

1 CASE NO. CRIM 24552

2 SUPREME COURT OF THE STATE OF CALIFORNIA

3
4 THE PEOPLE OF THE STATE)
OF CALIFORNIA,)

5 PLAINTIFF,)

6 -VS-)

7 KEVIN COOPER,)

8 DEFENDANT.)
9

SUPERIOR COURT
NO. CR-71787
MOTIONS

10 APPEAL FROM THE SUPERIOR COURT OF SAN DIEGO COUNTY

11 HONORABLE RICHARD C. GARNER, JUDGE PRESIDING

12 REPORTERS' TRANSCRIPT ON APPEAL

13
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OFFICIAL REPORTERS

25 VOLUME ~~23~~ OF 43

26 PAGES 3260 THROUGH 3373

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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

) CR-72787

) VOLUME 33

) Pgs. 3260 thru 3373, incl.
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10
11 REPORTERS' DAILY TRANSCRIPT

12 BEFORE HONORABLE RICHARD C. GARNER, JUDGE

13 DEPARTMENT 10 - SAN BERNARDINO, CALIFORNIA

14 Tuesday, June 12, 1984

15 APPEARANCES:

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23 Reported by:

LEONARD D. GUNN
Official Reporter
24 C.S.R. No. 1109
and
25 JUDITH L. MORRIS
Official Reporter
26 C.S.R. No. 2400

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1 SAN BERNARDINO, CALIFORNIA; TUESDAY, JUNE 12, 1984; 9:51 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: Good morning. Counsel, we're getting a
15 late start this morning.

16 MR. NEGUS: I apologize, Your Honor. My only words,
17 in self-serving words, I suppose, I've been asking for the
18 information we were trying to get since approximately August
19 of 1983, and it takes court appearances sometimes to get it
20 all.

21 THE COURT: All right. Rick Roper is still on the
22 stand, still under oath. Let's continue.

23
24 R I C K R O P E R, having been previously duly sworn,
25 resumed the stand and testified further as follows:

26 / / / /

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1 DIRECT EXAMINATION (Resumed)

2 BY MR. NEGUS:

3 Q Did you take some photographs of shoes worn by various
4 people who were inside the Ryen residence?

5 A Yes, I did.

6 Q And how did you get the list of people whose shoes you
7 took pictures of? How did you decide whose shoes you
8 were going to take pictures of and whose you weren't?9 A I believe Gary Woods from homicide was given the initial
10 responsibility to contact the different divisions and
11 different agencies that were there and notified them to
12 come down to the identification office with the shoes
13 they were wearing when they were at the Ryen residence
14 on June the 5th. As those people came in, we had a
15 Xerox copy of that list, and I don't know if that was
16 complete, but as they came in we checked the list off
17 and also when we photographed the shoes with a Polaroid
18 camera we placed their name and date on a white card
19 adjacent to the shoes so that it would appear in the
20 photograph.

21 Q When was this work done?

22 A It was done over a period of, I would guess, maybe
23 several weeks. And I don't know initially the dates.
24 The dates are shown on the cards, I believe, or the
25 photograph.

26 Q Did it begin sometime in August after Mr. Cooper had been

1 arrested?

2 A Yes, I'm sure it was after that.

3 Q Had there been any attempt to get ahold of people's
4 shoes prior to Mr. Cooper's arrest?

5 MR. KOCHIS: Objection, calls for speculation.

6 Q (BY MR. NEGUS:) That you know.

7 THE COURT: Only if you know.

8 THE WITNESS: I don't know if there was or not.

9 Q (BY MR. NEGUS:) Showing you Photographs H-188, H-187,
10 and H-186, when you were at the Ryen residence on June
11 the 5th, did you ever dust for fingerprints any of those
12 areas?

13 A No, I did not.

14 Q Did you ever consult with Mr. Arthur about whether or
15 not you had finished -- you people in I.D. had finished
16 processing that area for fingerprints?

17 A I believe I did have a conversation with him prior to
18 me leaving the Ryen residence that night about 11:00 p.m.
19 He had asked me what Deputy Duffy and I had done and
20 what was left to do could Deputy Duffy and I handle it.
21 And I had told him yes, that what had been completed
22 by both of us was sufficient enough that it wasn't too
23 much more work for Deputy Duffy to complete.

24 Q Did you give him any specifics or just a question of how
25 many people he needed back at the scene the next day?

26 A I don't remember exactly if that was -- if the specifics

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1 were mentioned or not. I do know that we did discuss
2 what had been done generally.

3 Q And that was at the time that you were leaving to go
4 back to the I.D. bureau to start work on the hatchet
5 and the developing of the prints?

6 A That's correct, that's correct.

7 Q By the way, was the exact time of your arrival at the
8 Ryen residence 3:40 in the afternoon?

9 A I believe it may have been more like maybe around 4:00
10 o'clock or a little after.

11 Q Do you in the I.D. bureau keep a journal, a book, which
12 has all the dates of the year in it which indicates
13 when you do field work?

14 A Yes, we do.

15 Q And in that did you note the times of your arrival and
16 departure from the crime scene?

17 A Sometimes those times can reflect that or the times that
18 we were notified in the office of it. So you would have
19 to include travel time to wherever it's at and then
20 travel time back to the office.

21 Sometimes I list my times that way if there's an
22 extensive amount of overtime on there so that that
23 can be drawn on later.

24 Q Does the Code 97 mean that that's the time that you
25 actually arrived at the crime scene?

26 A Well, it would either re -- generally it would reflect

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1 the time we arrived at the crime scene. It may also in
2 this case reflect the time that I was flagged down re-
3 garding the hatchet, which would be my first -- which
4 would mean that the travel time more or less stopped.

5 Q Showing you just a copy of that which indicates 97 at
6 1540 hours, do you recall what that 97 refers to?

7 A That would -- I believe that would probably -- may reflect
8 the time I arrived at when the hatchet, when I was
9 flagged down by the hatchet.

10 Q The day after the Ryen homicides were discovered did
11 you attend the briefing that was held for officers working
12 on the case in the West End Substation?

13 A I attended briefings at the West End station. And if I
14 attended one on the morning of the 6th, I don't remember,
15 but I would -- I would feel fairly accurate in stating
16 I didn't, because I would have -- I would have been back
17 to the identification office, I believe, probably sorting
18 the film and doing other work that directly related to
19 what we had done the night before.

20 Q Did you make a picture of the hatchet, a black and white
21 photo of the hatchet that you found?

22 A Yes, I did.

23 Q And when did you take that photograph?

24 A That photograph would have been taken after I had
25 arrived back at the identification office after leaving
26 the Ryen residence.

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1 Q When did you make a print of it?

2 A The actual enlargement?

3 Q Yes.

4 A It may have been -- it may have been that night or the
5 following morning.

6 Q When you did make the print, did you send a copy to
7 Sergeant Arthur immediately?

8 A Yeah, I was sending photographs similar to that as we
9 printed them, the black and whites, yes. As they were
10 being done, I was relaying them to Sergeant Arthur.

11 Q Showing you Exhibit S-34, that's a photograph of a
12 bulletin board with a picture of a hatchet down in the
13 left hand corner. Is that a picture that you developed
14 and printed and sent to Sergeant Arthur?

15 A Yes, it is.

16 Q Showing you Exhibits H-273 A, B, and C, are those all
17 Xerox copies of the list that you took at the Ryen
18 residence, the Lease residence, and the Ryen automobile?

19 A Yes, they are.

20 Q And did you go through that last night, the file, the
21 I.D. file in this particular case, and pull out all the
22 prints that you yourself lifted?

23 A Yes, I did.

24 Q Are Xerox copies contained in that Exhibit H-273?

25 A Yes, they are.

26 Q And are they labeled -- the Xeroxes have both the front

1 page and the back page; is that correct?

2 A Yes, that's correct.

3 Q So by looking at that you would be able to see first
4 the side of the card that has the print on it and then
5 the writing that you put on the back of the card?

6 A Yes, that's true.

7 Q And on the back of all those cards exist the location
8 from which you did the lift; is that correct?

9 A One side of the card or the other contains that.

10 (No omissions.)

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1 Q And for the most part, the date and time, also?

2 A Yes, that's true.

3 Q When you got to the house sometime between 4:00 and 4:30,
4 did you see Captain Myers in the house?

5 A At 4:30 when I arrived?

6 Q Yes.

7 A I don't know if I saw him immediately upon my arrival
8 or not, but I did see him at the residence.

9 Q Did you see him inside the house?

10 A Yes.

11 Q Where was Captain Myers?

12 MR. KOCHIS: Objection. Vague as to time.

13 Q (BY MR. NEGUS) When you arrived the first time.

14 MR. KOCHIS: I'm going to object to that. It assumes
15 a fact not in evidence. I believe he testified he didn't see
16 Captain Myers when he first arrived.

17 THE COURT: If that's the foundation to your
18 objection, Mr. Negus, next question.

19 Q (BY MR. NEGUS) Do you remember testifying at the
20 preliminary hearing, page 102 --

21 MR. KOCHIS: Could I have the volume number?

22 MR. NEGUS: 18.

23 Q (BY MR. NEGUS) -- that when you first arrived, that
24 there were officers inside the house, in that list that
25 you gave of officers inside the house, including
26 Captain Myers?

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2 Q Where was Captain Myers when you saw him?

6 Q Near where Jessica was?

8 Q Then where did you see him?

13 Q Would that have been like getting close to dusk at that
14 point in time?

16 Q When you first arrived, did you see Captain Myers sitting
17 in the living room?

19 Q Did you ever see him sitting in the living room?

21 Q Did you ever see him in the dining room area?

23 Q In the dining room where they had a table with liquor or
24 something like that, the eating area.

25 A Yes, there was a table adjacent to the kitchen. He was
26 there. I saw him there.

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2 A During the time I was there, probably later on after I
3 had finished photographing the master bedroom upon my
4 arrival and photographing the driveway and the barn area.

7 Q Showing you Exhibit H-276, is this a diagram of the
8 master bedroom that you prepared at the preliminary
9 hearing?

11 Q That you marked on.

13 Q And are those "X"'s the spots where you saw Captain Myers
14 on June the 5th?

16 Q What work did you do processing the kitchen floor in the
17 Lease residence?

21 After they had finished photographing them, I used
22 latent powder to dust over the impressions and make a
23 lift of that impression.

25 A It was. I believe it was. It was the one that was
26 consistent with the pattern on the spa cover.

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1-4

1 Q Showing you Exhibit H-237, diagram A, is that the
2 approximate appearance of the shoe impression that you
3 were lifting?

4 A Yes, it appears to be.

5 MR. NEGUS: Nothing further.

6 MR. KOCHIS: May I cross, your Honor?

7 THE COURT: Yes.

8

9 CROSS-EXAMINATION

10 BY MR. KOCHIS:

11 Q Detective Roper, are you familiar with how blood samples
12 are taken from an object?

13 A Yes, generally.

14 Q Can they be taken from an object by using a cloth to
15 take a smear of the blood off?

16 A Yes.

17 Q Can it also be scraped off an object?

18 A Yes.

19 Q Can a string be used to take some blood off an object
20 as well?

21 A Yes.

22 Q Do the three techniques I have just described have the
23 capability to destroy latent fingerprints?

24 A Yes, they do.

25 Q Were you concerned about the destruction of latent
26 fingerprints when you first got a hold of the hatchet

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1 on Sunday, June the 6th?

2 A Yes, I was.

3 Q Was that one of the reasons for the decision to process
4 the hatchet for latent fingerprints was to preserve the
5 serological testing?

6 A Yes, it was.

7 Q Directing your attention to a portion of your testimony
8 at the preliminary hearing, specifically Volume 2, page
9 55, lines 23 through 26, was your memory of the events
10 of June the 5th fresher at the time you testified at the
11 preliminary hearing than it is today?

12 A Yes.

13 Q Directing your attention to page 55, lines 23 through 26,
14 and page 56, lines 1 through 3, could you read those to
15 yourself?

16 A Yes.

17 Q Are you now able to recall whether or not you and
18 Mr. Baird had any conversation on Sunday, June the 5th,
19 about processing that hatchet?

20 A Yes, I'm sure we did. And in that conversation, my
21 extent and knowledge of blood or testing blood would
22 have been just typing. I had no knowledge of proteins
23 or enzymes, and I'm sure that he was asking me questions
24 relating to Dura-Print and powder.

25 Q Did you testify at the preliminary hearing in the section
26 I have brought your attention to that Bill Baird asked

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1-6

1 you about Dura-Print and what effect it might have on
2 blood?

3 A Yes.

4 Q And did you testify at the preliminary hearing that you
5 told Mr. Baird to your knowledge it would not have an
6 effect on blood testing?

7 A Yes.

8 Q At the time that you told Mr. Baird that, were you aware
9 of all the various enzymes and serum proteins that the
10 Crime Lab could test for?

11 A No, I was not.

12 Q When the Lease house was luminoled by Mr. Ogino and
13 Mr. Stockwell in June, did they consult your advice as
14 to how to take the photographs?

