16 Q And did they appear to be people from the Bureau of
17 Administration of the Sheriff's Office?

18 A Yes.

19 Q Was Sergeant Arthur also in the living room when you came
20 in?

21 A I don't recall whether he was when I arrived.

22 Q Did you talk to him in the living room when you were
23 talking to Captain Myers?

24 A I don't recall.

25 Q Do you remember testifying at the preliminary hearing
26 that -- in Volume 25, page 3, line 24 -- that

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1 Lieutenant Bradford was in the room when you arrived?

2 A No, I don't.

3 Q Was your memory more accurate in December than it is now?

4 A Very possibly.

5 MR. NEGUS: If I can read, your Honor, from that
6 volume, lines 24 through 26.

7 "Question: Who were those Sheriff's deputies?

8 "Answer: Lieutenant Bradford and Captain Myers.

9 That's the only two I recall. There were more in the room."

10 Q (BY MR. NEGUS) When you completed your work in the
11 master bedroom, what did you do then?

12 A I went to the kitchen area of the residence.

13 Q And what was your purpose in going to the kitchen?

14 A To wait for my transportation service to remove the
15 bodies.

16 Q Had you made a phone call to them?

17 A Yes.

18 Q At what time?

19 A I don't recall what time.

20 Q On your notes that you take, do you fill out a form for
21 each person who is deceased?

22 A My original notes are on a steno pad and then I put them
23 on a form, a worksheet form.

24 Q Is there a form that you have that is entitled, "Report
25 of Death" and it's a handwritten form?

26 A Yes.

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1 Q On that form, is there a space for "removal service
2 requested" with a date and time that that request is
3 made?

4 A There is a space for what time the removal service
5 removes the body. There is no space for when the
6 request was made.

7 Q Do you have those documents with you?

8 A Yes.

9 Q If you would look at any one, I think they are all the
10 same, lines 41, 42 and 43, or boxes 41, 42 and 43, it
11 indicates that you have removal service requested; is
12 that correct?

13 A Yes.

14 (No omissions.)
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1 Q And then there's a date and time. Is that in fact when
2 it was requested?

3 A Yes, it was. I was in error. Our new form does not have
4 the time requested, only the time removed. I was
5 referring to our new forms. This form that was in use
6 there does have the time requested.

7 Q And so that would have been the time that you made the
8 request for the body service would have been 7:00 o'clock
9 in the evening?

10 A Yes.

11 Q How long did it take for the body service to get there?

12 A Approximately an hour and a half.

13 Q Were you in the kitchen area the whole time that you
14 were waiting?

15 A I was in and out of the bedroom and the kitchen area.

16 Q Were there other people congregating in the kitchen area
17 besides yourself?

18 A Yes.

19 Q And how many people were in there?

20 A I don't recall exactly. Four or five maybe.

21 Q Do you remember who they were?

22 A No.

23 Q Were they sheriff's personnel?

24 A Yes.

25 Q At some point in time, did Dr. Irving Root arrive?

26 A Yes.

0009611

26 A. I don't recall. I could refer to one of my photographs

1 that shows a portion of the bed.

2 Q Do you have one?

3 A The photo does show a sheet or bedspread on the bed.

4 Q May I? You have a photo of the position of the body of

5 Dr. Douglas Ryen; is that correct?

6 A Yes.

7 Q And that indicates that at least in the portions of that

8 photograph that are visible that there are still sheets

9 and a pillow on the bed?

10 A Yes.

11 Q Approximately what time was that photo taken?

12 A I would estimate 1800.

13 Q While you were making your notes about the positions

14 of the bodies, did you touch them or move them in any

15 way?

16 A I touched them, but I did not remove them.

17 Q You touched them just to determine a rough approximation

18 of the body temperature?

19 A Yes.

20 Q And that was to help you estimate the time of death?

21 A Pardon me?

22 Q That was to help you estimate the time of death? That's

23 why you touched them?

24 A Yes.

25 Q The people that arrived from the body removal service,

26 was that a Robert Glenn and a Rodney Parrish from

00996613

1 Southwestern Transport?

2 A Robert Glenn was there. I don't recall who his helper
3 was that night.

4 Q And you said they arrived approximately 8:30 in the
5 evening?

6 A I would estimate in that neighborhood.

7 Q And then approximately how long did it take them to
8 remove the bodies of the deceased?

9 A I do not recall if we were ready to move the bodies on
10 their arrival or not, so I do not know.

11 Q Do you remember approximately what time they were
12 finished?

13 A No, I don't.

14 Q The old forms that you were using didn't have a spot
15 for that on them?

16 A No.

17 Q While you were in the kitchen, what were the other
18 deputies doing there?

19 A Talking.

20 Q Was anybody eating?

21 A At one time I recall seeing deputies eating.

22 Q Was that in the kitchen area?

23 A I believe it was the kitchen area.

24 Q When the people from the body removal service arrived,
25 how was the work done of taking out the bodies of the --

26 THE COURT: Counsel, is that detail necessary?

0009614

1 MR. NEGUS: Yes.

2 THE COURT: You may answer.

3 THE WITNESS: I don't remember the exact procedure
4 they used. They use different procedures under different
5 circumstances.

6 Q (BY MR. NEGUS:) Did they bring in, for example, gurneys
7 to load the people on?

8 A Yes.

9 Q And was there any space cleared for them to put the
10 gurneys on, or did they just put them on the rug?

11 A I don't understand your question.

12 Q When they brought the gurneys in, where did they put
13 them?

14 A They collapsed them onto the floor adjacent to the body
15 they were picking up.

16 Q Do they also spread out a body bag on the floor?

17 A There again, there's different procedures. Sometimes
18 they put the body bag on the gurney, which is the most
19 common procedure, and then lift the body into the body
20 bag.

21 Q Showing you Exhibit H-213, does that appear to be a
22 photograph of the position of the bodies prior to their
23 removal?

24 A Yes.

25 Q Where did they put the gurney when they were removing
26 Christopher Hughes?

009615

1 A I don't recall where they put it.

2 Q Do you recall where they put it when they removed any
3 of the people?

4 A No.

5 Q While the work was going on, were there people there
6 from the sheriff's office collecting evidence from the
7 people's bodies?

8 A Yes.

9 Q Do you remember who?

10 A No.

11 Q Do you remember if there was any trace evidence that was
12 being removed from the bodies as they were placed into
13 the body bag?

14 A What type of evidence?

15 Q Hairs, that sort of thing, fibers, any foreign substances
16 sticking to the bodies.

17 A No.

18 Q They were not removed?

19 A I don't recall them being removed.

20 Q Were there various foreign objects like hairs, fibers,
21 that sort of thing stuck on some of the bodies?

22 A Yes.

23 Q They were just placed in the body bag along with the
24 body?

25 A Yes.

26 Q Did anybody take any blood sample off the bodies when

009616

1 they were being placed in the bags?

2 A I didn't see anybody taking any.

3 Q Was Mr. Duffy there taking photographs during this
4 process?

5 A Yes.

6 Q Was it approximately -- well, do you remember which
7 order it was that you took your notes of the different
8 people?

9 A No, I don't.

10 Q Is it possible that you did -- well, did you do Douglas
11 Ryen shown in H-212, was that the last person that you
12 examined?

13 A I don't recall.

14 Q Did you examine him more than once?

15 A I saw him more than once. I don't know what you mean
16 by examine.

17 Q Well, when you took the photographs of him, was that at
18 the same time that you took notes as to his position
19 and felt him to determine what his body temperature was?

20 A I don't recall.

21 Q Well, do you remember whether you went from one to the
22 other taking photographs, or did you examine each person
23 individually?

24 A I may have taken all my photographs at the same time or
25 I may have taken them as I took notes of each person's
26 position. I don't recall.

1 Q Do you remember testifying at the Preliminary Hearing
2 that the actual examination where you touched Dr. Ryen,
3 Dr. Douglas Ryen, was approximately two hours after you
4 arrived?

5 A No.

6 Q Would that seem to be accurate?

7 A I don't recall. Normally I would touch them before
8 that length of time passed.

9 MR. NEGUS: If I could read, Your Honor, Page 13 of
10 Volume 25, Lines 22 through 26.

11 THE COURT: Yes.

12 MR. NEGUS: Question: What time did you actually
13 examine Douglas Ryen to determine whether or not he had well
14 developed rigor?

15 Answer: Probably had been around two hours of my
16 arrival there.

17 Q (BY MR. NEGUS:) When you're testifying here today, do
18 you have a clear recollection of the events of that
19 particular crime scene investigation, or are you testifying
20 more to what your normal procedure is?

21 A I don't have a clear recollection of the chronological
22 order of my investigation. I do have a reasonably clear
23 recollection of the scene.

24 Q So the order of the events is less clear, but what you
25 saw you remember; is that correct?

26 A Basically, yes.

009618

1 Q Is it possible that you had to wait around a considerable
2 period of time before you actually got to the master
3 bedroom?

4 A I did not wait over a half an hour at the scene before
5 I entered the master bedroom.

6 Q Did that take place in the living room when you were
7 waiting to go in there? Is that where you waited when
8 you first go there?

9 A Yes.

10 Q Do you recall whether there was a briefing you attended
11 while you were in the living room?

12 A I wouldn't necessarily call it a briefing. I was
13 briefed on what I basically was going to find when I
14 entered the bedroom.

15 Q Do you recall Sergeant Arthur, for example, giving
16 information to yourself as well as various members of
17 the Bureau of Administration?

18 A I remember him giving information to me, yes.

19 Q That was during the time that you were waiting to go
20 into the bedroom?

21 A Yes.

22 Q While he was giving information to you, were the other
23 people from the Bureau of Administration sitting on the
24 various furniture in the living room?

25 A Yes.

26 (No omissions.)

0099619

3-1

1 Q With the exception of Mike Hall and Captain Bradford,
2 the various people you mentioned in your testimony
3 today as being present at the crime scene are people
4 whose names you had noted in your reports; is that
5 correct?

6 A Yes.

7 Q And those reports were typed within a couple of days
8 after the crime, within a week or so?

9 A Probably quite a bit longer than a week before the
10 actual investigation was typed. Within a week or two,
11 I would have dictated on the tape. But when it was
12 actually typed by the transcriber, I don't know.

13 Q So the dictation would have been done from your notes
14 within a week?

15 A Yes.

16 Q Do you then destroy your notes after you dictate?

17 A The notes that I take at the scene?

18 Q Yes, the steno pad.

19 A The notes on the steno pad are destroyed, yes.

20 MR. NEGUS: Nothing further.

21

22 CROSS-EXAMINATION

23 BY MR. KOCHIS:

24 Q Mr. Hammock, are you required by law to go to the scene
25 of a homicide?

26 A Yes.

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3-2

- 1 Q And do you have certain duties to perform by law at
2 a homicide?
- 3 A Yes.
- 4 Q What do those duties consist of?
- 5 A They consist of investigation to make a preliminary
6 determination whether the death was a natural death or
7 traumatic death. They require the safeguarding and
8 preservation of the deceased's property.
- 9 Q Do you also supervise the removal of the bodies or
10 arrange to have someone present to remove the bodies
11 from the scene?
- 12 A I arrange for the bodies to be removed, yes.
- 13 Q In this particular case, did you carry those duties out
14 as to each of the deceased persons that was in the
15 master bedroom?
- 16 A Yes.
- 17 Q When you arrived in the Chino Hills area, did you have to
18 go through two roadblocks to get up to the house?
- 19 A Yes.
- 20 Q Was the first roadblock at the intersection of Peyton
21 and Old English Road?
- 22 A I believe it was.
- 23 Q And were you required to identify yourself to a Deputy
24 Sheriff at that location?
- 25 A Yes.
- 26 Q Was there likewise a second roadblock closer to the

009621

3-3

- 1 Ryen home that you had to pass?
- 2 A I believe there was, yes.
- 3 Q Was this the first homicide scene you had ever been to?
- 4 A No.
- 5 Q How long have you been a Deputy Coroner for this county?
- 6 A Since August of '82.
- 7 Q And since that time, have you been to numerous homicides
- 8 at which San Bernardino County Deputy Sheriffs were at
- 9 the scene?
- 10 A Yes.
- 11 Q Is it fair to say that you recognize many Sheriff's
- 12 Deputies by sight?
- 13 A Yes.
- 14 Q Is it also fair to say that when you were at the Ryen
- 15 home you did not remain inside the master bedroom the
- 16 entire time that I.D. and the Crime Lab was processing
- 17 that particular room?
- 18 A That's correct, I wasn't in the bedroom all of the time.
- 19 Q What time did you leave the Ryen scene?
- 20 A I would say approximately 10:30, 10:15. It seems like
- 21 I got home about 11:00. Probably about 10:15.
- 22 Q And do you recall where in terms of a point in time
- 23 you recall seeing someone eating in the kitchen area?
- 24 Was that between 9:00 and 10:00 or around 10:00, or
- 25 do you recall?
- 26 A I don't recall what time.

