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CASE NO. CRIM 24552

SUPREME COURT OF THE STATE OF CALIFORNIA

THE PEOPLE OF THE STATE )  
OF CALIFORNIA, )

PLAINTIFF, )

-VS- )

KEVIN COOPER, )

DEFENDANT. )

SUPERIOR COURT  
NO. CR-72787  
MOTIONS

APPEAL FROM THE SUPERIOR COURT OF SAN DIEGO COUNTY

HONORABLE RICHARD C. GARNER, JUDGE PRESIDING

REPORTERS' TRANSCRIPT ON APPEAL

APPEARANCES:

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OFFICIAL REPORTERS

VOLUME ~~29~~ OF 47  
PAGES 3748 THROUGH 3881

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

THE PEOPLE OF THE STATE  
OF CALIFORNIA,

Plaintiff,

vs.

KEVIN COOPER,

Defendant.

NO. OCR-9319

**CR-72787**

VOLUME 37

Pgs. 3748 thru 3881, incl.

REPORTERS' DAILY TRANSCRIPT

BEFORE HONORABLE RICHARD C. GARNER, JUDGE

DEPARTMENT 10 - SAN BERNARDINO, CALIFORNIA

Tuesday, June 19, 1984

APPEARANCES:

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District Attorney

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

For the Defendant:

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Deputy Public Defender

Reported by:

LEONARD D. GUNN  
Official Reporter  
C.S.R. No. 1109  
and  
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Official Reporter  
C.S.R. No. 2400

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I N D E X   T O   E X H I B I T S

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1 SAN BERNARDINO, CALIFORNIA; TUESDAY, JUNE 19, 1984; 10:03  
2 DEPARTMENT NO. 10 HON. RICHARD C. GARNER, JUDGE

3 APPEARANCES:

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

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

14 THE COURT: Mr. Cooper is present, both Counsel.

15 MR. NEGUS: Before we begin, we have a stipulation.

16 THE COURT: Really. All right.

17 MR. NEGUS: You may not like the stipulation when  
18 you hear it. I wanted to show you that we could do it.

19 THE COURT: My likes or dislikes are irrelevant,  
20 I'm sure.

21 MR. NEGUS: We would stipulate that for the purpose  
22 of this hearing Dr. Irving Root's testimony at the Preliminary  
23 Hearing can be read by yourself and considered. That  
24 includes Volume 4, Pages 142 to 152.

25 THE COURT: Just a minute. 142 to 152?

26 MR. NEGUS: I'm going to give you a piece of paper

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1 with all this written down on it and have somebody make me  
2 a copy of it.

3 THE COURT: Okay.

4 MR. NEGUS: Volume 5, Pages 72 to 142; all of Volume 6  
5 all of Volume 7; and Volume 8, Pages 1 to 69.

6 That would also include Preliminary Hearing Exhibits  
7 H, J, K, L, M, N and E; in addition, the exhibit referred to  
8 in the testimony as Preliminary Hearing Exhibit I is the same  
9 as our Exhibit H-211.

10 We would further stipulate that either side has the  
11 right to call Dr. Root for any additional questions if they  
12 so desire.

13 THE COURT: All right. I'll read it tonight. Would  
14 the clerk get the packet together as far as the exhibits  
15 are concerned.

16 THE CLERK: Yes, Your Honor.

17 MR. KOCHIS: I would so stipulate on behalf of the  
18 People.

19 MR. NEGUS: I would so stipulate on behalf of Mr. Cooper.

20 THE COURT: I accept it, and thank you.

21 MR. NEGUS: Could we have Patricia Schechter.

22  
23 P A T R I C I A J O S C H E C H T E R, called as a witness  
24 by and on behalf of the Defense, was sworn and testified  
25 as follows:

26 / / / /

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

5 THE WITNESS: I do.

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

8 THE WITNESS: Patricia Jo Schechter, S-c-h-e-c-h-t-e-r.

9  
10 DIRECT EXAMINATION

11 BY MR. NEGUS:

12 Q What is your occupation?

13 A I'm employed as a criminalist with the San Bernardino  
14 County Sheriff's Department.

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

16 A Yes, I was.

17 Q At that point in time how long had you held that  
18 position?

19 A Since September 1st, 1982.

20 Q At that point in time, how many crime scenes had you  
21 processed by yourself?

22 A In June of '83?

23 Q Yes.

24 A Approximately 15.

25 Q Did any of them include multiple homicides?

26 A I don't recall. There may have been one. I don't recall.

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1 Q In June of 1983, were you aware of any policies and  
2 procedures set out by the sheriff's department as to how  
3 process crime scenes and preserve evidence?