15 A Yes.

16 Q And did they ask you what the proper procedure was?

17 A Yes. I told them the way I had done it before.

18 Q Did they follow the procedure that you recommended?

19 A To the best of my recollection, they did. I was not in
20 the bedroom the entire time the photography was going on,
21 but they did appear to have the camera set up right and
22 everything was being done correctly.

23 Q When they were processing the Lease house for luminol,
24 do you recall people hanging blankets over the hallways
25 and the windows to make it as dark as possible?

26 A Yes, they did.

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- 1 Q And in fact, to use luminol process successfully, is
2 one of the things you have to concern yourself with
3 eliminating as much light from outside sources as
4 possible?
- 5 A That's correct.
- 6 Q Is it also fair to say that the darker a particular
7 location gets in terms of photography, the lighter you
8 have to open the lens up or the longer you have to leave
9 the shutter open?
- 10 A That's correct.
- 11 Q And in a room that's almost totally dark, is it fair to
12 say that you have to leave the shutter open for a period
13 of time longer than you would if there was light inside
14 the room?
- 15 A That's correct.
- 16 Q Had the Identification Bureau preserved the photographs
17 that were taken of the soles of the shoes of the various
18 people inside the Lease residence during the period of
19 June the 5th through June 11th, 1983?
- 20 A After each photograph, Polaroid photograph, was made of
21 the shoes, they were given to the Crime Lab.
- 22 Q When you arrived at the Ryen home on Sunday, June the
23 5th, was your attention directed to any shoeprint
24 impression on the spa cover?
- 25 A Yes, it was.
- 26 Q Do you recall who directed your attention to that

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1 impression?

2 A Sergeant Arthur.

3 Q Do you recall approximately what time your attention

4 was directed to that impression?

5 A It was immediately after I arrived and spoke to

6 Deputy Duffy. No later than 20 minutes after my arrival.

7 Q Is the sequence in your arrival that after you arrived,

8 you consulted Detective Duffy to see what assistance you

9 could give at the crime scene?

10 A Yes.

11 Q And was a decision made that you were going to perform

12 some backup photography?

13 A Yes.

14 Q And at that time, you were informed of the impression?

15 A Yes, after that, yes.

16 Q Directing your attention to the exhibit which has been

17 marked for identification as H-253, do you recognize

18 the impression that's in the center of the orange circle

19 on that photograph?

20 A Yes, I do.

21 (No omissions.)

22

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1 Q And does that appear to be the shoe print impression
2 that you saw at the Lease home -- excuse me, the Ryen
3 home, in the afternoon, on Sunday, June the 5th?

4 | A. It is.

5 Q When you first saw the impression, was it photographed
6 at that time?

7 | A. No, it was not.

8 Q Is there a reason why it wasn't photographed when you
9 first saw it?

10 | A. Yes, there was.

11 Q What was that reason?

12 A The sun, basically, the sunlight was in a position that
13 made it very difficult to see without almost, I'd say,
14 getting down on your hands and knees and trying to look
15 across it. It was difficult to really distinguish which
16 direction, sort of which direction it was pointing. It
17 was very difficult.

18 We decided to wait until the sun had went down a
19 little bit and there was not so much reflection on the
20 spa cover so that we could better see the impression and
21 any more that may have been on there.

22 Q Were you present when that particular photograph was
23 taken?

24 | A. Yes, I was.

25 | Q Did you assist in photographing that particular impression?

26 | A. Yes, I did.

1 Q Directing your attention to a photograph which has been
2 marked for identification as H-266 and the pants that
3 appear in that photograph, can you recall at this time
4 what room within the Lease-Lang residence those pants
5 were hanging?

6 A No, I do not.

7 Q Do you recall whether it was a bedroom or another room
8 of the house?

9 A I believe it was -- on this photograph?

10 Q Yes.

11 A It appears to be in a bedroom.

12 Q Do you recall which of the four bedrooms it was in,
13 however?

14 A No, I do not.

15 Q Referring your attention to the series of exhibits which
16 have been marked H-273 A, B, and C, are these copies
17 photostatic copies of all the print cards of the prints
18 you lifted from the Lease house, the Ryen residence,
19 and the Ryen station wagon?

20 A Yes, they are.

21 Q And for every print that you lifted, did you record on
22 the back of the print card the location from which the
23 print was lifted?

24 A Yes.

25 Q And the time and date of the lift?

26 A Yes, I did.

1 MR. KOCHIS: I have nothing further.

2 THE COURT: Mr. Negus.

3

4

REDIRECT EXAMINATION

5 BY MR. NEGUS:

6 Q Were the impressions on the spa cover photographed before
7 or after the removal of the bodies of the victims from
8 the house?

9 A Before.

10 Q When you first saw the footprint or shoe print, was the
11 spa cover flush against the concrete of the patio?

12 A I don't remember. It seems like it was possibly not --
13 it was off to one side a little bit or there was -- it
14 wasn't setting flush around the rim it was supposed to
15 set on.

16 Q Do you recall how it was not flush?

17 A No.

18 Q Showing you H-26, appears to be a photograph of the area.
19 Is that the way it appeared when you first saw it?

20 A Yes.

21 Q Did you ever see it when it was down in a flush condition
22 where it was all pushed down?

23 A Not that I recall, no.

24 Q Although it may require some care, it is possible using
25 the different techniques that you described to remove
26 blood from an object like that hatchet without disturbing

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1 fingerprints; is that correct?

2 A I suppose it could be possible, but the risk of damaging
3 a latent is greater than not damaging it.

4 Q There were some hairs adhering to the blood; is that
5 correct?

6 A Yes.

7 Q The hairs themselves have blood on them; is that correct?

8 A Excuse me?

9 Q The hairs themselves had blood on them; is that correct?

10 A Yes. They were embedded. The blood was holding the
11 hair to the hatchet.

12 Q Using a pair of tweezers, they could have been removed
13 without affecting any fingerprints, could they not?

14 A No. It's possible when you remove hair like that that
15 the dried blood holding it and surrounding it could chip
16 and flake off also.

17 Q Did you discuss with the criminalists whether they were
18 capable of removing blood and hair without disturbing
19 the possibility of developing prints?

20 A Well, the discussion centered around what should be done
21 first, what process, whether fingerprints or blood should
22 be done. And the decision was that fingerprints would
23 be done first.

24 Q Right, but that wasn't what I asked you. I asked you did
25 you discuss with them, did you question them as to their
26 ability to remove blood and hair without disturbing the

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1 fingerprints?

2 A I didn't question them on that.

3 Q In your discussion, though, with Bill Baird, the
4 subject of the effect of Dura-Print on blood typing,
5 that did come up; is that a fair statement?

6 Repeating the question after the buzz. When you
7 discussed what to do with Bill Baird and Mr. Stockwell,
8 the subject of the effect of the Dura-Print on blood
9 typing was discussed?

10 A Yes, yes, it was.

11 Q Why did you say it wasn't yesterday?

12 A I didn't recall that we had discussed that. I remember
13 now that in the past when we've had items of evidence
14 that were both going to be processed by I.D. and the
15 crime lab, there's usually questions asked about where
16 powder will be placed on the object. Sometimes the
17 latent fingerprint powder may make their job harder in
18 removing blood. And when I told -- I believe I told him
19 I wasn't going to use powder, that I was going to use
20 Dura-Print, and he should ask me about what the process
21 was.

22 Q So the person that was providing information on the
23 effect of Dura-Print on blood was just yourself; right?

24 A Yes.

25 Q And you had no expertise in serology whatsoever; is that
26 correct?

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- 1 A No, I do not.
- 2 Q The reports that you referred to yesterday from the
3 agencies, were those reports, report that concerned the
4 effect of Dura-Print on blood, were those reports that
5 were in fact distributed by the Dura-Print sales
6 representative?
- 7 A No, they were not.
- 8 Q Where did they appear?
- 9 A I tried to find those articles, and I'm not sure the
10 exact title of the publication. I believe they may have
11 been I.A.I. news bulletin. And I.A.I. would have
12 published the article, because it would have been
13 submitted by any department or expert in the field of
14 identification as to what findings they had. And what
15 I remember reading was that the Super Glue process did
16 not affect the typing of blood.
- 17 Q At the Preliminary Hearing you were asked to provide
18 any literature that the I.D. bureau had on the effect
19 of Dura-Print on blood typing; is that correct?
- 20 A I remember you asking for the publications that I had
21 referred to.
- 22 Q And the publications that were provided to Mr. Kochis
23 and myself were all items that were in fact Dura-Print
24 sales literature; is that correct?
- 25 A That's the only thing I could find, yes.
- 26 Q During the photographing of the luminol in the Lease house,

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1 the people from the crime lab didn't use the same kind
2 of film that you'd used before, did they?

3 A I believe they told me they had Tri-X film.

4 Q That's not what you had used in the past?

5 A No.

6 Q In photographing the results of luminol, is the technical
7 problem involved reducing the level of ambient light to
8 a level where the luminol reaction can be distinguished
9 from the background?

10 A Yes, it is.

11 Q If the level of ambient light is reduced, then in pretty
12 much all situations -- strike that.

13 If the level of ambient light is reduced so that the
14 background is darker than the luminol reaction, in pretty
15 much all situations the amount of light produced by the
16 luminol's going to be the same; is that correct?

17 A If the ambient light is reduced --

18 Q If you get it dark enough so that the luminol is --
19 there's a contrast between the luminol and the background,
20 the light produced by the luminol is going to be pretty
21 much the same in all situations?

22 A Sure.

23 Q What you're taking a picture of, what you're exposing
24 your photograph for, is the proper exposure for the
25 luminol rather than for the background. You just want
26 the background to go black; right?

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2 Q Were you familiar with any written literature on how
3 to photograph luminol reactions?

5 (No omissions.)

3-1

1 Q Do you read any Journals of Forensic Science or the
2 Journal of Forensic Science Society?

3 A Yes, I have read articles in those publications.

4 Q You don't recall reading any on photographing luminol,
5 though?

6 A No, I do not.

7 MR. NEGUS: Nothing further.

8 MR. KOCHIS: No recross.

9 THE COURT: Thank you, sir.

10 (Witness excused.)

11 MR. NEGUS: Ann Punter.

12

13 A N N P U N T E R, called as a witness by and on
14 behalf of the defendant, was duly sworn, examined
15 and testified as follows:

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

20 THE WITNESS: I do.

21 THE CLERK: Please be seated.

22 State your name, please, for the record, and spell
23 your last name.

24 THE WITNESS: Ann Punter, P-u-n-t-e-r.

25 ///

26 ///

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3-2

1 DIRECT EXAMINATION

2 BY MR. NEGUS:

3 Q What is your occupation?

4 A I'm a Deputy Sheriff.

5 Q What assignment do you have?

6 A I'm assigned to the Identification Division.

7 Q In the Ryen homicides, were you given any particular
8 assignment?

9 A Yes.

10 Q What was that?

11 A I'm to do all of the latent comparisons.

12 Q What latent comparisons were you doing, latent comparisons
13 with whom?14 A I was assigned to compare all latents lifted from the
15 Ryen residence, the Lease residence, the Ryen vehicle,
16 and any latents that were submitted to me to several
17 suspects and eliminate two victims and people who possibly
18 had access to those areas.

19 Q Which suspects did you compare the prints to?

20 A May I look at my sheet?

21 Q Sure.

22 A Besides Kevin Cooper, I compared them to a Milton Bulau,
23 a Fast Horse Martinez, James Knorri and a James Farr.

24 Q Knorri is spelled K-n-o-r-r-i; is that correct?

25 A Yes.

26 Q And Bulau is spelled B-u-l-a-u; is that correct?

3-3

- 1 A That's correct.
- 2 Q And Farr is spelled F-a-r-r; is that correct?
- 3 A That's correct.
- 4 Q Showing you Exhibit H-263, is that a report prepared by
- 5 yourself?
- 6 A Yes, sir, it is.
- 7 Q And was that prepared by you on June the 28th, 1983?
- 8 A Yes, it was.
- 9 Q There are two numbers on that report that have a line
- 10 through them and they have been changed from the
- 11 numbers on your report; is that correct?
- 12 A That's correct.
- 13 Q Do you recall my being in the Identification Bureau in
- 14 January of this year going through with you the latent
- 15 prints that had been collected in this particular case?
- 16 A Yes, sir, I do.
- 17 Q At that point in time, did you change the totals to
- 18 reflect the numbers that I have written on the card?
- 19 A I don't recall whether I changed the totals. I remember
- 20 you and I going through them and coming up with different
- 21 totals and at that time you wrote down the number.
- 22 Q When you calculated your totals when I was present,
- 23 they came up different than the report?
- 24 A That's correct.
- 25 Q And that involved changing the classification of two
- 26 of the prints from not suitable for comparison to

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1 eliminated to a known suspect; is that correct?

2 A That's what appears on there, yes, sir.

3 Q Do you remember if that's what happened?

4 A I don't recall exactly what happened. I remember that
5 we came up with different numbers that date compared to
6 the ones on the report.

7 Q Prior to your preparing that report, you had received
8 several different -- from several different sources the
9 known prints of Kevin Cooper; is that correct?