1 Q Was it after the bodies had been removed?

2 A No.

3 MR. KOCHIS: I have nothing further.

4

5 REDIRECT EXAMINATION

6 BY MR. NEGUS:

7 Q Were the sheets removed from the bed before the bodies
8 were taken out?

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

10 MR. NEGUS: Nothing further.

11 MR. KOCHIS: I have one other question.

12

13 RECROSS-EXAMINATION

14 BY MR. KOCHIS:

15 Q Mr. Hammock, when you arrived at the Ryen scene and
16 got out of your car, prior to the time you entered the
17 home itself, were you met by someone from the Sheriff's
18 Office?

19 A Yes, I was.

20 Q At this point, can you recall who that person was?

21 A I don't recall who it was but they knew who I was.

22 Q And did you then follow that Sheriff's Deputy into the
23 house?

24 A Yes.

25 MR. KOCHIS: Nothing further.

26 MR. NEGUS: Nothing further.

2 A In June of 1983, I was a detective with the Career
3 Criminal Division.

6 | A Yes, I was.

8 A It was on Old English Road, off of Old English Road. I
9 don't recall the actual numbers. In the Chino area.

11 | A Yes, it was.

13 A To assist in investigation, conduct interviews.

16 | A Yes, I did.

18 A Assist in removing some items from the scene.

20 A Most all of the items that were -- not just specifically
21 by myself, but with the assistance of other people,
22 items from the master bedroom.

26 | A Yes.

009625

3-7

- 1 Q Were you directing the work that was going on in there?
- 2 A No, I wasn't.
- 3 Q Who was?
- 4 A I believe it was Sergeant Swanlund.
- 5 Q Did he tell you what to remove?
- 6 A I believe so, yes.
- 7 Q Did he give you any instruction as to how to remove it?
- 8 A I believe he just directed. I don't know if there was
- 9 any specific instructions in the manner in which it was
- 10 to be removed.
- 11 Q Did you participate in removing a carpet?
- 12 A I believe I did, yes.
- 13 Q And how was that carpet removed?
- 14 A After all the furniture was removed from the room, it
- 15 was rolled up, if I recall, and then taken out to the
- 16 east, I believe it to be.
- 17 Q And then what was done with it?
- 18 A The lawn.
- 19 Q Pardon me. What was done with it at the lawn?
- 20 A It remained at that location until it was placed on a
- 21 truck.
- 22 Q Was it unrolled at the lawn or just left rolled up?
- 23 A I'm not positive, but it seems I recall it was laid out
- 24 flat. But I really am not sure about that.
- 25 Q Did you go along with the stuff that was removed when it
- 26 was taken to San Bernardino?

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1 A Not in the truck, no.

2 Q Did you end up getting there, though?

3 A Yes. We went to assist unloading it.

4 Q Who all was involved in the unloading?

5 A Just about everyone that was involved in removing it
6 from the house, but I don't know. I would say between
7 a half a dozen or so people, at least.

8 Q Was Sergeant Swanlund along at the unloading?

9 A I believe he was. I don't recall for sure, but I think
10 so.

11 Q Do you remember who was in charge of the unloading for
12 the C.C.D. people?

13 A No, I don't.

14 Q Was there anybody there who was not from C.C.D. at the
15 unloading?

16 A Not that I recall, no.

17 Q When the stuff was being removed from the house, did
18 you put property tags on it?

19 A I did not put any property tags on it and I don't recall
20 property tags being placed on it at the time.

21 Q Is that standard procedure to not put property tags on
22 it?

23 A I don't know if it would be leaving the scene. They
24 aren't usually maintained at the scene, property tags.

25 Q Do you remember, did you see anybody putting property
26 tags on the stuff once it got to the I.D. Bureau?

3-9

- 1 A I didn't see anybody putting them on.
- 2 Q You have plenty of those available there; is that correct?
- 3 A I don't know if they actually keep them at I.D. Usually,
- 4 the specific divisions maintain their own property tags.
- 5 I'm sure they probably have some in I.D.
- 6 Q Do you recall the carpet being unloaded?
- 7 A Yes, I do.
- 8 Q Where was it put?
- 9 A It was put upstairs in a -- had to go up some stairways
- 10 inside the main door and it was like a kind of a loft
- 11 area.
- 12 Q Was it left in an unrolled condition when you left it?
- 13 A I believe it was rolled up when we left it.
- 14 Q In sort of a circle?
- 15 A I believe so.
- 16 Q When you were handling it, did you notice whether any
- 17 part of it appeared to be damp?
- 18 A I don't recall any part being damp.
- 19 Q Do you recall on the -- well, on the backing part of it,
- 20 at least the edge of the backing part of it was on the
- 21 outside; is that correct?
- 22 A I'm sorry. You mean the back part, the jute part would
- 23 be on the outside? In other words, the carpet rolled
- 24 inward?
- 25 I believe that's the way it was rolled, yes.
- 26 Q Showing you H-65, you can see sort of a yellowish part

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3-10

- 1 of the carpet?
- 2 A Yes.
- 3 Q That was on the outside?
- 4 A I believe so, yes.
- 5 Q Do you recall whether or not any of that stuff on any
- 6 of the carpet, that yellow stuff on the outside, had
- 7 any blood soaked through to it?
- 8 A I believe I do recall seeing some, yes.
- 9 Q Did you touch it yourself to determine whether it was wet?
- 10 A No, I didn't.
- 11 Q Do you remember the approximate dimensions of the lawn?
- 12 A Pretty good size. I would say it's probably just about
- 13 as deep as this courtroom and maybe just as wide.
- 14 Q Was there a bunch of other stuff in it as well as the
- 15 stuff you were unloading?
- 16 A There were other items up there. I don't recall what
- 17 it was.
- 18 Q Slot machines?
- 19 A I don't remember if there were slot machines. I didn't
- 20 pay any attention to the other items up there.
- 21 Q By the time the stuff got unloaded, was there a
- 22 particular area of the loft that the stuff was unloaded
- 23 into?
- 24 A Yes.
- 25 Q Was that corded off from the rest of it to keep it
- 26 separate?

009967

3-11

1 A Yes.

2 Q Approximately how much of an area was covered by the
3 stuff that you left?

4 A Probably an area about the equivalent of those two rows
5 of seats back there. Maybe what, 15 by 30.

6 Q While you were in the house doing the moving of stuff,
7 did you go to any other parts of the house?

8 A Yes, I did.

9 Q Showing you diagram H-254, does that appear to be a
10 diagram of the floor plan of the Ryen house?

11 A Yes, it does.

12 Q And are the areas marked in red on that diagram the
13 other parts of the house that you went to?

14 A Yes.

15 Q And when you were going there, were you just going around
16 basically to get an idea of the way out of the place?

17 A That's correct.

18 Q You were not actually processing any of the other parts
19 of the house; is that correct?

20 A No, I wasn't.

21 Q What kind of shoes did you have on on June the 6th?

22 A They were a laced type, upper leather suede with a
23 soft rubber sole with lines, parallel lines across the
24 soles that had several lines close together, then a
25 space and then several lines close together.

26 Q Showing you Exhibit H-237, I asked you to look at

0009630

3-12

1 various shoe impressions. Do you see any shoe
2 impression that would be approximately the same type
3 as you had?

4 A Yes, I do.

5 Q And which one would that be? They are numbered 1, 2,
6 A, B, C and D.

7 A Would be number 2.

8 Q 2?

9 A Yes.

10 (No omissions.)

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009967-1

1 Q See, there's others that have letters.
2 A Oh, all right. Number two.
3 Q That would be number two, okay. While you were
4 unloading, did you notice a spa cover out back?
5 A Yes, I did.
6 Q Did you notice any shoe impressions on that spa cover?
7 A I don't recall noticing a shoe impression.
8 Q Did you ever step on it?
9 A Yes, I think I did.
10 Q Why did you do that?
11 A Just trying to -- just walking across. I probably --
12 either people were standing around or there were items
13 sitting around, and I just walked across the top.
14 Q Was there anybody out there directing traffic trying to
15 keep you off it or anything?
16 A No.
17 Q Was that during the process of the unloading and loading
18 excuse me, the loading of the stuff into the truck?
19 A I believe it was.
20 Q Did you walk all the way across the thing or just stand
21 on part of it?
22 A It seemed like I just stepped on part of it. I don't
23 recall actually walking all the way across it.
24 Q Did somebody from the sheriff's department after you did
25 that within a day or two come out and take an impression
26 of the shoe that you'd been wearing?

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2 Q That same morning of June the 6th, did you have contact
3 with a person by the name of Larry Lease?

5 Q And where did that contact occur?

7 Q Showing you Photograph S-25, does that appear to be an
8 aerial photograph of the Chino Hills area that you were
9 working in that day?

11 Q And the Ryen residence, does that have a letter R on it?

13 Q And does the residence of Mr. Lease have an LL on it?

15 Q Is the place where the LL is where you made contact with
16 Mr. Lease?

19 Q There's two --

21 Q There's two longish rectangular buildings north of the
22 building labeled LL, and it could have been in that
23 area?

25 Q Did Mr. Lease make a request of you?

26 | A. Yes, he did.

1 Q What was that request?

2 A The request was to go to check a residence that he also
3 had up from his residence at the end of the road.

4 Q Did he tell you why he wanted to have that checked?

5 A Yes. He wanted us to check it to see if there was
6 possibly anyone inside. He hadn't been in it since the
7 incident and he had some problems trying to get the door
8 open.

9 Q Did he tell you that he would have expected the door to
10 be unlocked?

11 A I don't recall if he had expected it to be unlocked, but
12 he had expected to be able to get into it.

13 Q So he asked you to determine whether there ^{was} anybody
14 in there at the time or whether anybody had been in there
15 previously?

16 A Yes.

17 MR. KOCHIS: Excuse me, Your Honor. I'm going to
18 interpose an objection to that and make a motion to strike.
19 It's compound. I can't tell what the yes pertained to, if
20 he wanted to check if someone was inside or someone else
21 had been inside. They're two things.

22 Q (BY MR. NEGUS:) The question was he wanted to check
23 them both; is that correct?

24 A I believe that was what he wanted, yes.

25 Q Did you then go up there to that place?

26 A Yes, I did.

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1 Q Who went with you, if anybody?

2 A Mr. Lease, Detective Steve Moran, and I believe there
3 was another male subject and I don't know who that was.

4 Q Was that a man that appeared to be an employee of Mr.
5 Lease's?

6 A I have no idea what his function was or relationship.

7 Q He was a civilian, though, with Mr. Lease?

8 A A civilian, yes.

9 Q And he came with Mr. Lease rather than with you?

10 A Yes.

11 Q When you got up to the house, did you check the outside
12 to see whether or not there had been any signs of a
13 forced entry?

14 A Yes, I did.

15 Q Had there been?

16 A We noted none.

17 Q How did you get into the house?

18 A Mr. Lease got into the house by shimmying a sliding glass
19 door on the north side of the house.

20 Q Showing you Exhibit H-257, is that a floor plan of the
21 house with some markings on it by yourself?

22 A It appears to be, yes.

23 Q And you put those markings on at the Preliminary Hearing?

24 A Yes.

25 Q The little blue number one, is that the approximate
26 spot that Mr. Lease shimmied open for you to go in?

0009675

1 A Yes, it is.

2 Q Were you dressed in civilian clothing at that time?

3 A Yes, I was.

4 Q Did you, however, have your service revolver with you?

5 A Yes, I did.

6 Q When you went in the house, did you take it out and have
7 it in your hand?

8 A I'm not really too sure. I think I did, but I'm not
9 positive about that.

10 Q Did all four of you eventually go into the house?

11 A Eventually, yes.

12 Q Who went in first?

13 A Detective Moran and myself.

14 Q Was it your purpose in entering the house to check all
15 the rooms to see whether anybody was in there then or
16 had been in there that shouldn't have been?

17 A Yes.

18 Q And did you and Detective Moran both take a section of
19 the house to inspect?

20 A We may have checked a couple of rooms together, some of
21 the bedrooms, I think, like on the west side. But then
22 basically I checked the west side of the house.

23 Q And he checked the east side of the house?

24 A Yes.

25 MR. KOCHIS: Objection, calls for speculation as to
26 where Mr. Moran was unless he was with him.

1 THE COURT: Yes, sustained.

2 MR. KOCHIS: Move to strike the answer.

3 THE COURT: I'm sorry?

4 MR. KOCHIS: He answered, so I'd move to strike
5 the answer.

6 THE COURT: Yes, the answer will be stricken.

7 Q (BY MR. NEGUS:) Did you see Mr. Moran go off towards the
8 east side of the house?

9 A No, I didn't.

10 Q At some point in time, you no longer saw him with you?

11 A That's correct.

12 Q The red markings on this diagram H-257, do those trace
13 your path through the house as you were searching on the
14 first time that you went in that house on June 6th?

15 A Yes, it does.

16 Q Where was it on the diagram that Mr. Moran left from
17 your sight?

18 A The last time I can actually remember where he was
19 exactly was when he came to about this point. I remember
20 it was right in here --

21 Q Could you put a black number three for the approximate
22 spot where you last remember seeing Mr. Moran?

23 A (The witness complies.)

24 Q As you made your way through the house, did you
25 eventually see Mr. Moran again?

26 A Yes, I did.

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1 Q And when you saw Mr. Moran again, were you at the spot
2 that has been put as number two on that diagram?