4 A Was I aware of how they wanted criminalists to do it or  
5 patrol officers or detectives in the field? I'm not sure  
6 of your question.

7 Q Was there a difference?

8 A There are some differences, yes.

9 Q What policies and procedures, written policies and  
10 procedures, were you aware of in June of 1983?

11 A Written policies and procedures, none.

12 Q Are you now aware of any?

13 A The only policies I'm aware of are the policies that  
14 are given as a means of instruction to the students at  
15 the basic academy of which I am in the process of co-  
16 instructing through the current academy. Prior to this  
17 time I was not aware of any.

18 Q Showing you Exhibit H-195, is that a copy of the materials  
19 that you are using at the academy?

20 A I've never seen this before. We are rewriting this  
21 information. We are updating it. I haven't seen this  
22 particular information.

23 Q Were you aware, showing you Exhibit H-279, were you aware  
24 of a document or release to patrol officers entitled  
25 Evidence Control Outline?

26 A No, I was not.

0-10347

1 Q Showing you Exhibit H-192, a copy of a manual of the  
2 sheriff's department, were you aware of that document?

3 A The current manual?

4 Q Yes.

5 A Yes, I am.

6 Q And showing you Section 160.20 of that manual, there is  
7 referred to in that section as a physical evidence outline  
8 prepared by the laboratory for distribution to various  
9 officers. Are you aware of the existence of that item?

10 A Of that outline? I assume it's one of these documents  
11 that you showed me here, but I had not seen one before.

12 Q As far as your own collection of evidence, what materials  
13 were you relying on on June the 5th, 1983?

14 A I was relying on the training that I had received in the  
15 crime lab, not training from the outline that was prepared  
16 for patrol officers, but the training that was given to  
17 me by criminalists in the crime laboratory.

18 Q Was there any written material that was given to you as  
19 far as outlining what to do?

20 A A written laboratory procedure --

21 Q Any sort of --

22 A -- of things to do?

23 Q Any sort of written procedures.

24 A The laboratory doesn't have written procedures on how  
25 to process crime scenes per se.

26 Q Did you take notes?



1 A On what?

2 Q On how to process crime scenes.

3 A During my training?

4 Q Yes.

5 A Yes, I did.

6 Q Do you still have those?

7 A I may have some training notes.

8 Q Were you still relying on them in June of 1983?

9 A I was relying on the information that I was trained, yes.

10 Q Were you still consulting your notes or did you know it  
11 well enough by then?

12 A No, I was not consulting my notes.

13 Q Had you been furnished any books to read?

14 A As I mentioned before, yes, I had.

15 Q Was one of those books a book by a man named Svensson and  
16 Wendel, entitled Techniques of Crime Scene Investigation?

17 A I believe so.

18 Q Showing you Exhibit H-197, does that appear to be a copy  
19 of a portion of that book?

20 A Yes. This is the Third Edition. I don't know if that  
21 was the same edition without looking in my notes, but it's  
22 probably much the same information.

23 Q And did that also include a book by a man named Fox and  
24 a man named Cunningham entitled Crime Scene Search and  
25 Physical Evidence Outline?

26 A Yes, it is.

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1 THE COURT: Counsel, as far as the Hitch Motion is  
2 concerned, whether or not investigators followed rules and  
3 regulations within their department is very important. But  
4 whether or not they followed some outside authority, such as  
5 chapters from a book by authors in the field, I don't think  
6 it's probably material on the Hitch motion itself.

7 MR. NEGUS: The reason I think that it is, Your  
8 Honor, is -- and I don't have my case material with me -- but  
9 there are several cases which refer to following standard  
10 procedures in the field as criminalistics, and obviously  
11 the sheriff's department could not set up a rule which says  
12 you destroy all blood evidence.

13 THE COURT: Would you agree with that, Mr. Kochis?

14 MR. KOCHIS: I haven't seen his cases. If I could  
15 read one --

16 THE COURT: Is this the field in general?

17 MR. NEGUS: It talks about standard police procedures  
18 in the abstract.

19 THE COURT: All right. Go ahead and inquire. I'd  
20 be interested to read that.

21 MR. NEGUS: I believe if you have my 995 Motion, there  
22 should be some mention of that in the Points and Authorities  
23 there.