10 A Prior to this date?

11 Q Prior to June.

12 A Yes, I did.

13 Q And those were fingerprints primarily; is that correct?

14 A That's correct.

15 Q There was also a palm print of some value, although
16 limited?

17 A That's correct.

18 Q But you had no prints of his footprints; is that correct?

19 A That's correct.

20 Q Do you remember approximately how many of those latents
21 that you are talking about were palm prints?

22 A I don't recall exactly how many were palm prints.

23 Q Was it essentially a small amount, like five, ten,
24 somewhere in that area?

25 A If I recall, there was about five or six from the Ryen
26 residence and I couldn't tell you exactly how many

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1 from the Lease residence.

2 Q And there was one foot impression in the lot that came
3 from the Lease residence; is that correct?

4 A That's correct.

5 Q Prior to the time that you wrote that report, you had
6 compared each and every latent fingerprint with the
7 known fingerprints of Kevin Cooper; is that correct?

8 A I had compared them, yes, sir.

9 Q And at that point in time, your finding was that none of
10 them had come from Kevin Cooper; is that correct?

11 A At that point, I believed that, yes, sir.

12 Q On August 1st, you received prints that you rolled
13 yourself from Kevin Cooper's fingers, his palms and
14 his feet; is that correct?

15 A That's correct.

16 Q And you then went and compared the foot impression
17 with the foot impression that you obtained from Kevin
18 Cooper and found that that one foot impression matched;
19 is that correct?

20 A Yes, sir.

21 Q You also took the fresh palm prints that you yourself
22 had rolled from Kevin Cooper and compared them to all
23 your latent palm prints; is that correct?

24 A Yes, sir.

25 Q And none of those matched; is that correct?

26 A That was my belief, yes, sir, at the time.

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3-6

1 Q Still your belief?

2 A I have been redoing the entire comparison because there
3 are prints that have been not identified nor eliminated
4 at this time and I'm recombining everybody that I have
5 prints on.

6 Q Do your fingerprints on the cards, do they change over
7 time? Why recombine once you have done it?

8 A I'm recombining because I could not at that point in time
9 honestly say that they have all been identified or
10 eliminated because I did not have known prints on
11 everybody that could have had access. And at the time
12 that I started checking known prints on people that had
13 access to the scenes, I redid the comparisons.

14 Q Prior to this process of going through -- it was 70
15 some-odd cards; is that correct?

16 A That's correct, approximately.

17 Q Prior to going through those 70 some-odd folks, you had
18 already gone through with the fresh set of Kevin Cooper's;
19 is that correct?

20 A That's correct.

21 Q And at that point in time when you went through with a
22 fresh set of Kevin Cooper's, none of those except for
23 the footprint matched; is that correct?

24 A I said they didn't match at that time, yes.

25 Q You were doing the best that you could, were you not?

26 A I thought so, yes, sir.

3-7

1 Q Showing you Exhibit H-273-A, 273-B, 273-C, H-274, H-272-A,
2 B and C, and H-275, do you recognize all of those
3 documents?

4 A Yes, sir, I do.

5 Q And did you prepare them last night?

6 A Yes, sir, I did.

7 Q And do they constitute all of the lifts that the
8 Sheriff's Department has taken from the Ryen residence,
9 the Lease residence and the Ryen station wagon?

10 A It constitutes all the lifts taken from the Ryen residence
11 and the Lease residence, but not the ones that were in the
12 Ryen vehicle with the argon laser.

13 Q But it constitutes all the lifts that were taken from
14 the Ryen car; is that correct?

15 A That's correct.

16 Q And on each of these have you labeled the different
17 prints as either not suitable for comparison, not
18 identified, has not been eliminated nor identified,
19 and those which have been identified?

20 A That's correct.

21 Q And not suitable for comparison means that the lift
22 wasn't good enough for a fingerprint expert to identify
23 or not identify the print; is that correct?

24 A That's correct.

25 Q Now, as to those which have been eliminated, have you
26 also placed the name of the person in blue ink on the

3-8

1 card of the person that you have eliminated that print
2 to?

3 A Yes, sir.

4 Q When we say "eliminated", we mean it's your opinion that
5 that's the person that made the print?

6 A That's correct.

7 Q Are those prints correlated with photographs that the
8 I.D. Bureau has?

9 A I believe so. I was not at the scene so I don't know
10 what was photographed and what was not. The latents
11 were given to me and only through someone telling me
12 that they photographed it, and I believe they were.

13 Q Now, showing you on the Exhibit H-272-B, is there a
14 set of fingerprints that are labeled as number 32?

15 A Yes, sir, there are.

16 Q And you don't, of your own personal knowledge, know where
17 those fingerprints came from?

18 A Only what the back of the latent card says and what
19 people have told me. But, no, I don't know.

20 Q Just the particular number 32 is labeled on the front
21 "inside closet door from the Lease residence"; is that
22 correct?

23 A That's correct.

24 Q And there appears to be three fingerprints right in a
25 row, is that correct, on there, like with a middle
26 finger and two shorter fingers on either side?

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3-9

1 A That's correct.

2 Q Have you compared each of those three fingerprints?

3 A Yes, I have.

4 Q Do they all come back to the same person?

5 A There are three simultaneous fingers of the left hand:
6 the left index, middle and ring finger of the same
7 person.

8 Q Who is that person?

9 A That was Detective Steve Moran.

10 Q Showing you Exhibit H-274, and there is a print that
11 indicates latent prints found by Lieutenant Bellomy that
12 have been identified, and the one on that page that's
13 to the right, have you identified that?

14 A Yes, sir, I have.

15 (No omissions.)

16

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1 Q When you first went through and compared the prints,
2 did you compare that with Kevin Cooper's?

3 A I may have. ^a I reason I can't say yes or no is because
4 I dealt with a particular area. But if I stated I
5 compared them all, then I would have to say that I
6 originally did, yes.

7 Q And at that point in time your opinion was that it was
8 not Kevin Cooper's?

9 A That's correct.

10 Q You've changed your mind?

11 A Yes, sir, I have.

12 Q What did that occur?

13 A That occurred Friday morning when I redid the comparison.

14 Q And on what do you base your change of opinion?

15 A I compared it to all the people that I had prints on
16 that I felt had access to the Lease residence at that
17 time and could not identify it at all. So I went back
18 and was going to recompare Kevin Cooper's and was able
19 to identify it at that time.

20 Q How were you able to identify it? What made you think
21 it was Kevin Cooper's?

22 A I just went through every finger again and there were
23 points that I apparently didn't see the last time that
24 just were there, certain characteristics that I was
25 looking for, and it was there. And so at that time I
26 looked closer at it and concentrated on it and was able

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1 to identify it.

2 Q Which finger of Kevin Cooper's did that come from?

3 A The right little finger.

4 Q Have you completed that process of going back and looking
5 at all these lifts and comparing them with Kevin Cooper's?

6 A No, sir, I have not.

7 Q How many have you done?

8 A I can't honestly say how many I've done. I know there
9 are several, I know there are three of them for a fact
10 out of the residence that I have completed that I know
11 for a fact are not Kevin Cooper's.

12 Q Have you completed all the ones in the Ryen residence?

13 A No, I have not.

14 Q How many of those from the Ryen residence are fingerprints?

15 A There are no fingerprints left. They're all palms or
16 portions -- possible portions of palms.

17 Q You compared all of those with the fresh rolled prints
18 that you got from Kevin Cooper back in August; is that
19 correct?

20 A That's correct.

21 Q And at that point in time you said positively they're
22 not Kevin Cooper's?

23 A That's correct. I believed that they were not.

24 Q Do you have anything to change your mind?

25 A Not at this time.

26 THE COURT: Would you like to break now, Counsel?

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1 MR. NEGUS: That's fine.

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

3 (Recess.)

4 THE COURT: Continue, please.

5 Q (BY MR. NEGUS:) Showing you Exhibit 272 A, okay?

6 A Yes, sir.

7 Q Could you number in orange the last two pages of that
8 as orange A and orange B.

9 A (The witness complies.)

10 Q That is labeled as latent lifts from the Ryen residence
11 lifted by Deputy Duffy that have not been eliminated or
12 identified; is that correct?

13 A That's correct.

14 Q And those are two of the partial palm impressions that
15 you were talking about?

16 A That's correct.

17 Q In fact, looking at them over the break, they are labeled
18 as coming from Deputy Roper; is that correct?

19 A That's correct.

20 Q So they should in fact be in his stack rather than in
21 Mr. Duffy's?

22 A That's correct.

23 Q What we have there is a clerical error that occurred
24 last night when you all were Xeroxing the prints; is
25 that correct?

26 A That's correct.

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1 Q Did you attend an autopsy on June 6th and on June 7th,
2 1983?

3 A Yes, sir, I did.

4 Q And on June the 6th those were the autopsies of Peggy
5 Ryen and Jessica Ryen; is that correct?

6 A That's correct.

7 Q During those autopsies, did you observe any hairs being
8 taken -- that is, loose hairs, not hairs that were still
9 part of the bodies -- being taken from the body of
10 Peggy Ryen?

11 A Yes, sir, I did.

12 Q Did you photograph the location from which the hairs
13 were taken?

14 A I don't recall whether I did or not. I believe I did,
15 but I don't recall.

16 Q Did you see any hairs taken from the body of Jessica?

17 A I don't recall whether there was or not.

18 Q Would the same be true for Douglas Ryen and Christopher
19 Hughes? Did you see any hairs being taken from the
20 body of Douglas Ryen?

21 A I don't recall.

22 Q What about Christopher Hughes?

23 A I don't remember.

24 Q In photographing the autopsy, you didn't make any notes
25 other than the photographs themselves as to what you
26 observed; is that correct?

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1 A. That's correct.

2 Q. Did you observe any blood samples taken from the exterior
3 portion of the body from the dried blood that was on any
4 of the people's bodies?

5 A. I don't recall observing that. That would be something
6 the crime lab would handle and I usually don't always
7 watch what they're doing unless they specifically direct
8 me to photograph something.

9 Q. So the photographs you take of trace evidence, that sort
10 of thing, are done at the request of the crime lab?

11 A. Our photographs are done at the request of the crime lab
12 or homicide or the pathologist, depending -- the patholo-
13 gist takes his own photograph, but if he feels that
14 there's something that homicide or the crime lab may
15 consider important, he may direct me to take a photograph
16 of it.

17 Q. And you took 168 different photographs of the four
18 autopsies; is that correct?

19 A. I think that's about right.

20 Q. And you don't remember whether any of those were at the
21 request of the crime lab?

22 A. I don't recall, no.

23 Q. There were some knives that were brought in to show
24 Dr. Root at the autopsy; is that correct?

25 A. Yes, sir, that is correct.

26 Q. Who brought those in?

1 A I believe it was someone from homicide, but I don't
2 remember exactly who.

3 Q Was Mr. Peterson from homicide the person that was
4 attending the autopsies with you and the crime lab?

5 A Yes, sir, he was.

6 THE COURT: Counsel, this is sounding more and more
7 like simple discovery as opposed to motion material.

8 MR. NEGUS: It's certainly not discovery, because
9 we've already been into this before.

10 THE COURT: I just urge you, Mr. Negus, I can't
11 tell, to not go into unnecessary matters. Proceed.

12 Q (BY MR. NEGUS:) When the knives were shown to Dr. Root,
13 did he indicate whether or not they could have been the
14 murder weapon?

15 MR. KOCHIS: Your Honor, I would object, calls for
16 hearsay. It's not relevant to any Hitch motion as to whether
17 or not we preserved anything or whether or not he made a
18 prior inconsistent statement.

19 THE COURT: Do you wish to be heard?

20 MR. NEGUS: I believe that Dr. Root attempted to
21 keep from the Defense favorable evidence about his original
22 descriptions of the knife. I think that comes under Brady v.
23 Maryland, and I think it's part of this motion.

24 THE COURT: Well, perhaps you can recall her if it so
25 develops. I'll sustain the objection.

26 Q (BY MR. NEGUS:) On the exhibit of your report, there is

1 a list of 38 different prints that come from the
2 Argon Laser; is that correct?

3 A There are 38 photographs of latent prints, yes.

4 Q And where did those photographs -- how did you get ahold
5 of those?

6 A They were given to me by Sergeant David Baker.

7 Q And have those been maintained in a separate spot in the
8 I.D. files?

9 A Yes, sir, they have.

10 Q Have they been maintained along with the prints, the
11 other latent prints that you have?

12 A Yes, sir, they were.

13 Q And you compared each and every one of those with the
14 known prints of Kevin Cooper; is that correct?

15 A Yes, sir, I did.

16 Q And none of them were his?

17 A That's correct.

18 MR. NEGUS: Nothing further.

19

20 CROSS EXAMINATION

21 BY MR. KOCHIS:

22 Q Mrs. Punter, directing your attention to the exhibit
23 which Mr. Negus has had marked for identification as
24 Exhibit H-263 and the totals on there, to your knowledge
25 did the total numbers, for example, of the prints that
26 are depicted in that report from the Lease residence agree

1 with your knowledge today of the total number of prints?

2 A When we checked them this morning, there was one less
3 at the Lease residence and one more at the Ryen residence
4 than what the report states.

5 Q In the homicide office this morning before we came to
6 court, did you meet with Detective Roper, myself,
7 Sergeant Arthur, and Mr. Negus?