3 A Yes.

4 Q At that point in time, was Mr. Moran walking back towards
5 you?

6 A Yes, he was.

7 Q Can you put a 3 for the spot -- or 4 in black for the
8 spot where you saw Mr. Moran coming?

9 A (The witness complies.)

10 Q And he was headed out from a little hallway that leads
11 to a bedroom and a bathroom; is that correct?

12 A Could have been out of a hallway or right here in front
13 of the counter.

14 Q At that point in time, was Mr. Moran putting away his
15 gun?

16 A I don't recall.

17 Q Did Mr. Moran indicate to you that he hadn't seen any-
18 thing in there?

19 MR. KOCHIS: Objection, calls for hearsay.

20 THE COURT: Yes, sustained.

21 MR. NEGUS: I think it's going to be inconsistent
22 with something that Mr. Moran's going to say.

23 THE COURT: All right. Then subject to a motion to
24 strike, the answer may remain.

25 Q (BY MR. NEGUS:) Did he indicate to you in some way that
26 there wasn't anything in there?

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1 MR. KOCHIS: I'm going to object as to in where.

2 THE COURT: We're within the residence. Overruled.

3 Did he, sir?

4 THE WITNESS: I don't recall any specific comment
5 about when he came out, but just not mentioning that he
6 had not found anyone, I guess I just assumed that he had
7 not located anything or anyone of value.

8 Q (BY MR. NEGUS:) After you left, did you then go back
9 down and talk to a Mr. Hagen, you and Mr. Moran?

10 A I don't recall talking to him. I may have, but no
11 specific recall on that.

12 Q Do you recall reporting to Mr. Hagen, you and Mr. Moran,
13 reporting to Mr. Hagen that there had been nothing of
14 evidentiary value in the house?

15 MR. KOCHIS: Your Honor, I would object. It's
16 compound, calls for hearsay, it doesn't allow him to determine
17 whether he may have said something or Moran may have said
18 something.

19 Q (BY MR. NEGUS:) In Moran's presence --

20 THE COURT: Just a second. Let me rule on that.
21 I'll sustain the objection.

22 Q (BY MR. NEGUS:) In Moran's presence did you tell Mr.
23 Hagen that there was nothing of evidentiary value in the
24 house?

25 A I don't have any specific knowledge of doing that.

26 Q Was Mr. Hagen in that general area?

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1 A He probably was, yes.

2 Q And prior to your going up there, had you and he and
3 other deputies been searching the field directly to
4 the south of that house?

5 A Yes, we had. Prior? I'm sorry. This is prior to when?

6 Q Just prior to your going into the vacant house, had you
7 and Hagen and other deputies been searching a field just
8 to the south of the vacant residence?

9 A If I recall, I think -- it seems to me like we searched
10 the field after looking through the house.

11 Q How much time were you in the vacant house all told?

12 A I'd say approximately probably five minutes, maybe a
13 little longer, but no more than that.

14 Q And how much time were you out of the sight of Mr. Moran?

15 A Maybe two minutes, three minutes.

16 Q Had you attended a briefing in the substation at West
17 End that morning before you had gone down to the crime
18 scene?

19 A Yes, I believe I did.

20 Q And was Mr. Moran at that briefing as well?

21 A I believe so.

22 Q Do you recall at that briefing that an ax was or --
23 excuse me, a hatchet was described as having been
24 found on English Road near the Ryen residence?

25 A At some time I become aware of one. However, I'm not
26 sure if it was at the briefing or later on.

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1 Q But it was on the 6th?

2 A It was on that same day, yes.

3 Q Showing you Photograph S-34, do you recall seeing that
4 particular blackboard in the sheriff's substation?

5 A I recall seeing items on the blackboard pertaining to
6 this, yes.

7 Q Do you recall on that blackboard there's a -- down in
8 the lower left hand corner of the blackboard there's a
9 picture of a hatchet?

10 A Yes.

11 (No omissions.)

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1 Q Do you recall seeing that?

2 A Yes, I do.

3 Q Do you know if that was there on the morning of the 6th?

4 A I don't believe it was.

5 Q When did that get up there?

6 A I'm not sure.

7 Q Was Mr. Roper at the briefing?

8 A I don't recall.

9 Q Why did you stop when you got to that spot number 2 on
10 the diagram?

11 A Because Detective Moran was just coming out of that
12 area.

13 Q And he apparently had already checked it?

14 A Yes.

15 MR. KOCHIS: Excuse me. I object. That calls for
16 speculation.

17 THE COURT: He is asking why he stopped. He should
18 know. Overruled.

19 Q (BY MR. NEGUS) Did you prepare any report of that
20 particular search?

21 A No, I didn't.

22 Q Why not?

23 A Detective Moran handled that.

24 Q Was that agreed to at the time or was that agreed to at
25 a later date?

26 A I'm not sure exactly what point. It would have been

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- 1 shortly after that time, I'm sure.
- 2 Q Did you ever go back into the Lease residence after your
3 search of it with Detective Moran on the 6th?
- 4 A Yes, I did.
- 5 Q And when was that?
- 6 A It was either late in the afternoon or early ~~morning~~ ^{evening} on
7 the 7th, I believe it was.
- 8 Q And on that diagram of the Lease residence, number 257,
9 does the orange marking depict your path on the late
10 afternoon or early evening of the 7th?
- 11 A Approximately, yes.
- 12 Q And what was your purpose for going in there on the 7th?
- 13 A Having been in there earlier and then learning that they
14 apparently had found some items that they felt were
15 linked to the Ryen homicides, I wanted to see what it
16 had been that was in the house that we had not observed.
- 17 Q You were curious to go back and see that?
- 18 A Yes.
- 19 Q When you went back there --
- 20 Showing you Exhibit S-29. Did you see the bedroom
21 which had carpet the color that's depicted in that
22 photograph S-29?
- 23 A I don't recall. I can't recall right now what color
24 the carpet was or what room that would be.
- 25 Q Do you recall a headboard?
- 26 A No, I don't.

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1 Q Showing you H-259, do you recall seeing a sheath like
2 that?

3 A No, I don't.

4 Q When you were entering the house looking around, did you
5 happen to see any blood stains on the wall?

6 A No, I didn't.

7 Q When you went in the house on the 7th, there were
8 Mr. Ogino and Mr. Swanlund and Mr. Stockwell and
9 Mr. Duffy working in there?

10 A I recall Sergeant Swanlund being there. I seem to
11 recall Duffy there. I'm not sure about Ogino.

12 There were several other individuals there, too.

13 Q Were they all in the master bedroom area?

14 A No. There were just people around the outside of the
15 residence and some inside.

16 Q Do you remember who was inside?

17 A No, I don't.

18 MR. NEGUS: Nothing further.

19

20 CROSS-EXAMINATION

21 BY MR. KOCHIS:

22 Q Mr. Hall, you have estimated this morning for Mr. Negus
23 the approximate dimensions of the loft at the I.D.
24 Bureau being close to the size of this courtroom. Do
25 you recall that?

26 A Yes.

4 A I would say probably about 30 feet, 35 feet.

8 A Approximately 30 feet.

12 | A That would be feet.

18 MR. NEGUS: I think that misstates his testimony.

19 I thought he said 35.

24. A I would say less.

25 Q In terms of a half, a third, a quarter or an eighth of
26 this room, how big an area are you talking about?

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- 1 A Probably more like about between an eighth and a quarter.
- 2 Q When you are assigned to assist in an investigation of
- 3 a homicide, is there any reason you view a crime scene?
- 4 A Yes.
- 5 Q What reason would that be?
- 6 A In case of further investigative assignments later on of
- 7 information pertaining to the crime scene itself,
- 8 familiarization with the entire crime scene will be
- 9 helpful to the overall picture of what might have
- 10 occurred or what the witnesses or informants are
- 11 talking about.
- 12 Q Would that have been one of the reasons you entered the
- 13 Ryen house the day that you helped carry the furniture
- 14 out?
- 15 A Yes.
- 16 Q Directing your attention to Exhibit H-237, specifically
- 17 to a page which has a number B in the upper left-hand
- 18 corner of that exhibit and the footwear impressions
- 19 which have been discussed on the bottom right-hand
- 20 portion of that page, were the shoes that you were
- 21 wearing when you entered the Lease house on the 6th
- 22 and 7th of June of 1983, did those shoes have a
- 23 pattern that was similar to the pattern on that page?
- 24 A Similar to that, yes.
- 25 Q And those were the shoes that I.D. made an impression of?
- 26 A This is not my --

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1 Q The shoes you were wearing when you were inside the
2 house, those shoes were given to I.D. to make an
3 impression?

4 A Yes, that's correct.

5 Q You used the term "shimmy" when you referred to what
6 action Mr. Lease performed to get into the 2991
7 residence.

8 What did that action consist of?

9 A What I had seen him doing was placing his hands on there
10 and lifting up with a motion to the right, I believe,
11 upwards and to the right, I believe it was. I turned
12 away and then I heard him say he had opened it.

13 Q Did you then enter the door?

14 A Yes.

15 Q Were you able to see the glass that he had touched?

16 A I could see the glass. It was facing out, yes.

17 Q Did he break anything to get inside the house?

18 A No.

19 Q Did he tear anything to get inside the house?

20 A No.

21 Q Is that the door that you later exited when you left
22 the house?

23 A I believe so, yes.

24 Q Did you see the door reclosed?

25 A Yes.

26 Q Once the door had been closed, looking at the door,

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1 could you tell that entry had been forced into the
2 house?

3 A No.

4 Q Was that the first time that you were in that particular
5 residence?

6 A Yes.

7 Q Was there furniture inside of the rooms that you went
8 into in the residence?

9 A Yes, there was.

10 Q Did there also appear to be items of personal property
11 in some of the rooms of the house?

12 A Yes.

13 Q For example, directing your attention to the three
14 bedrooms that appear to the west of the front porch,
15 the first bedroom to the west, that has the red mark
16 in it indicating that you were in there on the 6th;
17 is that correct?

18 A That's correct.

19 Q Was there furniture in that room?

20 A I believe there was, yes.

21 Q Do you recall any items of personal property in that
22 room?

23 A Yes.

24 Q Is it fair to say that being in that room for the first
25 time, you were not able to determine if anything in that
26 room had been moved?

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- 1 A No, I wasn't.
- 2 Q Would that be true with the second bedroom to the west
3 as well?
- 4 A Yes.
- 5 Q And the bedroom on the other side of the bathroom on
6 that moving further west in the house?
- 7 A Yes.
- 8 Q The bedroom that has the orange line in it, is that a
9 bedroom that you did not enter until Tuesday, June the
10 7th?
- 11 A That's right.
- 12 Q Do you recall approximately what time you entered the
13 house the second day, which would have been the 7th?
- 14 A As I said earlier, it was in the late afternoon or early
15 evening. It seems to me like it was probably closer to
16 early evening because I had been on another portion of
17 the investigation earlier than that in the afternoon.
- 18 Q Do you recall whether it was light outside or already
19 dark?
- 20 A I believe it was still light.
- 21 Q When you went in on the 6th, is it fair to say that you
22 were looking for bodies, for suspects?
- 23 A Yes.
- 24 Q When you went in on the 6th, were you, in addition to
25 a body, looking for any type of personal property?
- 26 A Not specifically personal property.

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1 Q If you would have seen a weapon covered with blood, would
2 you have paid attention to that?

3 A Yes.

4 Q Is it fair to say that you did not pay specific attention
5 to each and every item of furniture in the house?

6 A Yes.

7 Q Is it fair to say that you did not pay any specific
8 attention to items of personal property that may have
9 been in the rooms that you went into?

10 A Yes.

11 Q The hatchet sheath which is depicted in the photograph
12 which has been marked for identification as H-259, did
13 you ever see that item in the house on June the 7th,
14 the second day that you entered?

15 A No, I don't believe so.

16 Q Did you ever see the item in the house the first day that
17 you entered on the 6th?

18 A No, I didn't.

19 MR. KOCHIS: I have nothing further.

20

21 REDIRECT EXAMINATION

22 BY MR. NEGUS:

23 Q Asking you to look at that exhibit with the shoeprints
24 on it, and that would be Exhibit H-237, and the B diagram,
25 is there anything different about that B or B footprint
26 or dissimilar to yours?

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1 A Yes, sir.

2 Q What is dissimilar?

3 A These appear to have parallel lines all equal in
4 distance apart from one another and the shoes that I
5 was wearing had spaces every third or fourth parallel
6 line that were wider apart than the rest of the lines
7 on the shoe.

8 Q So the diagram that is number 2 in that exhibit is
9 perfectly consistent with yours; whereas, the other
10 has some dissimilarity; is that right?

11 A That's right.

12 Q Did you interview any witnesses in the course of your
13 investigation of this crime who had been inside the
14 Ryen residence?

15 A Yes, I did.

16 Q Who was that?

17 A I can't recall her name right now. She lived down,
18 I believe, in the Orange County area. She was another
19 person that was involved in raising horses, and she was
20 a friend of the Ryens'. I don't know if she was an
21 actual business associate, but she was a friend of the
22 Ryens'.

23 Q Would that be Deborah Stearns?

24 A Could have been. I'm not positive about the name right
25 now.

26 Q The subject matter of her interview had to do with a

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2 | A Right.