24 Q (BY MR. NEGUS:) Is Exhibit H-199 a copy of portions  
25 of the book by Fox and Cunningham that you relied on?

26 A It appears to be.

1 Q On June the 5th, 1983, you went to 2943 English Road,  
2 the Ryen residence, in the Chino Hills; is that correct?

3 A Yes.

4 Q What time did you arrive at that residence?

5 A Approximately 1420, 1430 hours.

6 Q When you first arrived, did you make contact with a  
7 homicide detective named Mike Hall?

8 A At this time I don't recall. It could have been Mike Hall.  
9 It could have been another individual from the homicide  
10 team.

11 Q You know who Mike Hall is?

12 A Yes, I do.

13 Q Was there somebody from homicide that you made contact  
14 with?

15 A It was either Mike Hall or Sergeant Arthur. I don't  
16 recall at this time. I know that we made contact with  
17 Sergeant Arthur.

18 Q Do you recall who was the person from homicide at that  
19 point in time who was in charge of processing the crime  
20 scene?

21 A Processing the scene?

22 Q Yes. Who had the assignment in the homicide department  
23 referred to as the crime scene?

24 A When we arrived we were briefed by Sergeant Arthur on  
25 somewhat the status of the scene, if that's what you're  
26 referring to.

0-1035-1

1 Q Was there any particular -- was Sergeant Arthur sitting  
2 inside the crime scene processing the scene?

3 A At the time of my arrival I met Sergeant Arthur outside of  
4 the patio doors of the master bedroom of that home where  
5 we were briefed.

6 Q Was there anybody at that point in time from homicide  
7 who was processing the scene?

8 A Who was --

9 MR. KOCHIS: Objection, that calls for speculation  
10 unless she's inside the house.

11 THE COURT: Reframe your question, please.

12 Q (BY MR. NEGUS:) Well, could you see from the position  
13 that you were when you arrived at the scene and you  
14 were talking to Sergeant Arthur, could you see into the  
15 master bedroom?

16 A Yes, I could.

17 Q Was there anybody from homicide in there processing the  
18 scene?

19 A I don't recall.

20 Q Did you take notes of the time of your arrival?

21 A I don't believe so.

22 Q When you were briefed by Sergeant Arthur, how long did  
23 that briefing take?

24 A It may have been 10 or 15 minutes. I don't recall.

25 Q Who was present?

26 A He was briefing another criminalist and myself, and we

1 had a supervisor that was with us.

2 Q The other criminalist was Mr. Stockwell and the supervisor  
3 was Mr. Baird?

4 A Yes, that's correct.

5 Q Did Sergeant Arthur tell you any particular items of  
6 evidence that he wished to have collected?

7 A I don't recall.

8 (No omissions.)  
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- 1 Q Did Mr. Baird tell you any particular items that he  
2 wanted collected?
- 3 A We generally discussed the crime scene with Mr. Baird  
4 and discussed the types of items that we wanted to  
5 collect.
- 6 Q What items did you discuss collecting? What type of  
7 items?
- 8 A Items such as bedding, blood samples, certain items of  
9 clothing.
- 10 Q Anything else?
- 11 A Not that I recall.
- 12 Q With respect to the bedding, did you have any discussion  
13 as to how to go about collecting that bedding?
- 14 A No, we did not.
- 15 Q With respect to the blood, did you have any discussion  
16 of from where the blood was to be collected?
- 17 A Not in particular, no.
- 18 Q Did you have any discussion about collecting blood  
19 other than just do it?
- 20 A Other than in general collecting blood from certain  
21 areas.
- 22 Q What areas?
- 23 A On the walls, to get blood samples from the walls.
- 24 Q Did Sergeant Arthur make a request that a representative  
25 sample from each action which could be distinguished on  
26 the wall be collected?

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1 A I don't recall.

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2 Q As you were being briefed, did you take any notes on  
3 what work you were to do?

4 A No, I did not.

5 Q Did you decide at that point in time what method of  
6 selection was going to be used in order to collect the  
7 blood from the walls?

8 A At which point in time?

9 Q The briefing.

10 A No.

11 Q Which items of clothing were discussed?

12 A We discussed the clothing that belonged to Josh Ryen  
13 that had been left behind and there were other items of  
14 clothing laying around. We were discussing going  
15 through the items to see if there was any reason to  
16 collect any of them.