8 A Yes, sir, I did.

9 Q And did we go through the prints that have been Xeroxed
10 as the 272 through 275 series and try to come up with
11 the total number of prints?

12 A Yes, sir, we did.

13 Q And did we discover at that time that in terms of counting
14 prints you used a different method than Detective Roper
15 did in coming up with the total number?

16 A That's correct.

17 Q Did we at that time also determine that the number of
18 the prints on the Xerox coincided with the number of
19 prints on the exhibit in front of you in terms of the
20 lifts from the Ryen crime scene?

21 A Yes, sir, we did.

22 Q And this morning we were able to determine that there
23 were ten lifts from the car instead of nine?

24 A That's correct.

25 Q And 44 from the Lease house as opposed to 45?

26 A That's correct.

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1 Q Do you make any notation on the print card itself the
2 first time you take the latent fingerprint and compare
3 it with a known fingerprint?

4 A No, sir.

5 Q Were there certain items in the Lease house that you --
6 Were there certain latent fingerprints removed from the
7 Lease house that you first tried to eliminate by
8 comparing those prints to persons who lived at the
9 residence?

10 A Yes, sir, there were.

11 Q Would one of those prints have been the print that was
12 removed from the Coffee Mate jar?

13 A Yes, sir, it was.

14 Q And that's the print that on Friday you identified as
15 being made by Kevin Cooper; is that correct?

16 A Yes, sir, that's correct.

17 Q Prior to Friday, June the 8th, 1984, did you have any
18 independent recollection of ever examining that print,
19 that latent print with a known from Kevin Cooper?

20 A No, sir, I don't.

21 Q Did you, prior to June the 8th, 1984, compare that print
22 to the known prints of other persons who may have had
23 legitimate access to the home, including, for example,
24 the Leases or the Langs?

25 A Yes, sir, I did.

26 Q Of the prints that have been removed from the Ryen home,

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5-2

1 the crime scene, have all those prints been eliminated?

2 A No, sir, they have not.

3 Q For the record, when you use the term "eliminate", what
4 do you mean?

5 A Eliminate to me, and in most fields of fingerprinting,
6 is to either eliminate the victims or eliminate it
7 totally to the fact that nobody that is compared to
8 that print has been identified, that it can absolutely
9 be called one way or the other, either negative to
10 somebody or identified.

11 Q For example, the prints in the closet, the one in the
12 bedroom, of the three fingers that you now determine
13 were made by Steve Moran, once you made that determination,
14 is that one form of what we call elimination?

15 A Yes, sir, it is.

16 Q And by that you mean that you can eliminate everybody
17 that you know of other than Steve Moran from depositing
18 those prints?

19 A That's correct.

20 Q Would another form of elimination be, for example,
21 taking the known prints of Mr. Cooper and comparing them
22 to the prints that have been identified to Mr. Moran and
23 rendering an opinion that Mr. Cooper could not have
24 deposited those prints?

25 A That's correct.

26 Q The 168 photographs that you took at the autopsy, were

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5-3

1 those prints, after they were developed from the
2 negative, ever marked in any fashion in series 1 through
3 168?

4 A Yes, sir, they were.

5 Q And did you place or were initials placed on the
6 photographs, each of the photographs, the initials
7 "A.P."?

8 A I believe so. I watched and worked with Deputy Duffy
9 as he marked all the photographs to put them in some
10 kind of order since there were so many, and I believe
11 he used my initials for the autopsy photographs.

12 Q Directing your attention to refresh your memory to a
13 series of photographs in Mr. Arthur's Volume 2, do
14 those appear to be photographs that you took at the
15 autopsy in this case?

16 A Yes, sir, they are.

17 Q Do the initials "A.P." appear on those photographs?

18 A Yes, sir, they do.

19 Q And those were simply your initials and they didn't have
20 to do with any alphabetical sequence; would that be fair
21 to say?

22 A Yes, sir, it is.

23 MR. KOCHIS: Your Honor, I have nothing further.

24 ///

25 ///

26 ///

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REDIRECT EXAMINATION

BY MR. NEGUS:

Q Showing you H-272-A and ask you to look at the lifts, the three different tapes that are on lift number 4, you have compared each of those to the known prints of Kevin Cooper; is that correct?

A I compared the piece of tape containing a latent impression which is on the right-hand side. There is nothing of value on the center tape and nothing of value on the left-hand side of the tape.

But since all three pieces of tape are placed on one card, it's considered to be one lift and so I have compared this end piece of tape that has a latent impression on it which is on the right-hand side, yes, sir. I have compared that.

Q And it was not Kevin Cooper's?

A That's correct.

Q Similarly, with the different impressions that are on the continuous piece of tape, 1 and 2, some of those are suitable for comparison and some aren't?

A That's correct.

Q Those that are suitable for comparison, you compared to Kevin Cooper's; is that correct?

A Yes, sir, and I'm still comparing them on those.

Q But you have compared them in the past?

A Yes, sir, I have.

5-5

1 Q When you compared them in the past, they were not Kevin
2 Cooper's, correct?

3 A Yes, sir, I believed that they were not.

4 Q And number 3, is there a suitable comparison impression
5 on number 3?

6 A Yes.

7 Q You compared that to Kevin Cooper's?

8 A In the past I have, yes, sir.

9 Q And it was not Kevin Cooper's?

10 A Yes, sir, I believed that.

11 Q And similarly, the print that's on the sheet that has
12 the orange number A, you compared that to Kevin Cooper's
13 palm prints?

14 A That's correct.

15 Q It was not Cooper's?

16 A The bottom latent that's marked with an arrow and it
17 shows a picture of a window is a small portion of either
18 a finger or a palm. I cannot say, even though I looked
19 at Kevin Cooper's and many other knowns, I cannot say
20 that it is or is not anybody.

21 There are enough points to make an identification,
22 but they are so small, it could be any small section
23 that I have not even seen yet. It could be the side of
24 a finger.

25 So I can't honestly say it is or isn't.

26 Q You took your complete set of prints of Kevin Cooper and

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5-6

1 compared that and found it wasn't Kevin Cooper's?

2 A For the areas that I feel it may be, I have found that
3 I didn't think it was Kevin Cooper's. But, like I
4 stated, I'm still comparing them because they are so
5 small it could be any area and I want to make sure that
6 I can totally eliminate it or identify it.

7 Q A large palm print that appears at the top of that page
8 you have compared to Kevin Cooper's?

9 A Certain areas of that palm I have compared to Kevin
10 Cooper. But, again, you have several overlays on this
11 palm and tiny areas that are suitable for comparison
12 but you could not definitely say it is or isn't anybody
13 at this time.

14 Q At one point in time, you found that to be negative for
15 Kevin Cooper; is that correct?

16 A I felt the majority are areas -- that I compared, the
17 major areas were not Kevin Cooper's.

18 Q Showing you 272-C, there is in that a print that's
19 labeled "latent from Ryen vehicle that has not been
20 eliminated or identified", and has a number 1 on it;
21 is that correct?

22 A Yes, sir.

23 Q And you have compared that with Kevin Cooper's; is that
24 correct?

25 A That's correct.

26 Q And it was negative for Kevin Cooper?

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1 A That's negative to Kevin Cooper.

2 Q And showing you Exhibit H-273-C and a page labeled
3 "latent lifts of Ryen vehicle lifted by Detective Roper
4 that have not been eliminated nor identified", you have
5 compared all of those with Kevin Cooper's; is that
6 correct?

7 A That's correct.

8 Q And none of those are Kevin Cooper's?

9 A None of those are Kevin Cooper's.

10 MR. NEGUS: Nothing further.

11 THE COURT: Mr. Kochis.

12

13

REXCROSS-EXAMINATION

14 BY MR. KOCHIS:

15 Q Mrs. Punter, is it fair to say that based on your
16 analysis of Friday, June 8, 1984, of the Coffee Mate
17 print, you are now redoing the prints in the Ryen
18 homicide?

19 A That's correct.

20 MR. KOCHIS: Nothing further.

21

22

FURTHER REDIRECT EXAMINATION

23 BY MR. NEGUS:

24 Q You were redoing the prints prior to your discovery of
25 the Coffee Mate; were you not?

26 A Yes, I have been.

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5-8

1 Q That was at the request of the prosecution?

2 A It was actually at the request of my superior, who is
3 new to our division, and we like to be kept up on it
4 and he asked me to redo it.

5 MR. NEGUS: Nothing further.

6 THE COURT: Thank you, Mrs. Punter. You may step
7 down.

8 THE WITNESS: Thank you.

9 (Witness excused.)

10 MR. NEGUS: Deputy Duffy.

11

12 G A L E D U F F Y, called as a witness by and on
13 behalf of the defendant, was duly sworn, examined
14 and testified as follows:

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

19 THE WITNESS: I do.

20 THE CLERK: Please be seated.

21 State your name, please, for the record, and spell
22 your last name.

23 THE WITNESS: Gale Duffy, D-u-f-f-y.

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1 you both take photographs and develop and lift latent
2 prints?

3 A Yes, sir, we do.

4 Q At the residence at 2991 English Road, did you do some
5 work of developing latent prints?

6 A Yes, sir, I did.

7 Q Did you specifically develop latent prints in a bedroom
8 which appeared to have a number of items of evidentiary
9 value in it?

10 A No, sir, I did not that I can recall.

11 Q I show you four photographs that have been marked as
12 H-277, S-28, S-30 and S-29.

13 Did you take all of those photographs?

14 A Yes, sir, I did.

15 Q That was on June 7, 1983?

16 A Yes.

17 Q Did you dust the doors, the closet doors that are shown
18 in those photographs for latent prints?

19 A Yes, sir, I did.

20 Q And showing you Exhibit H-268, is that a photograph of
21 some of the latent prints that you developed?

22 A Yes, sir, it is.

23 Q Which door does that depict, this H-268, if you could
24 use the other photographs to identify it?

25 A It would be this door right here.

26 Q The door in photograph S-28 that has the "R.R." in

5-11

1 orange on it?

2 A Yes, sir.

3 Q Is this the inside or the outside of that door that is
4 depicted in H-268?

5 A That's the inside of the door.

6 Q The photograph S-29 depicts the same room as the
7 photograph S-28; is that correct?

8 A Yes, sir.

9 (No omissions.)

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1 Q Showing you an Exhibit H-272-B and a particular Xerox
2 of a list that's labeled as No. 32, did you make the
3 original from which that Xerox was taken?
4 A May I look at it?
5 Q Sure.
6 A Yes, sir, I did -- no, I did not make this Xerox.
7 Q Did you make the original --
8 A Yes, sir.
9 Q -- lift from which the Xerox is made?
10 A Yes.
11 Q And that was slightly after midnight on the night of the
12 8th; is that correct?
13 A Yes, sir, it was.
14 Q On the photograph H-268, does that depict the area from
15 which that lift was made?
16 A Yes, sir.
17 Q Could you use the orange marker and show approximately
18 where the lift was on the photograph?
19 A It would be in this area up here.
20 Q You've circled in orange?
21 A Yes.
22 Q When --
23 A Excuse me.
24 Q Now, we've got two circles. Would you put an A in the
25 one that's correct? And we'll just leave blank the one
26 that's not.

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1 So that was actually along the edge of the door?

2 A That's right, inside edge.

3 Q So that would be the edge that doesn't have the hinge

4 on it?

5 A Yes, sir.

6 Q Do you recall approximately how far off the floor that

7 particular lift was taken?

8 A Approximately in the center of the inside of the door.

9 Q About the length that one would put out a hand if one

10 were reaching for the door?

11 A Yes, sir.

12 Q Last night did you work with Mr. Roper and Mrs. Punter

13 in preparing some Xeroxes and organizing the lifts in

14 the Ryen case?

15 A No, sir, I did not.

16 Q Have you seen any of the Xeroxes of lifts that they

17 prepared?

18 A Yes, sir.

19 Q When was that?

20 A In the office last night.

21 Q Now, I'd like you to -- there's Exhibit H-272-A, and there

22 are two pages which we have little orange A and little

23 orange B down at the bottom. Those two lifts were not

24 done by yourself; is that correct?

25 A No, sir, they weren't.

26 Q They were done by somebody else?

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2 Q With the exception of those A and B, had the lifts in
3 H-262-A all of the latents that you lifted from the
4 Ryen residence at 2943 English Road?

6 Q Which other ones were there?

9 Q From the Ryen residence?

10 A. No, sir, just Detective Roper at the Ryen residence.

11 Q Now, what I'm asking you, though, from the Ryen residence,
12 leaving off those two that we've identified as coming
13 from somebody else, the ones that have been labeled A and
14 B, looking at the rest of the exhibits, are those all of
15 the prints that you personally, Mr. Duffy, lifted from
16 the Ryen residence?

17 | A Yes, sir.

18 Q And asking you to look at Exhibit H-272-B, are those all
19 the prints that you personally lifted from the Lease
20 vacant house at 2991 English Road?

21 | A Yes, sir.

22 Q And as you took those lifts in H-272-B, did you photo-
23 graph all of the lifts in place with the tape over them
24 before you in fact lifted them and put them on the
25 cards?