5 | A No, she wasn't.

(No omissions.)

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4 A Well, for any indication that someone had in fact gotten
5 in or been in there without the knowledge of Mr. Lease.

8 | A. Yeah, or had gotten in.

13 A I don't recall saying that they had been hid out there,
14 but that someone was either in there then or had been in
15 there.

17 | A. Right.

19 | A. Right.

21

23 BY MR. KOCHIS:

24 Q Mr. Hall, when you go into a residence that you've
25 never been into for that purpose, are you essentially
26 looking for signs of forced entry?

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- 1 A Yes.
- 2 Q Destruction of things inside the home?
- 3 A Yes.
- 4 Q Did Mr. Lease actually walk into a part of that house
- 5 with you?
- 6 A Yes, he did.
- 7 Q Did it appear that that house had been occupied at one
- 8 point in time?
- 9 A Yes.
- 10 Q Were you able to make a determination from your
- 11 cursory visual examination how recently it had been
- 12 occupied?
- 13 A Not really. It appeared fairly recently, but no, I
- 14 couldn't really get a direct idea from Mr. Lease.
- 15 Q On your second entry into that home, the Lease home,
- 16 were you told by anyone where you could and where you
- 17 could not go?
- 18 A Yes.
- 19 Q Who was that?
- 20 A I'm not -- I believe it was Sergeant Swanlund, but I'm
- 21 not positive. It was someone that was involved in the
- 22 actual gathering of the evidence and crime scene
- 23 investigation there inside the house. They were inside
- 24 the house.
- 25 Q When you entered the Ryen home on the 6th of June, were
- 26 you aware of what your total responsibilities in this

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1 case would be through the investigation?

2 A No.

3 MR. KOCHIS: I have nothing else.

4 MR. NEGUS: I had a question.

5

6 REDIRECT EXAMINATION

7 BY MR. NEGUS:

8 Q Mr. Lease did not enter that bedroom that you had seen
9 Mr. Moran coming out of; is that correct?

10 A I don't believe so.

11 MR. KOCHIS: Excuse me, Your Honor. I'm going to
12 interpose an objection. He never testified that he saw
13 Mr. Moran coming out of the bedroom. He testified that he
14 saw him at a particular point at the house and it calls for
15 speculation as to where Mr. Moran did or did not go.

16 THE COURT: Perhaps it assumes some facts not in
17 evidence. I'll sustain the objection. Strike the answer.

18 Q (BY MR. NEGUS:) You never saw Mr. Lease go into the
19 bedroom in the layout of the house Mr. Moran was walking
20 away from when you saw him; is that correct?

21 MR. KOCHIS: Same objection, calls for speculation
22 as to where he was walking away from.

23 THE COURT: Was he walking in the opposite direction
24 from that bedroom?

25 THE WITNESS: Yes.

26 THE COURT: Overruled.

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1 Q (BY MR. NEGUS:) Did Mr. Lease ever go in that bedroom?

2 A No, not that I recall.

3 Q Mr. Lease and the other gentlemen were behind you as
4 you went through the house; is that right?

5 A Yes.

6 MR. NEGUS: Nothing further.

7 MR. KOCHIS: Nothing further.

8 THE COURT: Thank you very much. You may step down.

9 All right. We'll resume at 1:30 this afternoon.

10 (Whereupon the noon recess was taken
11 at 11:57 a.m.)

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1 SAN BERNARDINO, CALIFORNIA; THURSDAY, JUNE 7, 1984; 1:38 P.M.

2 DEPARTMENT NO. 10 HON. RICHARD C. GARNER, JUDGE

3 (Appearances as heretofore noted.)

4
5 MR. NEGUS: Robert Glenn.

6
7 R O B E R T E D W I N G L E N N, called as a witness by
8 and on behalf of the Defense, was sworn and testified
9 as follows:

10 THE CLERK: Raise your right hand, please.

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

15 THE WITNESS: I do.

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

18 THE WITNESS: Robert Edwin Glenn, G-l-e-n-n.

19
20 DIRECT EXAMINATION

21 BY MR. NEGUS:

22 Q Mr. Glenn, what's your occupation?

23 A I own two small companies, basically two separate
24 occupations. I own a private patrol agency, and I also
25 own a what we refer to as a mortuary service business.

26 Q And do you have a contract with the County of San

1 Bernardino in connection with your mortuary service
2 business?

3 A Yes, sir.

4 Q And what does that contract consist of?

5 A Technically it's on-call body transport service.

6 Q In connection with that employment, on approximately
7 June the 5th, 1983, did you respond to 2943 English Road
8 in the Chino Hills?

9 A I'm not positive of the address.

10 Q Showing you a picture, H-19, which seems to be the
11 outside of a house, do you remember going to that
12 particular house on approximately June the 5th, 1983?

13 A I don't recognize that side of the house.

14 Q Which side of the house -- did you see a particular part
15 of the house when you were there?

16 A Let's say I don't recognize this particular picture.

17 Q Okay.. I have more.

18 Showing you also H-25 and H-18, does that help you?

19 A Yes, sir.

20 Q When you're dispatched to a scene, is that at the request
21 of the coroner's office?

22 A In most cases -- on behalf of the coroner's office, yes.

23 Q To that particular house, was that on the request of the
24 coroner's office?

25 A I believe so.

26 Q And do you know the deputy coroner who was involved?

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- 1 A Yes, sir.
- 2 Q Who was that?
- 3 A David Hammock.
- 4 Q What time did you arrive at that residence?
- 5 A Dusk.
- 6 Q When you arrived, did you immediately go into the house?
- 7 A No, sir.
- 8 Q How long was it before you went into the house?
- 9 A Into the house, probably 45 minutes to an hour.
- 10 Q Where were you situated while you were waiting to go in?
- 11 A For a portion of the time, in the vehicle that we
- 12 arrived in; the balance of the time at a point directly
- 13 outside the sliding glass door to the bedroom area just
- 14 off of the paved portion in the grass.
- 15 Q So that would be just right near the grass area that's
- 16 depicted in this photograph H-18?
- 17 A Yes, sir.
- 18 Q And when you say "we," to whom are you referring?
- 19 A They were different people at that location at different
- 20 times. This was an area that people were standing in a
- 21 spot where they could see into the interior without
- 22 entering with the officers inside.
- 23 Q Was there anybody there with you?
- 24 A Yes, sir.
- 25 Q Who was that?
- 26 A My assistant was Rodney Parrish.

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25 Q The first time that you went in, what equipment did you
26 take?

- 1 A A flex stretcher, a new white body bag, and we were
2 wearing gloves. Other than our clothing, that would
3 have been what we carried into it.
- 4 Q Can you describe a flex stretcher for us?
- 5 A Sure. A flex stretcher is a piece of vinyl that's
6 roughly six feet long by two feet wide that is stitched
7 both sides and has handles. It is much the contour and
8 size of the canvas part of an army cot. If you picture
9 the top of an army cot, it's about the same size.
- 10 Q When you place that stretcher on the ground, does it
11 sort of go out flat?
- 12 A Yes.
- 13 Q Are there any runners on it or does it just lay flat?
- 14 A No, sir.
- 15 Q Were there two adults and two kids who were deceased
16 inside the house?
- 17 A Yes, sir.
- 18 Q By age and sex, which of the people did you remove first?
- 19 A The small boy.
- 20 Q Showing you Photograph H-213, does that appear to be
21 three of the people whose bodies you removed?
- 22 A Yes, sir.
- 23 Q And is the small boy the person who is laying in the
24 bottom right hand corner of that photograph?
- 25 A Lower right corner, yes.
- 26 Q Does that photograph depict the area where you put

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4 A This piece was. This, I believe, was moved just prior
5 to moving the body.

8 | A Yes, sir.

12 | A Yes, sir.

16 A On that particular removal, we brought a cot into the
17 house.

19 A The easiest way to picture it in my mind is the same
20 kind of cot that an ambulance uses. It's a bigger piece
21 of equipment. A flex stretcher is very small. A
22 removal cot is similar to an ambulance cot, although
23 it's smaller in frame and structure.

25 A Fairly close. Eight or nine inches above the level of
26 the floor when it's collapsed.

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1 Q Does it have runners or wheels or what? How does it
2 rest on the ground?

3 A It will roll on four wheels if it's placed on the wheels.
4 When it rests on the ground, the wheels may make contact
5 with the ground, but it normally sits on two legs at the
6 rear that are roughly three-quarters of an inch around,
7 just a piece of aluminum leg and the wheels on the front.

8 Q Can you then, using -- let's see -- using a black grease
9 pencil, can you draw little circles for where the legs
10 were and then rectangles for where the wheels were
11 sitting?

12 A The cot would have rested something like that position.

13 Q So you have four marks?

14 A Yes.

15 Q Could you put a "P.R." for Peg Ryan by each of those
16 to identify them?

17 A (Witness complied.)

18 Q What piece of equipment did you use to remove the body
19 of the young girl?

20 A The body of the young girl was moved in basically the
21 same manner that the young boy was. It was moved --
22 There was a flex stretcher and two sheets and a new
23 plastic body bag taken into the house.

24 Q Does the large photograph, H-213, depict the area where
25 the flex stretcher was laid down to take her out?

26 A Yes, sir.

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1 Q And using a reddish-orange marker, can you put in a
2 rectangle for that?

3 A (Witness complied.)

4 Q What piece of equipment was used to remove the body of
5 the adult male?

6 A A call cot, a sheet, a body bag. I don't believe there
7 was a flex stretcher involved. If there was a flex
8 stretcher, it would have been on top of the cot itself.

9 Q Is that the same kind of cot that you used for the adult
10 female?

11 A Yes, sir.

12 Q Showing you photograph H-212, does that depict the spot
13 where the call cot stretcher was placed?

14 A Most of it. The cot would have extended off of this
15 picture, but it would be in this area.

16 Q You are using an orange marker. Could you sort of
17 indicate the area where it was?

18 A (Witness complied.)

19 Q As to each of the people that you removed from this
20 particular homicide, did you place the body bag on top
21 of the stretcher after you placed the stretcher down?

22 A Each one was different.

23 Q Okay. Where did you put the body bag for the young boy?

24 A The young boy, a sheet was placed on the floor. The
25 flex stretcher was then placed on top of the sheet.
26 There was another sheet placed over the flex stretcher

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1 and then the body bag was opened on top of the top sheet.
2 That was the purpose of the two sheets.

3 Q What about with the adult female?

4 A The adult female, the cot was placed directly on the
5 floor, I believe. There would be a sheet over the cot,
6 then the new body bag would be opened on top of the
7 sheet. The body was then lifted into the bag.

8 Q With the young boy, was the boy also lifted into the
9 bag?

10 A No, sir. The boy was rolled.

11 Q What procedure was used for the young girl?

12 A The young girl was lifted through the doorway.

13 Q Onto the body bag which is on the stretcher?

14 A There was a sheet opened on the floor area, then a
15 flex stretcher on top of the sheet, then the body bag.

16 Excuse me. The sheet, flex stretcher, another
17 sheet, then the body bag. The body bag was opened.
18 The sheet would have been lifted into the body bag,
19 then the body bag was zipped, the sheet wrapped around
20 the body bag, then the flex stretcher is picked up,
21 leaving the other sheet on the floor at that point and
22 carried out and placed on the same type of gurney that
23 was outside the bedroom.

24 Q And then finally what procedure was used to take the
25 body of the adult male and place him on the cot and
26 then the body in the body bag?

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1 A The adult male from this sitting position was lifted
2 directly up and to his rear toward the cot which is
3 behind him momentarily while his wounds were checked,
4 then he was eased head first toward the bottom end of
5 the bed and the cot.

6 As he was brought over -- he was laying in this
7 position. When he was brought back, we used one wrist
8 to bring him back and he was brought back.

9 After they checked his wounds, one man took a wrist
10 and knee and another man took a wrist and knee and he
11 was picked up and carried walking directly over the
12 cot, setting him in the body bag.

13 Q While he was being carried, were any of his wounds
14 dripping?

15 A Dripping?

16 Q Yes. Any blood dripping out?

17 A I don't believe so, but I don't know.

18 Q Was the actual work of lifting and placing the people
19 in the body bags and taking them out done by you and
20 Mr. Parish or were there other people involved as well?

21 A The lifting was all done by a combination of myself and
22 Mr. Parish.

23 Q Was there anybody from law enforcement supervising what
24 you were doing?

25 A Supervising the scene, yes. I don't totally understand.
26 I take instructions from the Deputy Coroner who was

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1 present, and law enforcement is in direct contact with
2 the Deputy Coroner at all times. Every move we make is
3 cleared prior to making it.

4 So I would say, yes, there was someone -- on that
5 basis I would say they were supervising me because when
6 we enter a scene, before I enter the scene, I check to
7 make sure if there is anything that I should or should
8 not interfere with. If there is anything that I can
9 or cannot move such as the clothing on the floor that
10 I was talking about.

11 When they are totally done with their investigation,
12 they have it documented, they retrieve their material
13 and then we enter the scene. Every move we make is
14 cleared.

15 In many cases, I will clear four or five moves at a
16 time. I will tell the senior officer, whoever happens
17 to be conducting, I will tell them what I'm going to do
18 to see if it meets with their approval.