17 Q At that point in time, were you aware where Josh Ryen  
18 had been found earlier that day?

19 A I believe someone had told us.

20 Q Showing you photograph H-213, does that depict the  
21 area where you were told that Josh was found?

22 A Not that I recall. I don't believe that was where he  
23 was found.

24 Q Where were you told that he was found?

25 A As I remember -- I didn't write this information down.  
26 I thought he was found somewhere in the bathroom or in

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- 1       that area. Just something that I remember. And his  
2       clothes were found in a different location.
- 3   Q   In the photograph I just handed you, the multicolored  
4       pile of clothing between the bodies of Peggy Ryen and  
5       Christopher Hughes, are those the clothes that you were  
6       told came from Joshua?
- 7   A   I don't recognize them. It has been some time. But that  
8       was the location the clothes were found.
- 9   Q   After the briefing, did you do anything between the time  
10      of the end of the briefing and the beginning of your  
11      collection of evidence?
- 12  A   After the briefing, we were waiting for the I.D. members  
13      to arrive. During that time, Mr. Stockwell and I were  
14      talking with Mr. Baird about the case.
- 15  Q   What kind of discussion was that? Was that how to  
16      process the crime scene or just what a terrible crime  
17      it was?
- 18  A   No. We were discussing how we thought we should handle  
19      the scene at that point. I don't recall the discussion.
- 20  Q   Do you recall any of the things that came up during it?
- 21  A   Other than the fact that it helped us evaluate how we  
22      were going to collect the evidence, I don't recall, no.
- 23  Q   How long did that discussion with Mr. Baird take?
- 24  A   It may have been while we were waiting outside about  
25      15 minutes or so. I don't recall.
- 26  Q   And you were waiting for I.D. to arrive at the scene?

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1 A Yes, before we actually entered the room.

2 Q During that discussion with Mr. Baird, had you actually,  
3 at that point in time, looked in and had a chance to  
4 visually evaluate the crime scene?

5 A Somewhat.

6 Q Had you formulated a method or plan of how to collect  
7 the evidence?

8 A We began to come up with a plan on how we were going to  
9 do it.

10 Q What was that plan?

11 A Primarily we were concerned with getting items out so  
12 that we could get the items out before the bodies had  
13 to be removed, so we were concerned with the items that  
14 needed to be collected first.

15 Q Which items did you decide needed to be collected first?

16 A Some things like the telephone. There was a piece of  
17 nylon that had been brought to our attention that was  
18 in another area. Things like this that were easier to  
19 pick up at that time and handle and preserve were  
20 picked up.

21 Q What did that have to do with the arrival of the people?

22 A There is a lot of evidence that we wanted picked up  
23 before more people entered the room, such as the  
24 transport individuals to remove the bodies. We wanted  
25 to get all the superficial evidence out first.

26 Q What do you mean by superficial evidence?

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1 A A telephone that was laying on the floor, we wanted to  
2 get it up and get it out rather than have it laying  
3 around.

4 Q Anything else?

5 A We took some hair samples, as I recall.

6 May I look at my notes?

7 Q Sure.

8 A Thank you.

9 THE COURT: At all times, feel free to refer to your  
10 notes.

11 THE WITNESS: Thank you.

12 Initially, before we actually started processing  
13 the -- before we had divided up our responsibilities at  
14 the crime scene, we had collected a hair sample from a  
15 door that people may or may not be walking in and out of.  
16 That was the sliding screen door to the bedroom. We  
17 collected that.

18 We collected the telephone, that rope in the driveway,  
19 a tourniquet that had been laying on the bed, a comforter, a  
20 gold crown and a blanket.

21 Q (BY MR. NEGUS) Was that evidence considered somehow  
22 important to move before the body removal service came?

23 A Yes. We like to have as much evidence as possible taken  
24 out of the scene before the body removal service came.  
25 Those were just the first items that we took.

26 Q You used the word earlier to describe what you were

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1       trying to take as "superficial items", I believe. Were  
2       those items that you took what you meant by that?

3       A    Yes, they were.

4       Q    What makes them superficial?

5       A    My definition of "superficial" means things that are  
6       laying in plain view, they are open and obvious, and  
7       the things we know we are going to take were on the  
8       top surface.

9               That's what superficial means to me. So those are  
10       the items that we initially collected.

11      Q    How much time did you spend evaluating the scene before  
12       you collected those items?

13      A    The amount of time, I can't tell you. We spent what  
14       we felt was an adequate amount of time before we  
15       collected anything.