26 A Yes, sir, I did.

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- 1 Q Did you do that same procedure with all the lifts that
2 are shown in 272-A except for the two that Mr. Roper did?
- 3 A To the best of my recollection, yes, sir.
- 4 Q And showing you Exhibit H-272-C, are those all the lifts
5 that you personally did from the Ryen automobile that
6 was discovered in Long Beach?
- 7 A Yes, sir.
- 8 Q And did you photograph each of those in place before
9 you lifted them?
- 10 A Yes, sir, I did.
- 11 Q Did you take photographs of the Ryen crime scene?
- 12 A Yes, sir, I did.
- 13 Q And do you have a numbering system that you use to
14 identify each of those photographs?
- 15 A Yes, sir.
- 16 Q Can you explain that numbering system?
- 17 A Numbering system is in sequence to the negatives, like
18 Photo 1 would be marked 1 on the negative to refer to
19 the photograph that was developed off that negative.
- 20 Q In this particular situation you have photos that are
21 marked like 1 through 32; is that correct?
- 22 A Yes.
- 23 Q And then you have photographs that are marked with A-1
24 through A-102, whatever the --
- 25 A Yes, sir.
- 26 Q Excuse me. A-33 through A-102, whatever the numbers are;

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- 1 is that correct?
- 2 A Yes, sir.
- 3 Q And then you have that going from A, B, C, D, E, F, G,
4 H, I; is that correct?
- 5 A Yes, sir.
- 6 Q And do those photographs that are labeled with A through
7 I and a number after them correspond to a chart that
8 you prepared of the Ryen house with each of the rooms
9 labeled A through I?
- 10 A Yes, it does.
- 11 Q Do you also have some other series of photographs that
12 are labeled with the letter R-1 through whatever?
- 13 A Yes, I do.
- 14 Q And were those photographs taken during the process
15 of removing the bodies of the Ryen victims?
- 16 A Yes, sir, it was.
- 17 Q Do you also have some photographs that are labeled T-1
18 through whatever?
- 19 A Yes.
- 20 Q And are those photographs that are taken of various
21 blood splatter patterns in the Ryen residence?
- 22 A Yes, sir.
- 23 Q Do you also have photographs that are labeled U-1 through
24 17 in your series?
- 25 A Yes.
- 26 Q And are those photographs that are taken with black

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1 numbers in them to indicate the general location from
2 which the members of the crime lab were taking blood
3 samples?

4 A Yes, sir, it was.

5 Q And do the black numbers with the light letters in those
6 photographs correspond to the laboratory number that
7 was assigned to that particular area by the crime lab?

8 A The numbers I photographed were numbers indicating the
9 area where blood was taken. How they mark their evidence,
10 I do not know.

11 Q Well, you have it listed as -- you have photographs from
12 31 to 45 with 40 being four blank; is that correct?

13 A Yes, sir.

14 Q Do you know where those numbers came from or do you --

15 A Yes, sir. The crime lab puts the numbers on the spots
16 and I photographed them in sequence.

17 Q So they designated those particular ones?

18 A Yes, sir.

19 Q Do you also have a series that are labeled with a W-1
20 through whatever?

21 A Yes, sir.

22 Q And were those photographs taken on June 6th depicting
23 the dismantling of the Ryen bedroom and moving it out?

24 A Yes, sir.

25 Q With the exception of the W photographs, do all the
26 photograph series that I mentioned, were they all taken

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2 | A Yes, sir.

5 A It's how you photograph the crime scene.

9 A Yes, sir, they are.

13 | A Yes, sir.

19 A Yes, sir, with a negative.

22 A Yes, sir, basically in the sequence.

23 Q And is that true of the other photographs in the various
24 series like the A photographs with A-33 through 102,
25 would that be the sequence in which you took them with
26 33 being first and 102 being last?

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1 A Basically with a couple exceptions, yes.

2 Q What exceptions were those?

3 A Like the removal of the deceased from the residence
4 were taken after everything else was done at the scene.

5 Q But within the A series, would it go from A-33 to A-102
6 in order?

7 A Yes, sir.

8 Q And the W series and the T series the same way?

9 A Yes, sir.

10 Q Showing you H-49 and H-50, did you take those photographs
11 on June 6th?

12 A Yes, sir, I did.

13 Q And showing you H-46 and H-48, did you take those
14 photographs on June the 5th?

15 A Yes, sir, I did.

16 (No omissions.)

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1 SAN BERNARDINO, CALIFORNIA, TUESDAY, JUNE 12, 1984

2 1:30 O'CLOCK P.M.

3 DEPARTMENT NO. 10

HON. RICHARD C. GARNER, JUDGE

4
5 (Appearances as heretofore noted.)

6
7 MR. KOCHIS: Your Honor, on the record briefly.

8 The jail staff has informed us that Mr. Cooper has
9 refused to come to court this afternoon. Apparently, we
10 have been able to isolate the source of the problem is
11 that he was not fed lunch today and he apparently doesn't
12 want to come until he is fed.

13 I would like to send Mr. Negus up to talk to his
14 client to see actually what the problem is.

15 And Sergeant Arthur has gone upstairs to make him
16 a sandwich, if it's necessary.

17 THE COURT: I would like to know, too. Why don't
18 you go ahead and find out what is going on?

19 (Whereupon the proceedings were in recess.)

20
21 1:50 O'CLOCK P.M.

22 (Gale Duffy, having been on the witness
23 stand at the time of the noon recess,
24 resumed the stand and testified further
25 as follows:

26 THE COURT: All right. Mr. Duffy, you are still

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7-3

1 under oath.

2 Everybody is present.

3

4

DIRECT EXAMINATION RESUMED

5 BY MR. NEGUS:

6 Q Showing you Exhibits H-154 through H-159, are those the
7 photographs that you took of the fingerprints that you
8 lifted from the Ryen residence?

9 A Yes, sir, they are.

10 Q And were some of those photographs taken on June 5th
11 and some of them taken on June 6th?

12 A Yes, sir, they were.

13 Q And were they taken on the date that is indicated on
14 the photograph in the -- where you have written on
15 the tape with your felt tip marker?

16 A Yes, sir, they were.

17 Q Now, over the lunch hour, with the exception of the
18 W series which we have talked about and the H-154
19 through H-159, do all of the photographs that you
20 looked at over the lunch hour of the interior which
21 go from H-51 through H-188 accurately depict the crime
22 scene as it appeared on June the 5th?

23 A Yes, sir, they do.

24 Q Do the W series ones actually accurately depict the
25 crime scene as it appeared on June the 6th?

26 A Yes.

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7-4

- 1 Q Do the fingerprint ones accurately depict the areas
2 from which you lifted the fingerprints on the dates
3 indicated?
- 4 A Yes, sir.
- 5 Q And showing you four other photographs that are numbered
6 H-222 through H-225, did you take each of those
7 photographs?
- 8 A Yes, sir, I did.
- 9 Q And were all those photographs taken on June 5th?
- 10 A Yes, sir, they were.
- 11 Q And do they accurately depict different areas of the
12 crime scene as you saw them on June the 5th?
- 13 A Yes, sir.
- 14 Q The fingerprint photographs you have, you have marked
15 on the negative and on the print the letters "L.F.P.";
16 is that correct?
- 17 A Yes, sir.
- 18 Q And that is your code for different photographs you
19 took of the fingerprint lifts?
- 20 A Yes, for latent fingerprints.
- 21 Q In the Exhibit H-272-A, the lifts by you from the Ryen
22 residence, how many different lifts did you do from that
23 residence?
- 24 A I recall approximately six.
- 25 Q How many are there shown in that particular photograph,
26 in those documents?

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7-5

1 A Seven.

2 Q When you testified at the preliminary hearing, did you,
3 in answering how many lifts you made, refer to a report
4 that you had prepared?

5 A Yes, sir.

6 Q And what report was that?

7 A The crime scene report.

8 Q Do you have a copy of that with you?

9 A No, sir, I do not.

10 Q When you testified at the preliminary hearing, you
11 said that you reviewed a report that said "A total of
12 17 latents were lifted with me lifting six." Is that
13 what you said?

14 A Yes, sir.

15 MR. KOCHIS: Could I have a volume?

16 MR. NEGUS: Volume 23, page 110, lines 21 through

17 25.

18 Q (BY MR. NEGUS) That report, is that on the standard
19 Sheriff's Office report form?

20 A Yes, sir.

21 Q Did you turn that over to the District Attorney for
22 discovery?

23 A Yes, sir, I did.

24 Q Excuse me. Did you turn that report over to the
25 District Attorney for discovery?

26 A Yes, sir, a copy of my reports went to the District

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7-6

1 Attorney.

2 MR. NEGUS: 24. Excuse me. The volume I misstated
3 as 23, it should be 24.

4 Q (BY MR. NEGUS) Showing you a piece of discovery which
5 has been labeled as page 1923, is that the report to
6 which you are referring?

7 A Yes, sir.

8 Q Where in that does it say about how many latents you
9 lifted?

10 A The report where it shows the latents lifted is in the
11 report along with the photographs.

12 Q Showing you page 2925 of the discovery, is that the
13 report to which you refer?

14 A That's part of it, yes.

15 Q Does that statement about the total lifted with you
16 lifting six appear in that report?

17 A No, sir.

18 Q Showing you some other pages which are 2924, 2926, 2927,
19 any of those pages the ones?

20 A No, sir.

21 Q 2928?

22 A No, sir.

23 THE COURT: What is missing, counsel?

24 MR. NEGUS: One of the exhibits, your Honor, of
25 Ann Punter's report.

26 THE COURT: Was it given to the clerk and marked?

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1 MR. NEGUS: Yes. It has been marked and referred to
2 in testimony earlier.

3 THE COURT: Mr. Kochis has it.

4 Q (BY MR. NEGUS) Showing you Exhibit H-263, a report by
5 Mrs. Punter, is that the report that you referred to?

6 A Yes, sir, that's the report.

7 Q Is there anywhere indicated how many were lifted by you
8 and how many lifted by Mr. Roper?

9 A No, sir.

10 Q Where did you get that particular statement at the
11 preliminary hearing?

12 A By counting the latents with my name on them.

13 Q That wasn't part of any report? It was just some
14 independent counting that you did?

15 A Apparently not, no, sir.

16 Q While you were at the Ryen residence on June 5th, did
17 you have a conversation with Captain Donald Myers?

18 A Not that I can recall, no, sir.

19 Q Do you recall a spa being out in the back yard there?

20 A Yes, sir.

21 Q Do you recall Captain Myers showing you anything with
22 respect to that spa?

23 A No, sir.

24 Q Did you dust any areas on the outside of the master
25 bedroom and master bathroom area?

26 A Yes, sir.

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7-8

- 1 Q What area?
- 2 A The living room of the residence and the kitchen.
- 3 Q When did you dust the living room?
- 4 A The approximate time?
- 5 Q Yes.
- 6 A Somewhere around 1500 to 1530.
- 7 Q That would be 3:00 or 3:30 in the afternoon?
- 8 A Approximately. Maybe later.
- 9 Q Did you make any lifts from that area?
- 10 A No, sir.
- 11 Q Could it have been -- Was it light out?
- 12 A It was dusk.
- 13 Q Do you recall dusk at that time being around 8:00 o'clock
- 14 in the evening?
- 15 A No, sir, it wasn't that late.
- 16 Q But the sun was definitely going down?
- 17 A Yes, sir.
- 18 Q What areas of the living room did you dust?
- 19 A I recall there was an area next to a chair where there
- 20 was an ash tray and I believe a glass. The rest of the
- 21 surface of the room was pretty dirty and dusty.
- 22 Q Showing you Exhibit H-187, does that show any of the
- 23 areas that you dusted?
- 24 A Yes, sir.
- 25 Q Which area there, if either, did you dust?
- 26 A I recall the area right next to the chair, the items on

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1 Q Showing you Photograph H-117, it appears to be some
2 sliding glass doors; is that correct?

3 A Yes, sir.

4 Q Do you recall there being any blood spots above those
5 sliding glass doors?

6 A No, I do not.

7 Q Did you take close up photographs of all the places
8 that had blood on them?

9 A Yes, sir.

10 Q Are you aware that by looking at blood splatters on walls
11 that the direction at which the blood drop was traveling
12 when it landed can be determined?

13 A Yes, sir.

14 Q For all the different blood that you saw on the walls in
15 the Ryen bedroom, did you attempt to take photographs
16 so that the directionality of that blood could be
17 determined?

18 A Yes, sir.

19 Q Showing you Photographs H-112, 111, 117, and 113, those
20 photographs, are those the photographs that you took
21 of the area of the east wall between the south wall and
22 the sliding glass door?