19 These people, for instance, prior to moving them --
20 You were asking me how they were lifted, but in all
21 cases, law enforcement leaves them in exactly the
22 position they are found until we arrive. We are the
23 only ones that handle the body in most cases, and we
24 put gloves on so there is no contamination, then we
25 will position the bodies so they can take pictures and
26 they can have a further investigation of wounds that

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1 may have been hidden because of the position of the
2 body.

3 But we do the moving. Every move is cleared with
4 them prior to or during its actual movement.

5 Q Was there anybody collecting evidence as you were moving
6 these particular people?

7 A Yes, sir.

8 Q Who was that, if you know?

9 A Several people at different times, and I'm not sure of
10 the names at this point.

11 Q Was Sergeant Arthur, the gentleman seated here at
12 counsel table, was he present?

13 A Yes, sir.

14 Q Was he the person that you cleared your moves with
15 before you did them?

16 A I'm not positive. In many cases, the supervising
17 officer on the scene will have delegated authority on
18 a particular function to another officer, an I.D. man,
19 for instance, if that I.D. man is taking pictures and
20 gives us instructions to position the body in a certain
21 position, I would take instruction from him. I believe
22 he is acting under the supervising officer's authority,
23 although I don't run around and second guess their
24 decisions.

25 Q Do you know a deputy who works in the I.D. Bureau
26 named Gale Duffy?

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- 1 A Yes.
- 2 Q Was he present at the scene?
- 3 A Yes.
- 4 Q Was he the person that was checking your movements?
- 5 A In some cases.
- 6 Q Do you know a detective from Homicide named Mike Hall?
- 7 A I believe so.
- 8 Q Was he there?
- 9 A I'm not positive.
- 10 Q Did you ever go outside of the bedroom and general
- 11 hall area while you were there?
- 12 A Yes, sir.
- 13 Q At what point in time was that?
- 14 A At approximately the time that the little girl was
- 15 moved.
- 16 Q And where did you go?
- 17 A About, I'm guessing, approximately five or six feet
- 18 down the hallway toward the kitchen area.
- 19 Q What was your purpose of doing that?
- 20 A Someone asked where Duffy was. I said that I thought
- 21 he was in the kitchen and I took what would have been
- 22 possibly two to three steps. They were waiting on
- 23 Duffy to take pictures and I stepped the two or three
- 24 steps and called him.
- 25 Q Did you actually go into the kitchen area yourself?
- 26 A No, sir.

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1 Q What was Duffy doing?

2 MR. KOCHIS: Objection. That would call for
3 speculation unless he could see him.

4 THE COURT: Sustained.

5 Q (BY MR. NEGUS) Did you see Mr. Duffy?

6 A Yes, sir.

7 Q What was he doing?

8 A I'm not positive.

9 Q In the photograph H-121, there are some jeans that are
10 lying still on the floor there. Were those jeans there
11 when you were doing your work?

12 A What do you mean by "doing your work"?

13 Q When you were moving the bodies.

14 A I'm not positive. Normally, they would have been moved.
15 If they were there, we would not have touched them or
16 come near them.

17 Q You don't remember, though, whether they were there or
18 not?

19 A I'm not positive, no.

20 Q Showing you photograph H-211, there is a bunch of
21 bedding on a waterbed there near Douglas Ryen. Was
22 all that bedding still in place?

23 A "All" is very inclusive. I'm not positive all of it
24 was still in place. You know, the majority of this --
25 This cover that he is lying on was definitely in place
26 because he is holding it in place and they didn't move

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1 it until after we moved the body.
2 (No omissions.)
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1 Q Showing you another photograph, H-148, it shows the
2 bed partially cleared of items but with some items still
3 remaining. Does that appear to be approximately how it
4 was when you removed Dr. Ryen's body?

5 A That was how it was at the time of removal.

6 Q Were they still removing items from the bed as you were
7 working?

8 A That picture would have been taken just prior to our
9 moving the body. This blue item, the call cot cover,
10 was taken off the cot that we put Mr. Ryen on, so that
11 would not have been taken off until the point where we
12 set the cot up to move his body.

13 Q The call cot cover is the item that's --

14 A The blue chenille item on the right hand side of the
15 picture.

16 Q And for the record, we're talking about H-148; is that
17 correct?

18 | A Yes.

19 Q Prior to your moving the bodies, were items of hair
20 removed from any of the people by the criminalists or
21 the detectives?

22 MR. KOCHIS: Objection, that would call for speculation.

23 THE COURT: Rephrase, Mr. Negus.

24 Q (BY MR. NEGUS:) Before you moved the bodies or while
25 you were moving the bodies, did you see any of the
26 sheriff's personnel collecting evidence from the bodies?

- 1 A Yes, sir.
- 2 Q From whom? Which of them, of the dead people?
- 3 A Definitely from Mrs. Ryen, and as far as physically
- 4 taking from the body at the time of removal, that would
- 5 be the only one I could swear to. They take pictures
- 6 and check as we make movement, but that would be something
- 7 that they would have to testify to. Mrs. Ryen's the
- 8 only one I specifically remember that there were items
- 9 taken from.
- 10 Q What was taken from her?
- 11 A There was hair from Mrs. Ryen that was removed. That's
- 12 all I can recollect.
- 13 Q Do you remember which person it was that removed it?
- 14 A Not definitely, no.
- 15 Q Do you remember what area of her body it was taken from?
- 16 A As I recall, it was taken from a couple of different
- 17 areas of the body.
- 18 Q Could you, using H-213 and a green grease pencil, make
- 19 little X's for the spot that you can remember them being
- 20 taken?
- 21 A Not definitely, no.
- 22 Q Can you give me an area?
- 23 A No. I don't -- I haven't been to bed for a day and a
- 24 half. I'm a little foggy. I don't really remember at
- 25 this point. I remember them collecting them as we moved
- 26 the body in position so they could take pictures. I do

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1 A Other than the fact that they were in the same general
2 area, I would have assumed they were talking. I really
3 don't know. There was nothing, nothing descriptive
4 going on.

5 Q Did the sheriff's I.D. people ever photograph your shoes
6 that you were wearing on that particular night?

7 A Did they ever photograph them?

8 Q Yes.

9 A I'm not positive.

10 Q Did you ever make them available to the sheriff's I.D.
11 bureau?

12 A Yes, sir.

13 Q And when did you do that?

14 A I'm not positive of the date. At some time after the
15 occurrence.

16 Q When you did that, were you certain that those were
17 the shoes that you were wearing and no others?

18 A I was not positive which. It was one of two pair, and
19 I gave them both to them.

20 MR. NEGUS: I have nothing further.

21

22 CROSS EXAMINATION

23 BY MR. KOCHIS:

24 Q Mr. Glenn, the two persons you saw in the kitchen area
25 of the house when you called for Mr. Duffy, was one of
26 those Mr. Duffy?

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1 A Yes, sir.

2 Q The examination of Peg Ryen that took place at the
3 scene, can you recall now whether something was taken
4 from her body at that location or whether something was
5 pointed out at that location?

6 A I'm not positive.

7 Q Did you ever see anyone remove some carpet fiber that
8 was found beneath her body where her back would have
9 been before she was moved?

10 A Items were pointed out -- my position is that I position
11 and hold the body so many things are pointed out. I'm
12 not positive what was retrieved and what was left. You
13 know, I do remember pointing out and discussing them,
14 discussing things.

15 They asked me to position her so that they could
16 see certain areas. But I don't definitely recollect
17 what they would have taken or what they would have left.
18 Anything they would have left would be in the bag at the
19 morgue. Anything they took would be taken off with
20 tweezers and placed in containers, sample evidence
21 containers.

22 Q In this case, did you and Mr. Parrish turn the victims
23 so that photographs could be taken of areas of their
24 bodies which were not exposed when you arrived at the
25 scene that day?

26 A With the exception of Mr. Ryen, I was the only one that

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1 touched the body during that process.

2 Q For example, with Dr. Peg Ryen, did you and Mr. Parrish
3 move her so that Mr. Duffy of the identification bureau
4 could photograph her back area?

5 A No, sir. I moved her. Mr. Parrish stood and watched.

6 Q Did you then move Christopher Hughes so that Mr. Duffy
7 could photograph Christopher Hughes?

8 A Yes, sir.

9 Q Would you have moved Jessica Ryen so that Mr. Duffy
10 could photograph her?

11 A Yes, sir.

12 Q And then you and Mr. Parrish both moved Mr. Ryen so he
13 could be photographed for I.D.?

14 A I moved Mr. Ryen. Mr. Parrish did have a hand in because
15 of Mr. Ryen's size. He was there to help load him. But
16 when we brought him away from the bed, Mr. Parrish did
17 help position him at one point, yes.

18 Q Did you enter the master bedroom through some sliding
19 glass doors that led out into a patio?

20 A To the outside of the house, yes. A patio, not a
21 physical patio, but a concrete slab.

22 Q Was there a spa cover on that slab?

23 A A spa cover?

24 Q Do you remember a spa being on a slab of concrete outside
25 the master bedroom?

26 A I didn't see one.

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1 Q Is that the door that you and Mr. Parrish exited through
2 with each of the bodies as well?

3 A Yes, sir, in and out the same opening every time.

4 MR. KOCHIS: I have nothing further.

5 MR. NEGUS: Nothing further.

6 THE COURT: Thank you very much.

7 MR. NEGUS: Steve Moran.
8

9 S T E P H E N K. M O R A N, called as a witness by and
10 on behalf of the Defense, was sworn and testified as
11 follows:

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

16 THE WITNESS: I do.

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

19 THE WITNESS: Stephen K. Moran, M-o-r-a-n.
20

21 DIRECT EXAMINATION

22 BY MR. NEGUS:

23 Q Mr. Moran, what's your occupation?

24 A I'm a detective for the San Bernardino Sheriff's Office.

25 Q And were you so employed in June of 1983?

26 A Yes, I was.

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1 Q On June 6th of 1983, were you a part of the Career
2 Criminal Division who was assigned to aid the homicide
3 division with the investigation of the Ryen murders?

4 A Yes, I was.

5 Q And did you attend a briefing at the West End Substation
6 on the morning of June 6th to find out about what had
7 occurred at those homicides?

8 A I don't recall if we attended a briefing that morning or
9 if we were dispatched directly to the residence.

10 Q Were you with your unit on that particular day, that first
11 day?

12 A Yes.

13 Q And were you with Mr. Hall?

14 A I don't believe -- I don't remember who my partner was
15 that day.

16 Q Well, did you, for example, participate in a search of a
17 field on that particular day?

18 A Yes, I did.

19 Q Was that with Mr. Hall?

20 A I believe it was Mr. Hall and a couple other officers, too.

21 Q The others were not detectives, though; is that correct?

22 A I believe they were deputies.

23 Q So were you with Mr. Hall, then, that day?

24 A Yes.

25 Q So if Mr. Hall went to the briefing, you probably went
26 to the briefing?

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1 A No. My primary duty was to contact potential witnesses
2 in the area.

3 Q In contacting potential witnesses, which ones did you
4 contact?

5 A I'm not certain the name. I believe there was a Linda
6 Evans.

7 Q Edwards?

8 A Possibly Edwards, yes.

9 Q Did you also talk to an Anna Wilson that day?

10 A Yes.

11 Q A Richard Sibbitts?

12 A That name I don't recall.

13 Q And did you talk to a Larry Lease?

14 A Yes.

15 Q In order to conduct those interviews, did you try and
16 find out more information about the crimes other than
17 just there had been a multi-homicide?

18 A Yes. We were asking questions in regard to the activity
19 on the day prior of the Ryen family, whether or not they
20 had seen anybody unusual at the residence, things of that
21 nature.

22 (No omissions.)
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- 1 Q For example, you knew that there were some male Mexican
2 suspects; did you not?
- 3 A I wouldn't classify them at that time as being suspects.
4 I knew there had been a couple of male subjects that
5 had approached the Ryen family or Mr. Ryen in reference
6 to work.
- 7 Q Did you obtain that information from Sergeant Arthur?
- 8 A No. I obtained it -- I don't recall which lady it was,
9 but I obtained it from one of the witnesses I talked to.
- 10 Q Did you know about any weapons?
- 11 A I don't understand your question.
- 12 Q Did you know whether the people had been killed by
13 gunshot or how they had been killed?
- 14 A I had heard it rumored that possibly they had been
15 stabbed.
- 16 Q Did you hear anything about an ax or hatchet?
- 17 A No.
- 18 Q Did you see Mr. Roper on the morning of June the 6th?
- 19 A I don't believe so.
- 20 Q Is that usual for the Sheriff's Department to conduct
21 interviews with witnesses without the investigators
22 knowing anything about weapons used or suspects?
- 23 A At the point that I was doing my investigation, I
24 don't think it had been determined what type of
25 weapon had been used.
- 26 Q An ax, a hatchet, had been discovered on Sunday afternoon

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1 Q On Monday, that particular day, did these interviews
2 that you took part in take place in the morning?
3 A Was that the 6th?
4 Q Yes.
5 A Yes.
6 Q Then shortly after noon, did you make contact with
7 Larry Lease?
8 A Yes.
9 Q Did Mr. Lease make a request of you?
10 A Yes, he did.
11 Q And did he request that you search a vacant house up at
12 the top of the hill behind his house?
13 A Yes, he did.
14 Q Did he tell you that the person that had been living in
15 that house had moved out the week before?
16 A I'm not sure if he said the week before, but he did
17 state that the subject that had been living in there
18 had moved out.
19 Q And did he express concern that the person who was
20 responsible for the Ryen murders might have been holed
21 up in that house?
22 A No, he did not.
23 Q What did he want you to search for?
24 A He wanted to make sure that there was no one in the
25 residence itself.
26 Q Was he concerned about that, that the person who was

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1 responsible for the murders might have been in there?

2 MR. KOCHIS: Objection. That calls for speculation
3 and for hearsay on his part.

4 THE COURT: Sustained.

5 Q (BY MR. NEGUS) Did he tell you that he was concerned
6 that the person who had committed the murders, person
7 or persons, might have been in that house?

8 A No.

9 Q He was just concerned about somebody in general?

10 A No.

11 MR. KOCHIS: Objection. It calls for speculation
12 as to what Mr. Lease was concerned with.

13 THE COURT: Ask what he was told.

14 Q (BY MR. NEGUS) I'm sorry. I'm getting feeble in my
15 old age.

16 MR. KOCHIS: I interpose the same objection. If
17 it's not offered for the truth of the matter asserted, how
18 is it relevant?

19 THE COURT: We are concerned with what was told
20 to this officer. Overruled.

21 Q (BY MR. NEGUS) Did he tell you he was just worried
22 about trespassers in general?

23 A No. What he was concerned about was that the subject
24 or subjects involved or possibly involved in the Ryen
25 murders could be hiding at that time in that residence.

26 Q Did he also indicate to you that he was also concerned

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3 | A I don't recall that, no.

6 | A No.

9 | A Yes, I did.

12 | A Yes.

14 A No, I do not.

17 A That's correct.

21 | A Yes, I did.

23 A None that I found, no.

25 | A No.

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- 1 the house?
- 2 A No.
- 3 Q Did he open a sliding glass door?
- 4 A Yes.
- 5 Q And did you enter the house at that point in time?
- 6 A Yes.
- 7 Q The spot that you entered the house, was that on the
- 8 north side of the house?
- 9 A Yes, it was.
- 10 Q And was that on the side that, the part of the north
- 11 side that was closest to the Ryen residence?
- 12 A Of my recollection of the house, I would say there was
- 13 a west wall that would have been closer to the Ryen
- 14 residence.
- 15 Q But if you divided the north face of the house in half,
- 16 that would have been closer to the Ryen residence and
- 17 more close to the Ryen residence than to, for example,
- 18 C.I.M. or something?
- 19 A Possibly.
- 20 Q You had your gun with you, right?
- 21 A Yes, I did.
- 22 Q Did you draw your gun?
- 23 A Yes, I believe I did.
- 24 Q And did Mr. Hall likewise have his gun?
- 25 A Yes, he had his gun.
- 26 Q When you went into the house, did you go into a room

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1 with a fireplace and facing another room with a pool
2 table?

3 A Yes. I believe so.

4 Q And then did you make your way to a set of three
5 bedrooms along the hall?

6 A I remember going into the three bedrooms, yes.

7 Q And at some point in time, did you leave Mr. Hall and
8 go over to the part of the house that was on the eastern
9 side or the side away from the Ryen residence?

10 A To my knowledge, I did not.

11 Q What do you mean by "to my knowledge"?

12 A I believe I searched the west portion of the residence
13 and that's as far as my search got to.

14 Q Did you see Mr. Hall searching the east portion?

15 A No.

16 Q Did you see anybody searching the east portion?

17 A No.

18 Q Any reason why the east portion wasn't searched?

19 A I would assume there was two of us and one would take
20 one-half of the house and the other would take the
21 other half.

22 Q Did Mr. Lease come into the house behind you?

23 A I think he stepped in the door and I told him to wait
24 at the entry part when we came in, and I went and made
25 my search and then I had a question about some items
26 that I found during my search and I believe I met him

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1 again back at the door and took him to the bedroom where
2 these items were.

3 Q Which bedroom was that?

4 A I don't know which bedroom it was. I just remember the
5 items.

6 Q Were there items -- Was that a bedroom that had
7 furniture in it?

8 A I don't believe it had furniture in it, no.

9 Q Did he have any other items in it? And what were the
10 items?

11 A There was a saddle. My recollection of it is it could
12 have possibly been on a wooden horse or it was sitting
13 on the floor. But there was a saddle.

14 And the closet had clothing in it which I recall
15 being female clothing, and I was under the assumption
16 that the female hadn't left the residence, and I
17 questioned him about those items because I would have
18 figured she would have taken those with her when she
19 left.

20 Q Did he explain those items as belonging to one of his
21 daughters?

22 A No.

23 Q Excuse me. Go ahead. How did he explain it?

24 A My best recollection, he said they belonged to the
25 girl who had been living there.

26 Q And after you brought Mr. Lease into that room, then

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1 what did you do?

2 A I believe I advised Mr. Lease that that portion of the
3 residence that I had checked, that there was no one in
4 it and I then met Detective Hall. I don't remember
5 exactly where I met him.

6 And at that point, it was determined that the
7 residence did not have anybody in it other than ourselves.

8 Q How was it determined there was nobody in it?

9 A Just by the fact that we had searched it.

10 Q Did you communicate that you hadn't seen anybody to him?

11 A To who?

12 Q To Mr. Hall.

13 A Yes.

14 Q And he said likewise to you?

15 A Yes.

16 Q Were there any words used that there is nothing of
17 evidentiary value in the house?

18 A No.

19 Q At what point in time did you put away your gun?

20 A I would say probably when I went to pick up Mr. Lease
21 to recontact him.

22 Q Was he outside when you recontacted him?

23 A No. He was inside.

24 Q In what room?

25 A I believe he was still by the entry point where we had
26 made our entry, but I'm not positive.

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A	A	No.
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6 A I know I looked in one bathroom. I remember looking in
7 a bathroom, but I don't remember any of the specifics
8 about it.

12 A In the house that we were searching?

14 | A No.

18 | A No.

(No omissions.)

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1 Q Showing you Diagram S-32, do you recognize that as a
2 diagram of the house that you searched?

3 A No.

4 Q You have no memory of anything about the layout?

5 A Just generally, little bit of the areas I went into.

6 Q Were there where it says -- assuming -- let's just put a
7 red X, or an orange X, excuse me, at one of the little
8 doorways there. And if that were the spot that you
9 entered --

10 MR. KOCHIS: Could I have a minute, Your Honor,
11 with Mr. Negus?

12 (Discussion between Counsel, not reported.)

13 MR. KOCHIS: Your Honor, my only concern is on S-32
14 there are already a series of marks, two in green, one in
15 red. It's close to orange. And I would hate for the record
16 to be confused as to which marks this witness placed and
17 which were already on the diagram when he arrived.

18 MR. NEGUS: I ran out of the Lease floor plan diagrams.

19 THE COURT: Would you like a copy of that?

20 MR. NEGUS: I don't think it's a problem. I think
21 we can keep it separate and three or four witnesses have
22 already used this diagram anyway.

23 MR. KOCHIS: If I could have just a moment, Your
24 Honor.

25 THE COURT: It won't take long, Mr. Negus. If there
26 are going to be other witnesses, we can have a copy quickly

1 made.

2 MR. NEGUS: Either way. I'm easy.

3 THE COURT: Mr. Kochis, do you think it presents
4 a problem? Are you looking for other copies now?

5 MR. KOCHIS: I'm looking for a copy I may have, Your
6 Honor, that's not marked.

7 MR. NEGUS: Perhaps, Your Honor, we would take a
8 break for 15 minutes five minutes early.

9 THE COURT: We'll take an early recess for that
10 purpose. Make a copy, get a couple copies if they want it.

11 (Recess.)

12 THE COURT: Go ahead.

13 Q (BY MR. NEGUS:) Mr. Moran, showing you Exhibit H-260 --
14 let's see. We were back with an orange X at a window
15 area in that particular diagram. And if you'll just
16 orient yourself, the area with the pool table, that would
17 be the family room area, with the fireplace area there.
18 Do you recognize that now?

19 A Yes.

20 Q Okay. And can you show us the bedrooms on that that
21 you looked at?

22 A I would say that it would have been this one, this one,
23 and this one.

24 Q Can you put a green X in each of those bedrooms?

25 A (The witness complies.)

26 Q Looking again at the diagram, there's a room with a

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1 counter there, a window at one end, front door at the
2 other, little hallway going off to the other end. Now
3 that you see that position, did you ever go into that
4 particular room?

5 A I don't believe so, no.

6 Q Where was it that you talked to Mr. Hall when you
7 discussed that there wasn't anybody there?

8 A Does this represent a hallway down through here, Mr. Negus?

9 Q Yes.

10 A I would say it would be in this hallway somewhere,
11 because it's in my mind I met him in a hall.

12 Q So we're referring here to the hallway where I'm going
13 to put a big round oval, somewhere in that particular
14 area?

15 A Yes, to my best recollection, yes.

16 Q That oval being in orange?

17 A Yes.

18 Q Appears to be a hallway on the east side of the
19 residence. Do you ever recall being in that particular
20 hallway?

21 A No.

22 Q When you met Mr. Lease, he was back near the orange X?

23 A Yes.

24 Q Had you already put your gun away at that point in time?

25 A I believe I had.

26 Q Was Mr. Hall with you when you met him?

1 A I don't know.

2 Q Did you write a report of this incident?

3 A Excuse me. I was thinking of something else. Pardon?

4 Q Did you write a report of this incident?

5 A Yes, I did.

6 Q And did you write that report after there had been a
7 discovery of evidence in that particular house?

8 MR. KOCHIS: Objection, no foundation.

9 THE COURT: I fail to see that. Ask your question
10 again, Mr. Negus. Maybe I missed something.

11 Q (BY MR. NEGUS:) Did you learn the next day that
12 evidence had been found in the vacant house that you'd
13 been in yourself?

14 A I first became aware of the evidence when I was in Costa
15 Mesa, I believe, which probably was the following day.

16 Q And at that point in time, were you curious as to how
17 you missed it?

18 MR. KOCHIS: Objection, irrelevant.

19 THE COURT: I think it goes to credibility. Overruled.

20 THE WITNESS: When I first heard of the evidence,
21 it was told to me in greater magnitude than what it in
22 reality was. At that time, yes, I did question how I could
23 have missed that type of evidence.

24 Q (BY MR. NEGUS:) Was it after you heard that report of
25 great magnitude that you wrote your report of your
26 search?

1 A I'm not certain. I believe it was.

2 Q The report of the greater magnitude, did that include
3 descriptions of bloody trousers?

4 A No.

5 Q What was greater about the magnitude?

6 A I had been advised that there had been blood, a substan-
7 tial amount of blood, in the residence that had been
8 found.

9 Q Who told you that?

10 A I believe it was Detective Clifford.

11 Q Did he tell you where it had been in the residence?

12 A No.

13 Q Was your report written between the time that you heard
14 that report from Detective Clifford and the time that
15 you learned that there wasn't as much as you thought
16 there was?

17 A I don't recall exactly when I wrote that report. When I
18 got back from Costa Mesa and I found out that there had
19 been evidence located in that residence, I contacted one
20 of the supervisors, I don't remember which one it was,
21 and advised him that I had been in that residence prior
22 and they stated they knew I had because one of my
23 business cards was there. And I advised them do you want
24 a report on what I had done and what I had seen, and he
25 stated yes. Then that's when I did the report.

26 Q You don't remember which supervisor, though, it was?

- 1 A No, I don't.
- 2 Q Would it have been one of your supervisors in the CCD
- 3 or somebody else?
- 4 A Could have been anybody.
- 5 Q After you got out of the house, did you go down and
- 6 meet with Deputy Hagen?
- 7 A Yes, I believe I did.
- 8 Q Was Mr. Hall with you at that point in time?
- 9 A Yes.
- 10 Q In your presence did Mr. Hall say there was nothing
- 11 of evidentiary value in the house?
- 12 A No.
- 13 Q Did you make that statement to Deputy Hagen?
- 14 A No.
- 15 Q Did either of you say any words to that effect?
- 16 A It's possible that I might have said there was no
- 17 evidence that he was in the residence.
- 18 Q When you talked to Mr. Clifford, did he indicate to you
- 19 which part of the house the evidence had been found in?
- 20 A No.
- 21 (No omissions.)
- 22
- 23
- 24
- 25
- 26

00996908

1 Q In your report that you did, you indicated that a
2 cursory search was made of the interior area of this
3 residence for unauthorized persons, including the
4 bedroom and the bathroom area. What did you mean by
5 the bedroom and bathroom?