23 A Yes, sir.

24 Q There's one of them that's a close up; is that correct?

25 A Yes, sir.

26 Q That would be No. H-112?

1 A Yes, but that's not the east wall or this east corner.
2 Q This H-112 is not the east corner?
3 A I don't believe so. I believe it's next to the end
4 table.
5 Q Did you keep any records of where they were?
6 A No, sir, but I can determine through other photographs.
7 Q Let's squint down here. You notice that in this
8 Photograph H-117 there's a corner of a dresser that
9 appears?
10 A Armoire, yes.
11 Q Does that appear to be the shape as the corner that
12 appears with No. 31 on it?
13 A Yes, but it could also be the end table.
14 Q And then would you look at the patterns of the blood drops
15 that are right behind the corner in H-112 and the
16 patterns that appear on the wall in Photograph H-117.
17 Do they appear to be the same?
18 A Not to me, no, sir.
19 Q Circling two green, one on each one, do you see a sort
20 of U-shaped pattern that appears on both of those?
21 A Yes, sir, I do.
22 Q Do they now appear to you to be of the same area?
23 A No, sir, they don't.
24 Q You were about to say something?
25 A No.
26 Q Circling another area, looks like three blood drops right

1 in a row. Do those appear to be the same pattern of
2 blood drops?

3 A They could be, but I'm not going to say they are,
4 because I do not know.

5 Q Let's just assume for the sake of argument that they
6 are for the moment. Other than possibly this photograph
7 H-112, did you take any other close-ups of the blood on
8 that east wall?

9 A No, sir, that I can recall without looking at the
10 photographs.

11 Q Go ahead.

12 A May I -- the photograph you have here which is U-3 has
13 a number in it. These numbers were not out at the time
14 this photograph was taken. This photograph was taken
15 when they were taking blood samples from certain areas
16 of the master bedroom. That's why I'm saying that this
17 photograph is not the same as the one you showed me here.

18 Q But what I'm asking you -- when you're saying U-3, you're
19 talking about the I.D. number?

20 A Yes, sir.

21 Q And that's the same thing as Exhibit H-112?

22 A Yes.

23 Q What I'm asking you is, I'll just draw in -- realizing
24 that the photographs were taken at different angles,
25 does the area that I've outlined roughly in orange on
26 H-117 appear to be the same area of the wall as is

1 depicted in Photograph H-112?

2 A It could be, but I can't really say it is.

3 Q There are several blood drops now appearing on H-117

4 outside the little orange rectangle that I've drawn;

5 is that correct?

6 A Yes, sir.

7 Q Did you take close ups of any of those blood drops?

8 A No, sir.

9 Q Is this Photograph H-117, was that done with a 35 milli-

10 meter camera?

11 A Yes, sir, it was.

12 Q Showing you Photograph H-108, 107, 106, 105, 104, 103,

13 and 109, do those all appear to be photographs of the

14 area that appeared between the door between the master

15 bedroom into the master bathroom and a closet that was

16 closest to the east wall?

17 A Yes, sir, they do.

18 Q Directing your attention first to Photograph H-109, that

19 appears to be taken at some sort of angle other than

20 perpendicular to the wall; is that correct?

21 A Yes, sir.

22 Q Did you take any record or do you remember at what

23 angle that was taken?

24 A Approximately 45 degrees.

25 Q Were all those pictures that I just showed you taken

26 with a 35 millimeter?

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1 A Yes, sir, they were.

2 Q Did you take any close ups of the blood on that portion
3 of the wall between the master bedroom and the open
4 closet as it appears in H-108, which would include the
5 closet doors, of sufficient closeness that one could
6 determine the directionality of the blood?

7 A No, sir, I didn't.

8 MR. KOCHIS: Your Honor, as to that last question,
9 I'd have a motion to strike the answer in that it calls for
10 speculation other than his ability to determine the direction-
11 ality of blood. I don't think he can speak for anyone else
12 other than himself.

13 THE COURT: I thought the question was did you take
14 any other pictures other than these to show directionality.
15 Isn't that basically your question?

16 MR. NEGUS: I think the question was: Did you take
17 any pictures of sufficient closeness to show the direction-
18 ality of the blood.

19 THE COURT: Any pictures or any other pictures?

20 MR. NEGUS: I think I just said any pictures.

21 THE COURT: What was your objection?

22 MR. KOCHIS: As I recall the question, it was phrased
23 so that a yes answer would imply that other persons would
24 not be able to make that determination.

25 THE COURT: Let's read it back.

26 (Question read.)

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1 MR. KOCHIS: And my objection, then, was that one
2 could determine. He's not in a position to speculate as
3 to what another person other than himself could determine
4 from the photograph.

5 THE COURT: No. Overruled. It may remain.

6 Q (BY MR. NEGUS:) Showing you Photograph H-176, does that
7 appear to be a photograph of the wall that leads down
8 the hallway from the master bedroom past the master
9 bathroom to the living room?

10 A Yes, sir.

11 Q And in the middle of that photograph, does there appear
12 a drop of what appears to you to be blood?

13 A Yes, sir.

14 Q Is that why you took the photograph, because that
15 appeared there?

16 A Yes, sir.

17 Q Could you take the orange grease pencil that's to
18 your right hand there and circle the thing that appeared
19 to you to be a drop of blood?

20 A (The witness complies.)

21 (No omissions.)
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26

9-1

- 1 Q And showing you diagram 256, is that a diagram that you
2 marked on at the preliminary hearing?
- 3 A Yes.
- 4 Q And does the "T-16" with the little "X" on it on that
5 diagram indicate the position that this drop of blood
6 in H-176 was located at?
- 7 A Basically, yes, sir.
- 8 Q Showing you photograph H-175, does that appear to depict
9 the back of the door that's just to the right of "T-16"
10 as you are facing down the hall toward the living room?
- 11 A Yes, sir.
- 12 Q And did there appear to you things that looked like
13 they might be smears of blood on the back of that?
- 14 A Yes, sir.
- 15 Q Did you point those out to anybody at the scene?
- 16 A Yes, sir. I recall this photograph. It was taken the
17 following day.
- 18 Q The photograph H-175 was taken on June the 6th?
- 19 A Yes, sir.
- 20 Q Who did you point that out to?
- 21 A I can't recall who it was. I believe it was somebody
22 from the Crime Lab.
- 23 Q Were there two people from the Crime Lab there that day?
- 24 A I believe so, yes.
- 25 Q And that was pointed out to one of them?
- 26 A I believe so, yes.

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- 1 Q But you don't remember who it was, which of the two?
- 2 A No, sir.
- 3 Q Do you recall whether or not either of the two persons
- 4 that you pointed that out to did any tests on them?
- 5 A No, I do not.
- 6 Q Showing you photograph H-181, does that appear to you
- 7 also to be a photograph of what appeared to you at the
- 8 time to be a drop of blood?
- 9 A Yes, sir.
- 10 Q And on the diagram H-256, does H-181, the location of
- 11 the drop of substance in H-181, appear on the diagram
- 12 as "T-14"?
- 13 A Yes, sir.
- 14 Q And that matches the letters and numbers marked in the
- 15 upper right-hand corner of that photograph?
- 16 A Yes, sir, it does.
- 17 Q Did you point that spot out to anybody?
- 18 A Yes, sir, I did.
- 19 Q And to whom?
- 20 A I believe it was Criminalist Ogino.
- 21 Q Did Mr. Ogino perform any tests on that spot?
- 22 A Yes, sir, he did.
- 23 Q Was that test positive or negative?
- 24 A I have no idea.
- 25 Q Showing you two photographs, H-183 and H-184, were those
- 26 photographs taken on June the 5th?

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9-3

- 1 A Yes, they were.
- 2 Q And do they depict on the wall of the refrigeration^{or}
3 in the Ryen house a bunch of spots that appear like
4 they might be blood?
- 5 A Yes, sir.
- 6 Q Did you point on June 5th, did you point those spots
7 out to Mr. Stockwell from the Crime Lab?
- 8 A I believe so, yes.
- 9 Q That's what you testified at the preliminary hearing; is
10 that correct?
- 11 A I recall it was, yes.
- 12 Q Did you also see those spots on June the 6th?
- 13 A Yes, sir, I did.
- 14 Q And had they been altered in any way, as far as you
15 could tell, on June the 6th?
- 16 A Not that I can recall, no.
- 17 Q On June the 6th, did you likewise point the spots out
18 to Dan Gregonis from the Crime Lab?
- 19 A I believe so, yes.
- 20 Q Did you see whether Dan Gregonis performed any tests on
21 those on June the 6th?
- 22 A No, sir, I didn't.
- 23 Q After you pointed them out to Mr. Gregonis, did you
24 ever have occasion to go back and see whether they
25 were still there?
- 26 A No, sir, I didn't.

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9-4

- 1 Q Is the reason that you didn't take a picture of the
2 ceiling in the master bedroom of the Ryen residence
3 that you just forgot?
- 4 A Yes, sir. I believe I didn't see anything on the ceiling
5 to photograph as far as blood or evidence.
- 6 Q At the preliminary hearing, you said the reason you
7 didn't take a picture of the ceiling was you just forgot,
8 right?
- 9 A Yes, sir.
- 10 Q Did you take any pictures of the blood drop near the
11 light switch in the master bathroom of the Ryen
12 residence?
- 13 A Not that I can recall.
- 14 Q Was a blood drop in the master bedroom near the light
15 switch pointed out to you by a criminalist?
- 16 A Not that I can recall, no. I believe there was one by
17 the sink and I believe they did a test on it and it was
18 negative for blood.
- 19 Q Which bathroom was that in?
- 20 A The master bathroom, to the best of my recollection.
- 21 Q Showing you photographs H-160 through 169, inclusive,
22 are those the photographs that you took of the master
23 bathroom?
- 24 A Yes, sir, they are.
- 25 Q Could you see the drop of blood that you were referring
26 to on any of those photographs?

2 Q So there is in there a --

4 | Q Exhibit H-166?

6 Q And could you circle in red the stain that you are
7 referring to?

9 Q And when did you point that out to a criminalist, or
10 when did you see a criminalist examine it?

13 Q Do you recall seeing a criminalist test that stain?

15 Q Showing you Exhibit 237, and that would be sketch
16 number C within that, did you ever see a footprint
17 approximately -- excuse me -- a shoeprint of approximately
18 that pattern in the dining room or den area of the 2991
19 residence?

20 A Yes, after I reviewed my photographs of the residence, I
21 noted that I had taken a photograph of that footprint.

22 Q Do you recall which photograph number that was?

23 A No, sir, not offhand.

24 Q Showing you just to refresh your recollection
25 photographs L-132 through 141 of the I.D. photographs.

26 Would that be able to refresh your recollection as to

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2 | A Yes, sir, it would.

4 | A Photograph L-140.

7 Does the diagram number B at all appear to be the
8 same as the L-140?

10 Q And then the C would be different; is that correct?

12 Q Do you recall having seen the one that's depicted in C?

14 Q Do you recall a person from the Career Criminal Division
15 named Marti Smith being present sketching footprints
16 in there?

17 A I recall her at the scene, yes, sketching.

20 A Not that I recall, no. I believe those two prints, the
21 one in L-140 and the one next to the pool table is what
22 we discussed.

25 A Yes, sir.

26 Q And you also took one photograph of the footprint that

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1 Q When you took the photograph, approximately what hour
2 was that?

3 A Between 5:00 o'clock and 6:30 in the afternoon.

4 Q Showing you Photograph H-26, does that appear to be
5 the spa of which this photograph, H-253, was taken?

6 A Yes, sir, it does.

7 Q In Photograph H-26, the spa cover was ajar. Was it ajar
8 in the same manner as when you took the photograph
9 in H-253?

10 A No, sir.

11 Q The exterior photographs that you took were all taken
12 prior to your first entry into the house; is that correct?

13 A Yes, sir.

14 Q And showing you H-18, was H-18 taken prior to H-26?

15 A Yes, sir.

16 Q And in H-18 was the spa cover flush?

17 A It appears so, yes.

18 Q You and Sergeant Arthur went into the Ryen residence
19 prior to any criminalists; is that correct?

20 A Yes, sir.

21 Q But after you had taken your exterior shots; is that
22 correct?

23 A Yes, sir.

24 May I correct myself on that last?

25 Q Sure.

26 A Sergeant Arthur and I went through the residence. After

1 we walked through the residence and I left the residence,
2 I went outside, took exterior photographs, then shot
3 the interior.

4 Q So you shot, however, the interior of the master bedroom
5 before the criminalists came in?

6 A Yes, sir.

7 Q When you first went into 2991 English Road and went to
8 the bedroom with the green carpet, were the doors of the
9 closet to the left as you faced it in the approximate
10 position that they are in S-28?

11 A No, sir, I don't believe they were.

12 Q In what position were they?

13 A I believe they were closed or almost closed.

14 Q And showing you H-277, were the doors in the closet on
15 the right side as you faced it in approximately the
16 same position as they are in that photograph when you
17 first went in?

18 A I think they were partially closed. I don't think they
19 were completely open.

20 Q Did you take any photographs of the position of the
21 closet doors in the position that they were when you
22 first found them?

23 A Yes, sir.

24 Q Showing you, to refresh your recollection, then, I.D.
25 photographs L-29 through L-38, you didn't take any
26 pictures of the doors in positions other than they're

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- 1 shown in those two photographs; is that correct?
- 2 A No, sir.
- 3 Q Was Photograph H-25 taken before Photographs H-46, H-47,
4 and H-48?
- 5 A Yes, sir.
- 6 Q While you were taking photographs in the Ryen residence
7 on June the 5th, did you see any shoe impressions inside?
- 8 A Not that I can recall, no.
- 9 Q On June the 6th, what time did you arrive back at the
10 residence; that is, the next day?
- 11 A I believe it was around 10:30 in the morning.
- 12 Q And did you stay there until after the residence had been
13 completely dismantled?
- 14 A Yes, sir.
- 15 Q Do you recall seeing Mr. Gregonis and Mr. Ogino looking
16 at the blood splatter patterns on the walls of the
17 master bedroom that day?
- 18 A I believe so, yes.
- 19 Q Did they discuss with you what photographs you had taken?
- 20 A What photographs I had taken?
- 21 Q Yes.
- 22 A I believe so, yes.
- 23 Q Did you indicate to them that you had had no training
24 in what sort of photographs were required in order to
25 record blood splatter patterns for reconstruction
26 purposes?

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1 A No, sir. I feel I have sufficient training.

2 Q Did they ask you to take any additional photographs?

3 A Yes, sir, they probably did.

4 Q Do you remember which ones they were?

5 A I believe they were straight-on photographs of the blood
6 patterns behind the bed.

7 Q Did you indicate to them that you'd taken straight-on
8 photographs of all the blood patterns in the Ryen
9 residence?

10 A I believe so, yes.

11 MR. NEGUS: If I could read, Your Honor, from Volume
12 24, Page 123, Lines 6 through 13.

13 MR. KOCHIS: I have no objection.

14 MR. NEGUS: Question: Were you given any instructions
15 by people from the crime lab while you were taking pictures
16 of the walls and the blood splatters to make sure to take
17 pictures at a 90-degree angle to the wall?

18 Answer: No, sir.

19 Question: Have you yourself had any training in
20 photographing blood splatters for the purposes of reconstruction?

21 Answer: No, sir.

22 Q (BY MR. NEGUS:) Did you see Mr. Ogino and Mr. Gregonis
23 talking to Sergeant Swanlund that afternoon about the
24 blood splatter patterns?

25 A Did I see them or did I hear them?

26 Q Did you observe them, either by seeing or hearing?

1 A No, sir.

2 Q Was Mr. Kottmeier present at the Ryen residence on the
3 afternoon of June the 6th?

4 A Yes, sir, he was.

5 Q And Mr. Kochis as well?

6 A Yes, sir.

7 Q Do you recall what time Mr. Kottmeier left?

8 A No, sir, I don't.

9 Q In your presence did Mr. Ogino or Mr. Gregonis make
10 any request to anybody in charge there for additional
11 time to analyze the schene?

12 A Not that I can recall, no.

13 Q Showing you Photograph H-49, do you recall approximately
14 when that photograph was taken?

15 A June 6th.

16 Q At what point in time? What hour?

17 A Looks like the afternoon hours.

18 Q You don't have any present recollection, though?

19 A No, sir.

20 MR. NEGUS: Nothing further.

21 MR. KOCHIS: Could we take our recess so I can
22 separate the photographs I'm going to use?

23 THE COURT: All right.

24 (Recess.)
25
26

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11-1

CROSS-EXAMINATION

BY MR. KOCHIS:

Q Detective Duffy, a number of the photographs that have been marked for evidence in this particular case which are in front of you on the witness stand appear to have numbers and letters written in black on the photographs bearing from A through Y.

Do the alphabetical letters that are placed in the photograph correspond to the sequence in which the photographs were taken?

A Basically, yes, sir.

Q Are there, however, photographs, for example, in the A series that were taken after photographs that have been marked R?

A Yes, there could be.

Q And, for example, when you took photographs of the Lease house, did you place the letter "L" on all of those photographs?

A Yes, sir.

Q And was that to stand for photographs that were taken in the Lease house as opposed to the sequence in which the photographs were taken?

A Yes, sir.

Q For example, directing your attention to a photograph which has been marked for this hearing as H-266, which has the number in the upper left-hand corner of L-62,

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11-2

1 is that a photograph of some clothes in one of the
2 closets in the Lease house?

3 A Yes, it is.

4 Q And is that a picture that you took?

5 A Yes, I did.

6 Q And was that on June the 7th?

7 A Yes.

8 Q Directing your attention to an exhibit which has been
9 marked for identification as H-278, could you place an
10 "X" and "L-266" on the Exhibit H-278 for the approximate
11 location at which those pants were found?

12 A (Witness complied.)

13 Q H-266. They were found inside a closet in one of the
14 bedrooms?

15 A Yes, sir.

16 Q Directing your attention to a photograph which has been
17 marked for identification as H-253 that has the letter
18 "S" and the number "2" in black on the front in the
19 upper left-hand corner, is that a photograph of the
20 shoe impression on the spa cover that you photographed
21 on June the 5th?

22 A Yes, sir, it is.

23 Q Even though that photograph has an "S" on it, was that
24 photograph taken prior to the time the Lease "L"
25 photographs were taken, for example?

26 A Yes, sir, it was.

11-3

1 Q And directing your attention to a photograph which has
2 been marked for this hearing as H-70, which has the
3 number "A-93" at the top of it, was that photograph
4 taken by you at the Ryen crime scene?

5 A Yes, sir, it was.

6 Q Was it taken after the bodies had been removed?

7 A Yes, sir, it was.

8 Q Would it have been taken after the photographs of the
9 other interior portions of the Ryen home were taken?

10 A Yes, sir, it was.

11 Q Now, you testified on direct examination that the
12 photographs that were taken of the inside of the Ryen
13 master bedroom were taken prior to the time that the
14 criminalist entered the master bedroom.

15 Do you recall that?

16 A Yes, sir.

17 Q Were there in fact photographs taken of the Ryen master
18 bedroom after the criminalists had been inside?

19 A After the overall photographs of the scene were taken,
20 then the Crime Lab was allowed in. Then we took
21 additional photographs of the crime scene.

22 Q Were there in fact additional photographs of the master
23 bedroom that were taken later in the evening even after
24 the bodies were removed?

25 A Yes, sir.

26 Q Were there likewise numerous photographs which were

11-4

1 taken of the Ryen master bedroom the following day,
2 Monday, June the 6th?

3 A Yes, there was.

4 Q And were some of those taken during the time that the
5 Career Criminal Division dismantled the room?

6 A Yes, sir.

7 Q Directing your attention to two photographs, one of
8 which has been marked for identification as H-49, it
9 has the number "Y-2" in the upper left-hand corner,
10 and Exhibit H-111, which has a "W-21" in the upper
11 right-hand corner, do you recall which one of the
12 photographs was taken first?

13 A I believe W-21 before Y.

14 Q Directing your attention to the photographs which were
15 taken of the wall which separated the Ryen master
16 bedroom from the Ryen master bathroom and starting with
17 the photograph which has been marked H-103, do you recall
18 at approximately what angle to the wall that photograph
19 was taken?

20 A Approximately 45 degrees.

21 Q Directing your attention to the photograph which has
22 been marked for identification as H-104, do you recall
23 the approximate angle to the wall that that picture
24 was taken at?

25 A Would be 15 to 20 degrees.

26 Q And directing your attention to H-105, do you recall

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1 Q Did you photograph the interior of the house, the
2 bedroom that had recently been vacated?
3 A Yes, sir, I did.
4 Q When you photographed the interior of that bedroom,
5 did you photograph the doors in the position that they
6 were in when you first stepped into the room?
7 A Yes, sir.
8 Q Directing your attention to Exhibit S-28, do you recognize
9 what portion of the Lease residence that depicts?
10 A Yes, I do.
11 Q And which of the bedrooms?
12 A The empty bedroom where the items were found in a
13 closet.
14 Q And Exhibit H-278, can you place S-28 inside the room
15 that would indicate the room it's a picture of?
16 A (Witness complied.)
17 Q Does S-28 indicate the approximate position of the
18 doors to that closet when you first saw the doors?
19 A Yes, sir.
20 Q Directing your attention to a photograph which has been
21 marked for identification for this hearing as S-30, is
22 that a photograph of the closet in the same bedroom?
23 A Yes, sir.
24 Q Does that particular photograph accurately depict the
25 position of the doors when you first saw them in that
26 room?

11-7

- 1 A Yes, it does.
- 2 Q Prior to the time the photograph, this particular
3 photograph, was taken, S-30, were the doors moved in
4 your presence?
- 5 A No, sir.
- 6 Q Directing your attention to H-277, is that a photograph
7 of the same closet as is depicted in S-30?
- 8 A Yes, it is.
- 9 Q And were the numbers that do appear in S-30 placed
10 there by someone in your presence?
- 11 A Yes, they were.
- 12 Q And likewise, were the numbers that exist in S-28 placed
13 there by somebody in your presence?
- 14 A Yes, they were.
- 15 Q When the Lease residence was processed, was the
16 procedure that was used in that bedroom that numbers
17 were placed on items that were later to be seized?
- 18 A Yes, they were.
- 19 Q And the items were photographed in place?
- 20 A Yes, sir.
- 21 Q And then after they were photographed, were they
22 collected by someone?
- 23 A Yes, sir.
- 24 Q Were there blood splatters on the wall in the Ryen
25 master bedroom that you did not take straight-on
26 photographs of?

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11-8

1 A Yes.

2 Q The photographs that you have been shown this afternoon
3 by Mr. Negus and myself, did you take all of those
4 pictures?

5 A Yes, I did.

6 Q Are those all the photographs that you took in this
7 particular case of the two crime scenes?

8 A Yes, sir, including the ones you have in the master book.

9 Q My question is are the photos that you took of the
10 Ryen crime scene and the Lease crime scene limited to
11 the pictures that are on the witness stand or are there
12 other photographs?

13 A There should be other photographs in your book.

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

15 THE COURT: Back to you, Mr. Negus.

16

17 REDIRECT EXAMINATION

18 BY MR. NEGUS:

19 Q The angles that you were giving Mr. Kochis with
20 photographs H-103 through H-108, those are just
21 approximations that you are doing now by estimating
22 from looking at the photographs?

23 A Yes.

24 Q The white numbers on the black background that appear
25 in the photos of the Ryen house, were they placed in
26 spot by you or by the criminalists?

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11-9

- 1 A By the criminalists.
- 2 Q The photograph H-95 with the number 37 in it would
- 3 then have been placed on that by the criminalists
- 4 rather than yourself?
- 5 A Yes.
- 6 Q And you just took the photographs?
- 7 A Yes, I did.
- 8 Q And these photographs, they were taken before the
- 9 criminalist removed whatever he was going to remove?
- 10 A Yes, they were.
- 11 Q Were there any photographs taken of an aftershot?
- 12 A No, sir.
- 13 Q On the diagram here, H-278, could you put in black
- 14 Rolling Writer pen a "32" for the spot that you lifted
- 15 that fingerprint lift 32, the one that appears in
- 16 photograph H-268?
- 17 A (Witness complied.)
- 18 (No omissions.)
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3 | A (The witness complies.)

7 A They were placed there by Sergeant Swanlund.

12 A. Yes, they were.

16 | A. Yes, they did.

20 | A. Yes.

23 | A. Yes.

25 / / / /

26 / / / /

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1 RECROSS EXAMINATION

2 BY MR. KOCHIS:

3 Q When you photographed the removal of the bodies from
4 the Ryen master bedroom, did you assign an R series of
5 numbers for the removal?

6 A Yes, I did.

7 Q Were those photographs taken after, in fact, the series
8 that you assigned the S numbers to, which were the
9 shoe impression on the spa cover?

10 A Yes, they were.

11 Q Was the S for spa cover or shoe print?

12 A Yes, it was.

13 Q Likewise were there other photographs taken at the
14 Ryen scene that are not in sequence alphabetically?

15 A Yes.

16 MR. KOCHIS: I have nothing else.

17 MR. NEGUS: One area I forgot, back to the beginning.

18 REDIRECT EXAMINATION

19 BY MR. NEGUS:

20 Q Showing you Photograph H-236, did you take this
21 photograph?
22

23 A Yes, sir, I did.

24 Q And was that of a shoe impression that you saw inside
25 the Lease house?

26 A Yes, it was.

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1 Q And on Diagram H-278, does the location that you took
2 that picture appear with a little blue X and the letters
3 GGG?

4 A Yes, it does.

5 MR. NEGUS: Nothing further.

6 MR. KOCHIS: No recross.

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

8 MR. NEGUS: David Baker.

9
10 D A V I D C H A R L E S B A K E R, having been called as
11 a witness by and on behalf of the Defense, was sworn
12 and testified as follows:

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

18 THE WITNESS: I do.

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

21 THE WITNESS: My name is David Charles Baker,
22 B-a-k-e-r.

23

24 DIRECT EXAMINATION

25 BY MR. NEGUS:

26 Q Mr. Baker, what's your occupation?

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1 A I'm a sergeant with the San Bernardino County Sheriff's
2 Office.

3 Q And what was your assignment in June of 1983?

4 A I was a sergeant with the identification bureau.

5 Q While you were in the identification bureau, did you
6 have any particular responsibilities as far as property
7 received in evidence is concerned?

8 | A. Yes, sir.

9 Q What was that responsibility?

10 A I guess you would say that I was in charge of the
11 evidence locker.

12 Q What procedures did you have as far as keeping track
13 of the evidence that was turned in to you at the evidence
14 locker? How did you keep track of it?