009699

11-2

- 1 Q And at what point in time were you in there?
- 2 A I would say sometime in the latter part of the afternoon.
- 3 Q How long were you in there?
- 4 A Each time or --
- 5 Q Yes. In total. Was it going in and out or did you go
- 6 away from the house for a significant period of time
- 7 between every time you went in?
- 8 A I might have been in the first time maybe five or ten
- 9 minutes. I don't recall the other time.
- 10 The time that I was assisted in the removal of
- 11 the, I call it a bookshelf, I was probably in maybe
- 12 15 to 30 minutes.
- 13 Q Did you ever remove, assist in the removal of any other
- 14 items from the bedroom?
- 15 A I think I took out a couple of chairs or a chair.
- 16 Q While you were in the bedroom, was there any work being
- 17 done on removing part of the wall?
- 18 A Yes.
- 19 Q Did you assist in that work?
- 20 A No.
- 21 Q While you were in the bedroom, was the carpet ever
- 22 being removed?
- 23 A I don't recall the carpet being removed. I do remember
- 24 the wall or at least work being done on it. But I don't
- 25 recall the carpet.
- 26 Q The carpet was still in there while you were working?

2 Q And you left before the carpet was removed?

4 Q Did you leave the area completely?

6 Q Did you ever go back with the items that were removed
7 to San Bernardino to the I.D. locker?

9 Q Did you ever leave the area of the master bedroom?

10 A I did on one occasion. I think there was a family room
11 and I believe I walked down into it. I don't recall why.
12 And I'm not sure it was the kitchen, but I think I went
13 to one other area.

15 A On one of the two occasions, I was asked to find
16 somebody. I believe it was Sergeant Swanlund, but I'm
17 not certain which one it was.

18 And I had left the master bedroom for that purpose.

19 The other time, I don't know why.

20 0 While you were there, was Mr. Kottmeier at the scene?

21 A I don't believe so. I'm not positive. I don't remember
22 seeing him.

23 Q Do you remember seeing Mr. Gregonis and Mr. Ogino from
24 the Crime Lab?

25 A I don't know who they are. I wouldn't be able to say.

26 Q Do you remember anybody from the Crime Lab being there?

009704

11-4

- 1 A No.
- 2 Q Showing you H-255, is that a diagram that you prepared
3 at the preliminary hearing?
- 4 A Yes.
- 5 Q And does that indicate various rooms outside of the
6 master bedroom that you went to?
- 7 A Yes.
- 8 Q And the path you took?
- 9 A That's correct, roughly.
- 10 Q And you have them arbitrarily numbered as 1, 2 and 3,
11 but that doesn't necessarily mean the sequence in which
12 you did them; is that correct?
- 13 A That's correct.
- 14 Q I showed you a diagram similar to S-32 at the preliminary
15 hearing without anything written on it; is that correct?
16 Just like the bare outline?
- 17 Q Yes, you showed me a diagram. I can't remember if you
18 had the individual rooms labeled or anything like that
19 on it. I don't know.
- 20 Q At that point in time, you indicated that you had no way
21 of knowing if the diagram I was showing you was a floor
22 plan of the house or not, right?
- 23 A That's correct.
- 24 Q When the supervisor asked you to write the report, did
25 he question you as to how you could have missed the
26 stuff that was in the house?

6 MR. NEGUS: I have nothing further.

CROSS-EXAMINATION

9 BY MR. KOCHIS:

10 Q Detective Moran, the day that you were at the Ryen
11 house moving furniture out of the master bedroom, was
12 that Monday, June the 6th, 1983?

13 | A Yes, it was.

14 Q In addition to the bookshelf unit and a chair, did you
15 also assist in moving out of the master bedroom some
16 books and some knickknacks?

17 | A Yes.

18 Q Do you have a copy with you on the witness stand of
19 the report you caused to be typed of your entry into
20 the Lease house on June the 6th?

21 | A Yes, I believe I do.

22 Q And does the first paragraph of that report reflect
23 that you met Mr. Lease at approximately 1300 hours on
24 June the 6th, 1983?

25 | A That's correct.

009703

11-6

- 1 afternoon?
- 2 A Yes.
- 3 Q When Mr. Lease entered the house, what did he enter
- 4 through? A window or door?
- 5 A Sliding glass door.
- 6 Q Did he break anything to get inside?
- 7 A He had to jimmy the door to get it open.
- 8 Q Did he actually have to break the glass?
- 9 A No.
- 10 Q Did you exit through the same door?
- 11 A Yes.
- 12 Q And did you see the door close after you, Mr. Hall and
- 13 Mr. Lease got outside?
- 14 A Yes.
- 15 Q When the door was closed after you had exited the house,
- 16 was there any sign of forced entry?
- 17 A No.
- 18 Q Was it apparent to you at that time that forced entry
- 19 could be made into the house at least through that door
- 20 without leaving a sign?
- 21 A Yes.
- 22 Q Is it fair to say that you had never been inside the
- 23 Lease house before?
- 24 A That's correct.
- 25 Q And did Mr. Lease lead you to believe that someone had
- 26 recently occupied the house?

000997004

11-7

1 A Yes.

2 Q Were you surprised, then, to see items of furniture
3 inside the house?

4 A No.

5 Q Were you surprised to see some items of personal property
6 inside the house when you entered?

7 A The saddle and the clothing that I saw was.

8 Q How about the furniture? For example, do you remember
9 a pool table being in the house?

10 A I really, honestly don't remember a pool table.

11 Q Do you remember any of the bedrooms that you entered
12 having a bed in them?

13 A No, I don't.

14 Q Is it fair to say that when you entered the residence on
15 the 6th of June with Mr. Hall, you were entering the
16 residence to determine if a person was inside that
17 residence as opposed to whether or not a person had
18 lived in that residence?

19 A That's why we went in, yes.

20 MR. KOCHIS: I have nothing further.

21

22 REDIRECT EXAMINATION

23 BY MR. NEGUS:

24 Q Had you ever been inside the Ryen house before June 6th?

25 A No.

26 MR. NEGUS: Nothing further.

00097705

11-8

1 THE COURT: Thank you.

2 Are any of those reports yours?

3 THE WITNESS: Yes. Thank you, your Honor.

4 THE COURT: Leave our exhibits but take your own.

5 THE WITNESS: Okay.

6 (Witness excused.)

7 MR. NEGUS: Lieutenant Bellomy.

8
9 D A V I D A L L E N B E L L O M Y, called as a
10 witness by and on behalf of the defendant, was duly
11 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 name, please, for the record, and spell
19 your last name.

20 THE WITNESS: David Allen Bellomy, B-e-l-l-o-m-y.

21

22 DIRECT EXAMINATION

23 BY MR. NEGUS:

24 Q Mr. Bellomy, what is your occupation?

25 A I'm a lieutenant in the San Bernardino Sheriff's
26 Department.

2 A I was the officer in charge of the Identification
3 Division.

5 A The Identification Division consists of approximately
6 ten people that are involved exclusively in the
7 examination of crime scenes, which would include
8 photography of the crime scenes and examination of
9 the crime scenes for latent fingerprints.

11 Q Do you have any duties within the Identification Bureau
12 with respect to the preservation of evidence?

15 Q So you act as the caretakers of evidence once it has
16 been seized?

18 Q And are there set procedures with respect to what sort
19 of documentation is required in order to submit that
20 evidence to you?

22 Q Are you familiar with a document entitled "Manual,
23 San Bernardino County Sheriff's Department"?

26 Q Showing you Exhibit H-192, a manual that was approved

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A Yes, sir, I'm familiar with it.

Q And like part of this document indicates set procedures with respect -- and that's in Section five one hundred through five one hundred sixty point thirty -- with respect to seizing and marking and turning in property?

A I'm familiar with that section in the sense that I have read it. I do not have it committed to memory.

(No omissions.)

009708

1 Q You're familiar, though, in general with its general
2 outline?

3 A I've read it, yes, sir.

4 Q Does that section significantly change policy that
5 existed prior to June 27th, 1983?

6 A Before I could answer that question, I'd have to have
7 time to thoroughly read this and reflect on it.

8 Q Well, let me just do a few things, then, bit by bit.

9 Before this particular manual came into existence,
10 was there a distinction made between property that was
11 evidence and property that was seized for other purposes?

12 A Yes, sir, there was.

13 Q And with respect to property that was evidence, did there
14 exist an official property tag?

15 A Yes, sir.

16 Q And if you'll look on this exhibit Section 150.10,
17 there's various things listed in that exhibit that must
18 be filled out on an official property tag. Did those
19 things exist before June 27th, 1983?

20 A Yes, sir, they did.

21 Q In the first part of June when items were turned over
22 to you, was the sheriff's policy and regulations that
23 they have one of those property tags properly affixed
24 to the item?

25 A That was a policy.

26 Q And what happened to those property tags after the

009709

2 A The property sergeant or an officer designated by him
3 would receive the property, write the property location
4 on the large portion of the tag, and store that tag for
5 retrieval by property tag number. The small portion of
6 the tag was affixed to the piece of property or pieces
7 of property that it described.

8 Q And what was the purpose of having that property tag?

9 A It was two fold. One, it served as a shipping label or
10 a retrieval system, a way to retrieve the property. And,
11 too, it showed the date that the property was received.

12 Q Who was the property sergeant on June 6th, 1983?

13 A Sergeant David Baker.

14 Q What were his duties with respect to the preservation
15 of property that was turned in to him?

16 A Sergeant Baker was responsible to receive property from
17 officers, divisions and stations within this county,
18 and to store that property in our facility.

19 Q Were there any procedures for cases of county wide or
20 cases handled by one of the specialized detective
21 divisions in which property was obtained by one of the
22 substations in connection with that particular --

23 A I don't understand your question, sir.

24 Q Assume we have a homicide in the West End that's handled
25 by the homicide department. Assume that some evidence
26 is obtained by the Yucaipa Substation just as an example.

009710

1 Were there any procedures whereby the Yucaipa Substation
2 would preserve property or transfer property to the
3 homicide people?

4 A. That would be decision that was made between the
5 affected substation and specialized detective personnel.
6 The procedure that in this case you've given me that the
7 Yucaipa Substation would use would be to appropriately
8 tag the items of evidence and transport those items of
9 evidence under normal conditions to the property division.

10 Q. Do the different substations have a property storage
11 function in addition to the I.D. bureau, or is just the
12 I.D. bureau?

13 A. Each station has its own property function.

14 Q. How do you distinguish between those things which come
15 into Central and those things which stay in the substation?

16 A. Within the policy there is a time period stated, and I
17 would have to look it up, that indicates the length of
18 time that property will be stored at station facilities.
19 When final disposition is ready on those items, then
20 they're transferred to the Central station which is the
21 identification division, and the subsection of that,
22 which is the property detail, sometimes referred to as
23 the property division, for final disposition.

24 Q. Do the substation people have the right to destroy
25 evidence if they don't receive any call for it, as the
26 homicide division doesn't tell them what to do with it?

009711

2 A I can answer that question generally. I can't answer
3 it specifically. The substation -- well, now they're
4 called sheriff's stations -- have property officers, and
5 property officers do destroy some types of evidence at
6 the station level.

7 Q You don't know what the criteria are?

8 A The usual criterion are those items that are of no
9 monetary value and are no longer needed as evidence.
10 For example, a rock that was used in a window smash for
11 a burglary or a broken window frame that was taken as
12 evidence for a burglary.

13 Q How would you determine when they're no longer needed?

14 A When the matter had been adjudicated.

15 Q And are there procedures made in the I.D. bureau itself,
16 in the property part of the I.D. bureau itself, to ensure
17 that items aren't destroyed before the adjudication of
18 the case?

19 A Yes, there are.

20 Q What are those procedures?

21 A There is a tickler system that is used by the
22 identification sergeant.

23 Q A what system?

24 A A system where the items that are sent in are recorded
25 in a log book by date of receipt so that they may be
26 periodically reviewed to see if they're current.

- 1 Q So how would the property sergeant determine whether
2 they were current or not? Would they look at the DR
3 number and see if the case was still alive?
- 4 A That's basically correct. Plus he would make a telephone
5 call and make a written inquiry into the status of that
6 particular evidence.
- 7 Q So nothing would be destroyed unless there was some sort
8 of response to the written inquiry indicating that the
9 matter was adjudicated and over with; is that right?
- 10 A It could be one of two ways. Either there could be a
11 response that would say the items could be disposed of,
12 which would either be used for departmental use, sold at
13 public auction, or destroyed; or the inquiry that goes
14 out is written in such a way that if no record is
15 received back within a certain time frame, the item
16 involved is automatically destroyed.
- 17 Q Tell me about -- I'm not sure I understand the latter.
18 If you send out some sort of "what do I do with this"
19 and you don't get a response within a certain period of
20 time, then you destroy it?
- 21 A It is stated right at the top of the memo that if a
22 response is not forthcoming within a certain period of
23 time it will be presumed there is no activity on that
24 particular piece of evidence. That is my recollection
25 of the form.
- 26 Q And that would be sent to whom? Do you have a person

1 that's in charge of a given DR number or --

2 A It would either be sent to a substation or a station
3 commander or to the property officer at a particular
4 station or division.

5 Q Well, how would a property officer, say in Yucaipa,
6 determine whether or not -- who would he determine to send
7 his little piece of paper to to ask whether somebody
8 wants to preserve it or not?

9 A First, most of the property that we get in from stations
10 is ready for final disposition when it's first received,
11 most of it. Specialized investigative units may send
12 us property that is -- or, I should say send us property
13 that most often is still active. And that is on the
14 basis of the physical storage area available to those
15 specialized units.