15 | A. By property tag.

16 Q What rules did you have with respect to property tags?
17 Did you have some stuff that was turned in with property
18 tags and some stuff without?

19 A It was possible, yes, sir.

20 Q How did that work?

21 A. Generally as a general rule of thumb all items of
22 evidence have a property tag. There were times when if
23 you had more than one item and they were like items
24 maybe only one of those items would be tagged.

25 If they were a particularly large item or readily
26 observant item that we could find easily, it might not

1 be tagged. The tags were simply for retrieval. It's
2 like a Dewey decimal system in the library.

3 Q Are you familiar with a document entitled Manual of
4 Sheriff's Documents, of which a copy of parts of it are
5 here as H-192?

6 A I believe I am.

7 Q And I'd ask you to look at the part, there's a Section
8 5 of that document, deals with property seizure and goes
9 on for approximately five pages. Are you familiar with
10 that general section?

11 A Yes, sir.

12 Q This particular document became effective June 27, 1983;
13 is that correct?

14 A I don't know if it is or not.

15 Q Prior to June 27th, 1983, were the procedures as far
16 as property the same as they're described in that
17 document?

18 A No, sir.

19 Q How did they change?

20 A I believe the old rules and regulations had only two
21 items, and it said the tag would be secured with stout
22 string, and I can't remember what the other one was.
23 And it's been expanded to this many pages.

24 Q So there were no procedures -- assuming that this went
25 into effect on June the 27th, 1983, there were no
26 procedures as far as tagging property that existed before

2 A No written procedures, no, sir.

6 A. Generally, yes, sir.

10 A Some of them did.

12 A That's difficult to say, since there was no written
13 procedure to begin with as far as that. It was what
14 I possibly would do with evidence might not be what some-
15 one else would do with evidence, so it's difficult to
16 answer that question.

20 A Each person more or less. When I say persons, I deal
21 with the stations. The divisions set up a system that
22 worked for them and --

24 A Items were normally property tagged.

25 Q On June 6th, 1983, did you receive a room full of items
26 that were taken as part of the investigation of the

009944

1 Ryen crime scene?

2 A I received some, I believe, in June, but I don't remember
3 the exact date.

4 Q Were the items that you received delivered by a truck
5 with a bunch of CCD guys bringing them?

6 A Late at night, about 9:00, 9:30 at night?

7 Q Sounds about right.

8 A Yes, sir.

9 Q Did those items have property tags on them?

10 A Not at that time, no, sir.

11 Q Did they consist of big items, little items, and all
12 different kinds of shapes of items?

13 A Yes, they did.

14 Q How did you keep track of them?

15 A I put them in one spot.

16 Q When the property is turned over to you, what's your
17 responsibility as far as preserving it is concerned?

18 A My responsibility is to maintain a storage location for
19 it. Property comes in -- I'm speaking now as I was then
20 as the property officer -- property would come to me, it
21 would be taken out for court or released or whatever.
22 That was up to the officers or the persons who seized
23 it. Generally, the property officer only provides a
24 place for the storage and security.

25 Q Did you take part in any discussions with anybody about
26 where to store property in this particular case?

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- 1 A I'm sure I did. I don't have any recollection of
2 specific, but I'm sure I did.
- 3 Q Well, do you recall being contacted, for example, by
4 Sergeant Swanlund and asked where to put the stuff from
5 the Ryen crime scene?
- 6 A Yes, sir, I believe when they backed the truck up that
7 night we decided it would go upstairs.
- 8 Q Had you known it was coming before the truck arrived?
- 9 A Yes, sir.
- 10 Q Had you had any discussions before it got there with
11 Sergeant Swanlund about where it was going to go?
- 12 A I don't specifically remember.
- 13 Q Were you aware that the materials that were being brought
14 in to you had bloodstains on them?
- 15 A Prior to their arrival? I don't remember. I honestly
16 don't.
- 17 Q Were you there when the stuff was brought in?
- 18 A Yes, sir.
- 19 Q It was pretty obvious that the stuff had bloodstains
20 on them when you saw it; is that right?
- 21 A I think it was.
- 22 Q Well, did you become aware that it did have blood
23 splatters?
- 24 A Yes, eventually, but I don't remember if it was at that
25 time.
- 26 Q Well, did you see the items when they were brought in?

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- 1 A I believe so, yes, I did.
- 2 Q Once you got them, did you do anything special to try
3 and take care of, preserve the blood that was on them?
- 4 A No.
- 5 Q Why not?
- 6 A They were placed in one location and not handled.
7 But I didn't take any special precautions.
- 8 Q Did the sheriffs have any procedures as far as you knew
9 at that particular point in time about handling blood-
10 stained items?
- 11 A I believe the crime lab had procedures.
- 12 Q Was there anybody there from the crime lab when the
13 stuff arrived?
- 14 A No, sir.
- 15 Q Did you call anybody from the crime lab to let them
16 know that it was there?
- 17 A No, sir.
- 18 Q Did you ever have any contact with anybody in the crime
19 lab about those particular items?
- 20 A Yes, sir.
- 21 Q When was that?
- 22 A I don't remember the exact date. It was at a later time.
23 Approximately.
- 24 A It's hard to say. I honestly don't remember if it was
25 even in the same month.
- 26 Q What was the contact concerning?

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- 1 A It was a luminol test on the rug or the carpet.
- 2 Q And who did you contact?
- 3 A They contacted me.
- 4 Q And what was the nature of that conversation?
- 5 A It was to the effect that we needed to do or they needed
- 6 to complete a luminol test on the carpeting.
- 7 Q They just wanted to get the rug; is that it?
- 8 A Well, they needed a place to roll it out. They needed
- 9 darkness, things like that.
- 10 Q Where was that done?
- 11 A Upstairs.
- 12 Q In the loft?
- 13 A Yes, sir.
- 14 Q At that point in time, was there enough room to roll
- 15 the carpet out completely on that loft?
- 16 A I believe I had to make room by moving a lot of things
- 17 around.
- 18 Q After the carpet was sprayed, did you roll it up right
- 19 away?
- 20 A I don't remember. That was all done by the crime lab.
- 21 I don't honestly remember.
- 22 Q Was it left to dry for a day or two after they finished?
- 23 A I don't remember. I really don't.
- 24 Q Did you see the carpet when it was unrolled on that
- 25 occasion?
- 26 A Yes, sir.

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1 Q At that point in time did it have any mildew on it?

2 A I remember it had a lot of blood. I don't remember any

3 mildew.

4 Q At some later point in time, did the roof in the I.D.

5 loft leak?

6 A Yes, sir.

7 Q When was that?

8 A When it rained.

9 Q Any time that it rained?

10 A Not every time. On a hard rain.

11 Q Were you aware of that before the stuff was put in

12 there?

13 A It only rained and leaked in particular locations.

14 Q Did those locations happen to be right above where the

15 Ryen stuff was put?

16 A No, sir. The Ryen stuff was put in the -- that end of

17 the loft, which would be west, and it had a tendency to

18 leak in the east end of the loft.

19 Q To your knowledge did the rain ever in fact leak on

20 the Ryen stuff?

21 A I don't know.

22 Q Do you recall the, for example, the carpet getting all

23 wet?

24 A No, sir, I do not.

25 Q Did you ever tell Lieutenant -- well, Lieutenant Bellomy

26 was your superior, right?

2 Q Did you ever tell Lieutenant Bellomy that the carpet
3 had gotten all wet?

4 A I don't remember. I may have. I told him many times
5 that things in the -- as far as evidence got wet.

6 (No omissions.)

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13-1

- 1 Q As far as what got wet?
- 2 A Evidence could get wet.
- 3 Q Were you on duty acting as the property officer in
- 4 August of 1983?
- 5 A I was transferred in August of 1983, so what day are we
- 6 talking about?
- 7 Q I don't know.
- 8 A Early in the month, yes. Later in the month, no. I
- 9 had been transferred.
- 10 Q Did Sergeant Eisenbiez take your place?
- 11 A Yes, he did.
- 12 Q And when you got transferred and he took your place, the
- 13 responsibility for maintaining that stuff was turned
- 14 over to him?
- 15 A Yes, sir, I believe so.
- 16 Q Well, did you, for example, brief him as to what you had
- 17 in there when you left?
- 18 A I talked to him for a few days hit and miss, you know,
- 19 a few times a day for a few days on what my procedures
- 20 were and so on and what kind of evidence we had and
- 21 where it was located and how I put it away. And if he
- 22 made different policies, I don't know.
- 23 Q Do you remember the precise date that you got transferred?
- 24 A No. I believe it was around the 11th or 12th, in that
- 25 area.
- 26 Q Was it at the start of a pay period?

13-2

- 1 A Yes, sir, it was.
- 2 Q Do you recall ever in the month of August -- well, while
3 you were there -- having to unroll the carpet in order to
4 dry it?
- 5 A No, sir, I don't remember.
- 6 Q On June 5th, 1983, were you the supervisor that was on
7 call, as it were, as far as the Identification Bureau
8 was concerned?
- 9 A I was the sergeant. I was the only sergeant in
10 Identification on June 5th. So, yes, I suppose that
11 would be a fair assumption.
- 12 Q On weekends, did you and Lieutenant Bellomy --
- 13 A We traded off.
- 14 Q Do you remember whether that was on a weekend or not?
- 15 A No, sir, I don't.
- 16 Q Did you receive any calls on a Sunday, June 5th,
17 regarding the Ryen homicide?
- 18 A I believe I did.
- 19 Q From whom?
- 20 A I want to say Detective Roper, but I can't be sure that's
21 who it was.
- 22 Q What did the conversation concern?
- 23 A Just advising me that there was a homicide in the
24 West End, the Chino area, that they were rolling out to.
- 25 Q Did they ever discuss what to do with any evidence?
- 26 A No.

13-3

1 Q Specifically, did you ever receive a phone call from
2 Detective Roper concerning Dura-Printing a hatchet?

3 A I believe I had a conversation with Detective Roper
4 along those lines, but I don't remember the date.

5 Q Was it over the phone or was it at the I.D. Bureau?

6 A I don't remember that. I know we discussed, he and I,
7 Dura-Print on many occasions, so I can't specifically
8 remember.

9 Q Do you recall ever talking with Detective Roper about
10 the effect of Dura-Print on the ability to do blood
11 typing?

12 A I think we have had that discussion many times before,
13 too. So I don't remember if it was particularly involving
14 that hatchet or other pieces of evidence that we have
15 worked on.

16 Q What knowledge did you have in June of 1983 with
17 respect to the effect of Dura-Print on the ability to
18 type blood?

19 A I believe in June of 1983 Dura-Print was a fairly new
20 process to us, to the San Bernardino County Sheriff's
21 Office, and since it dealt with acrylis esterase, we
22 didn't know what effect that would have on blood.

23 I think contact was made with the Crime Laboratory
24 by somebody, but I don't know who.

25 Q Not yourself?

26 A I don't believe it was me.

1 It has been a long time since I have answered these
2 questions. I don't remember if it's the amino acids
3 or not that it works off of.

4 Q When the San Bernardino Sheriff's Office was converting
5 to Dura-Print, did you have contact with Dura-Print
6 sales representatives?

7 A I didn't. Detective Roper did.

8 Q Did you end up taking that particular hatchet to Lubbock,
9 Texas, on June the 9th?

10 A I took a hatchet to Lubbock, yes, sir.

11 Q That was a hatchet that Mr. Roper had seized?

12 A Yes, sir. I believe so.

13 Q Prior to the time the hatchet was taken to Lubbock, did
14 somebody from the Crime Lab, Mr. Ogino, come over and
15 remove blood and hair from it?

16 A I don't know.

17 Q When you went to Lubbock, you took other items with you
18 in addition to the hatchet; is that correct?

19 A Yes, sir.

20 Q And that was for the purpose of having those items
21 subjected to various means of fingerprint developing,
22 development, all of which used an argon laser; is that
23 correct?

24 A Yes, sir.

25 Q On that first run that you made, were any prints lifted
26 or developed?

1 A In any particular item or all of the items?

2 Q All of the items that you took to Lubbock.

3 A Yes, sir, I believe they were.

4 Q How many different prints were developed?

5 A I don't know, sir.

6 Q Did you ever make a report on that?

7 A Yes, sir, I did. But I don't believe I put down how

8 many items were developed. I don't believe that's in

9 the report.

10 Q Is there any reason why you didn't do that?

11 A I brought the negatives back with me. The items would

12 be processed in front of me. They would be photographed,

13 the latents. I would be presented with a roll of

14 negatives and sometimes a photograph, a five-by-seven,

15 which I would write on the back at that time with a

16 pencil where the latent came off of what item.

17 Q You later made a second trip to Lubbock on June the 15th;

18 is that correct?

19 A Yes.

20 Q And at that point in time, the items that you had taken

21 were all items that had come from the Ryen car; is that

22 correct?

23 A I presume so. I have no idea where they came from.

24 Q They were represented to you as being items from the

25 Ryen car?

26 A They were car parts.

3 A No, sir, I do not.

6 THE COURT: Can you return tomorrow morning?

8 THE COURT: We will resume at 9:30 tomorrow.

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