16 Q Let's talk about storage area for a second. Is there
17 any facility in the sheriff's department for storage
18 of large items in specialized cases where people don't
19 have the normal room?

20 A Yes, that would be located at Sheriff's Central Property.

21 Q And that's on Sierra Boulevard?

22 A Yes, sir, it is.

23 Q That's the building that you took Mr. Forbush and I
24 into to view the property in this particular case; is
25 that right?

26 A Yes, sir, that's correct.

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3 commander or to the property officer at a particular
4 station or division.

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24 into to view the property in this particular case; is
25 that right?

26 A Yes, sir, that's correct.

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21 Q And that's on Sierra Boulevard?
22 A Yes, sir, it is.
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24 into to view the property in this particular case; is
25 that right?
26 A Yes, sir, that's correct.

21 Q And that's on Sierra Boulevard?

22 A Yes, sir, it is.

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25 that right?

26 A Yes, sir, that's correct.

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24 into to view the property in this particular case; is

25 that right?

26 A Yes, sir, that's correct.

23 Q That's the building that you took Mr. Forbush and I
24 into to view the property in this particular case; is
25 that right?

26 A Yes, sir, that's correct.

26 A Yes, sir, that's correct.

1 Q Is there any provision for items that need special
2 treatment when they're held by the I.D. division?
3 Like, for example, items that need to be frozen or items
4 that need to be handled in some special way?
5 A Items that have to be frozen or handled in some special
6 way are usually referred to the sheriff's criminalistics
7 laboratory division. The property that we receive at
8 central property is for long-term storage or for
9 disposition.
10 Q What do you do with the stuff that the sheriff's crime
11 lab doesn't have room for that needs to be stored
12 specially?
13 A Those items may be brought to central property and
14 stored at central property.
15 Q Do you freeze them, for example, if they need to be
16 frozen and they don't have room for them at the crime
17 lab?
18 A We don't.
19 Q In the case of the Ryen homicides, did you have any
20 discussions with anybody about where to store the
21 contents of a master bedroom?
22 A No, sir, I did not.
23 Q Were you ever contacted by Sergeant Swanlund about the
24 use of the loft at the I.D. bureau?
25 A I don't remember.
26 Q How about do you remember having discussions with Billy

1 Arthur about using the loft?

2 A No. The only comment I would make on that, if I had
3 such a discussion I would have referred it to Sergeant
4 Baker because that was his area of concentration.

5 Q Prior to going to work with the identification division,
6 you worked in the sheriff's crime lab; is that correct?

7 A Yes, sir, I did.

8 Q Were you an all-purpose criminalist before then?

9 A No, sir, I was not.

10 Q Did you have any particular specialty?

11 A Yes, sir, I did.

12 Q What was that?

13 A I was a questioned document examiner.

14 Q Did you also do other work within the laboratory or
15 just do questioned documents?

16 A I did other work within the laboratory.

17 Q Did that include serology?

18 A No, sir, it did not.

19 Q Do you have any background or training in serology?

20 A Other than evidence collection, no, sir.

21 Q You were generally aware of what you have to do in order
22 to collect and preserve dried blood?

23 A I'm aware of some of the techniques available, yes, sir.

24 Q Are you aware that in order to type dried blood for
25 various and sundry genetic markers, if it was going to
26 be held for any period of time, it needs to be frozen?

- 1 A No, I was not aware of that, sir.
- 2 Q In that loft area during June, July and August of 1983,
3 was there any source of water or dampness?
- 4 A Not within the building during that period of time.
5 I believe there was a heavy duty rainstorm in August
6 and the roof did leak at that time.
- 7 Q When the roof leaked, do you recall that it leaked on
8 any of the items that had been seized in the Ryan
9 investigation?
- 10 A Yes, sir.
- 11 Q Which items were those?
- 12 A I was informed by Sergeant Baker that the carpet had
13 water on it from the leakage in the room.
- 14 Q After the carpet got the water on it, was anything done
15 to dry it?
- 16 A I'm not sure.
- 17 Q You were aware that the carpet had considerable amounts
18 of dried blood on it; is that correct?
- 19 A No, sir, I was not.
- 20 Q Did you ever see the carpet?
- 21 A No, sir, I did not, other than after it was placed
22 in evidence in the building.
- 23 Q In the building did you see that it had dried blood on
24 it?
- 25 A I don't even recall the color of the carpet, sir.
- 26 Q Were you aware that bloody textiles have to be thoroughly

009717

1 dried in order to prevent mildew?

2 A Yes, sir.

3 Q Whose responsibility would it have been to, if the
4 carpet did get damp, make sure that it didn't mildew?

5 A The immediate responsibility would have been Sergeant
6 Baker's to contact the investigating officers. The
7 ultimate responsibility is mine.

8 Q To your knowledge did Sergeant Baker contact the
9 investigating officers?

10 A I believe he did, sir. But I'm not positive.

11 Q Did you have any discussion with the investigating
12 officers about that?

13 A No, sir, I did not.

14 (No omissions.)

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13-1

1 Q Did you ever go to the Ryen residence -- excuse me --
2 did you ever go inside the Ryen residence at 2943
3 English Road in the Chino Hills?

4 A No, sir.

5 Q Were you even on the premises on June the 5th, 1983,
6 the date the crime was discovered?

7 A No, sir.

8 Q Did you go to 2991 English Road in the Chino Hills,
9 the vacant house a hundred and some-odd yards to the
10 east of the Ryen residence?

11 A Sir, is that the residence commonly referred to as the
12 Lease residence?

13 Q Well, it's the house that was owned in part by
14 Mr. Lease up on top of the hill above Larry Lease's
15 own residence.

16 A Yes, I did.

17 Q And what time did you arrive at that particular location?

18 A It was sometime after 5:00 o'clock in the evening. My
19 best estimate is 5:30.

20 Q Was Mr. Duffy from the Identification Bureau already
21 there?

22 A Yes, sir, he was.

23 Q And had he requested you come out to give him some help?

24 A He requested that an additional officer respond and I
25 was the on-duty supervisor and I responded.

26 Q When you got there, had Mr. Duffy already completed his

13-2

- 1 work of photographing the interior?
- 2 A No, sir, he had not.
- 3 Q Was he in the process of doing that?
- 4 A As I recall, he was in the process of doing the latent
5 fingerprint work when I arrived there.
- 6 Q Where was he working, if you recall?
- 7 A He was standing at a counter or I suppose it could be
8 described as a bar, which was immediately in front of
9 the entrance on the south side of that residence.
- 10 Q Showing you diagram H-261, does that appear to be the
11 floor plan of the Lease residence?
- 12 A Yes, sir, it does.
- 13 Q And is the counter marked as "counter" on that diagram
14 that you were working on?
- 15 A Yes, sir.
- 16 Q When you arrived there, had Mr. Duffy completely
17 covered the countertop with fingerprint powder?
- 18 A I recall that the countertop had fingerprint powder on
19 it. Whether or not he had completely covered it, I can't
20 say, sir.
- 21 Q When he was working, when he was working with the
22 fingerprint powder -- Was there a criminalist there,
23 also, from the Crime Lab, Mr. Ogino?
- 24 A There were two there.
- 25 Q Mr. Ogino was one?
- 26 A Yes.

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13-3

- 1 Q And Mr. Stockwell was the other?
- 2 A I believe he was the second.
- 3 Q If you have a situation in which there is both blood
4 and latent fingerprints, does the I.D. and the Crime Lab
5 have a procedure as to who works first?
- 6 A The procedure that we used was to consult the available
7 criminalist or make a telephone call to the available
8 criminalist and explain the situation and ask them if
9 that is going to damage the evidence at some point in
10 the future.
- 11 Q Do you recall whether or not you observed any blood in
12 the area of that counter while Mr. Duffy was working
13 on it?
- 14 A I did not observe any blood in the area of that counter
15 that I recall.
- 16 Q Did the counter sort of run into a wall at the east end
17 of it?
- 18 A Yes, sir, it did.
- 19 Q Did you observe any blood on that particular wall area?
- 20 A No, sir.
- 21 Q Did you and Mr. Duffy work on that counter for some
22 considerable period of time?
- 23 A Yes, sir, we did.
- 24 Q Approximately how long?
- 25 A We used that as a base of operation, so I would say
26 off and on the entire time that we were there that

13-4

1 evening.

2 Q During the time that you were there with Mr. Duffy,
3 did you or Mr. Duffy take any photographs of a washing
4 machine in the kitchen area?

5 A I would have to refer to the case photographs. I don't
6 remember.

7 Q Do you remember which of the photos that Mr. Duffy took
8 when you were there and which ones he didn't?

9 A I do remember that Mr. Duffy was taking photographs of
10 fingerprints as they were developed and lifted.

11 Other than that, I don't have a specific recollection
12 of items that he photographed or the sequence that he
13 photographed them in.

14 Q When fingerprint work is being done, is it a normal
15 procedure to go through the entire crime scene taking
16 photographs of the scene before evidence is collected
17 and before fingerprint powder is applied?

18 A To answer that question, let me ask you a question, sir.
19 Are you asking me if we normally photograph an entire
20 crime scene, then do fingerprint work and rephotograph
21 specific areas?

22 Q Yes.

23 A That frequently occurs, yes, sir.

24 Q Was that the procedure that was used on this particular
25 residence at 2991 English Road?

26 A I believe it was.

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3 MR. KOCHIS: I would object. That calls for
4 speculation. He has no idea what is done before he gets
5 there.

8 Q (BY MR. NEGUS) You didn't see Mr. Duffy doing any part
9 of the overall work of photography; just the detail work?

11 Q Did you participate in the photographing items of
12 evidence as they were seized by the Crime Lab?

17 Q That was done sometime during the nighttime hours?

22 Q With respect to evidence that was seized from inside
23 the Lease residence, you didn't participate in
24 photographing any particular items?

26 Q Do you know if Mr. Duffy was called away from his

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13-6

- 1 particular work of doing the dusting to do any
2 photographing of that nature?
- 3 A I don't recall, sir.
- 4 Q Did you see any corduroy pants that appeared to have
5 been of some evidentiary value while you were processing
6 the 2991 residence?
- 7 A Not that I recall, sir.
- 8 Q Do you recall any bloody clothing, seeing any bloody
9 clothing at all?
- 10 A I found what I thought might be a pair of bloody
11 trousers hanging in a closet which could be described
12 as the bedroom area in the southwest corner, but I
13 believe those were Levis or blue jeans of some type.
- 14 Q And would you indicate on this diagram which is H-261
15 where approximately it was that you found those pants?
- 16 A (Witness complied.)
- 17 Q You put a green circle for that area; is that correct?
- 18 A Yes, sir.
- 19 Q What was done with those pants?
- 20 A They were pointed out to the investigating officers.
- 21 Q And were they photographed?
- 22 A I don't recall, sir.
- 23 Q Which investigating officers did you point them out to?
- 24 A To the best of my recollection, Sergeant Swanlund and
25 one other officer, and I don't recall who that was,
26 sir.

3 | A No, sir, I do not.

6 A No, sir.

10 A Yes, sir, we did.

13 A Not that I recall, sir.

17 A There were two fingerprints that I lifted -- Let me
18 refer to my notes for a moment.

22 Q Was there also another fingerprint from a glass shelf
23 in the bathroom on the southeast corner that was not
24 photographed?

25 | A Yes, sir.

26 Q That was just inadvertently?

1 A Yes, sir.

2 Q Why weren't the two that you did on the 9th photographed?

3 A I can't answer that question.

4 Q But with those three exceptions, all the other ones were
5 photographed as the print was developed or before, but
6 before it was lifted; is that correct?

7 A To the best of my recollection, yes, sir.

8 Q When the I.D. Bureau takes photographs, are they
9 recorded somehow?

0 A Not necessarily.

1 Q How do the get recorded and how do they not get recorded?

2 A The negatives, the photographic negatives are first
3 developed and then as the photographic negatives are
4 developed, then they are printed and the photos are
5 selected that represent the crime scene.

6 Q In this particular case, were all of the photos that
7 were taken printed?

8 A To the best of my knowledge, yes, sir.

9 Q Is there such a thing as -- Do you have a thing called
0 a photographic journal in the I.D. Bureau?

1 A No, sir, we don't.

2 Q Do you have a personal journal that you take of your
3 particular photographs?

4 A Yes, I have a record of the general area that was
5 photographed and some specific items at every crime
6 scene that I go to.

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1 Q Do you recall testifying at the preliminary hearing
2 that you took several photographs, I'm not sure of the
3 exact number, that are recorded in a journal, if that
4 becomes important?

5 A Yes, sir, I remember testifying to that.

6 Q What did you mean by "journal"?

7 A What I meant by that statement is the photographic
8 album of which you have a representative copy.

9 MR. NEGUS: I know I'm not going to get done today
10 and I'm about to go into a different area. Would you like
11 to stop?

12 THE COURT: Okay.

13 We will have to have you back Monday at 9:30.

14 THE WITNESS: All right. your Honor.

15 THE COURT: We will resume at that time. Thank you.

16 (Whereupon the proceedings taken and had
17 on this date were adjourned.)

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