16      Q    You have no idea as to whether that was five minutes?

17      A    No, I don't.

18      Q    You say those items, those first seven items, were  
19       collected before you divided up your responsibilities.  
20       What do you mean by that?

21      A    Initially, Mr. Stockwell was collecting items and I had  
22       been asked to draw a sketch of them.

23               At a later point, Mr. Stockwell and I discussed how  
24       we would process the scene since we had two criminalists  
25       on the scene, which is not the normal situation, and we  
26       had decided at that point that I would take notes on

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1 items that he collected.

2 Q At what time was that decision made?

3 A Approximately 3:30.

4 Q Had you completed your sketches at that point in time?

5 A I was in the process of drawing.

6 Q What time did you complete your sketches?

7 A I had never finished my sketches. Mr. Stockwell preferred  
8 to draw his own sketches.

9 Q The sketches that you started then you stopped doing  
10 around 3:30?

11 A Yes, I did, and I began taking notes at that point.

12 Q As Mr. Stockwell was collecting the evidence, was he,  
13 for example, if it were the hair, packaged in a  
14 pillbox, would he write on the pillbox as well when he  
15 was doing the packaging?

16 A He would write something on the pillbox, yes.

17 Q So he was making written identifications of the items  
18 as he packaged them; is that right?

19 A I assumed so.

20 Q Generally in the course of your work at crime scenes,  
21 you write on the package the date that you collected  
22 it, the laboratory number and a brief description of  
23 where you picked it up from?

24 A No. Laboratory numbers are assigned at a later date.

25 Q Laboratory numbers perhaps is ambiguous.

26 Each item that you picked up that particular day,

1-8

1 did you assign a number?

2 A Yes, we did.

3 Q And A-1 through A-45?

4 A Correct.

5 Q Were those numbers written on the items as you picked  
6 them up?

7 A They may have been.

8 Q That would be standard procedure, right?

9 A Yes, it would.

10 Q Otherwise you wouldn't know what you had when you got  
11 back to the lab?

12 A One might put other information other than the lab  
13 number. It depends on the criminalist and how the  
14 particular criminalist packages his evidence. Some  
15 put the numbers on. Some write a total description  
16 of the items, where it was found, and it would be  
17 self-explanatory.

18 I believe Mr. Stockwell writes numbers. I can't say  
19 for sure.

20 Q Anyway, as he is collecting the items, he is writing a  
21 brief description of what it is, some way to tell what  
22 it is and where it was found; is that right?

23 A Well, he may, or he may just put the number that we  
24 assign that piece of evidence, such as A-10.

25 Q After you started taking notes, the first item that you  
26 noted was item A-8; is that correct?

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1 A Yes, it is.

2 Q What did you note down for that item?

3 A Top flat sheet, I believe.

4 (No omissions.)

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1 Q And you noted a time?

2 A Yes, I did.

3 Q And you did assign it a number A-8; is that right?

4 A That's correct.

5 Q How long did it take Mr. Stockwell to collect that sheet?

6 A I don't recall.

7 Q It didn't take you very long to write down the information  
8 that you collected, right?

9 A I wouldn't think so, no.

10 Q Was there any particular reason why you yourself were  
11 not collecting any items?

12 A At that point?

13 Q Yes.

14 A As I mentioned Mr. Stockwell had divided the responsibilities  
15 of that particular scene. I was -- he was the on-call  
16 criminalist and I was assisting him, and we decided it  
17 would be more efficient for one person to collect the  
18 evidence and one person to write it down, since we were  
19 primarily in one location and one scene.

20 Q How would it be more efficient?

21 A Rather than perhaps divide the room up into two sections  
22 and each process completely those sections, we felt that  
23 it was more efficient to do it the way we did.

24 There's many ways it can be done. This just happens  
25 to be the way we chose to do it.

26 Q Was there any problem of having enough time to physically

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1 collect the evidence in that room?

2 A No, there wasn't.

3 Q You had plenty of time to take as much as you wanted?

4 A Yes, we did.

5 Q Were any of these decisions you made as to what to take  
6 and what not to take influenced by time considerations  
7 at all?

8 A That depends on -- there was no one giving us time  
9 restrictions that we must have the scene processed in a  
10 certain amount of time, if that's what your question is.

11 Q No. I was saying were there any time considerations  
12 involved at all in what you selected to collect and not  
13 collect?

14 A The only consideration is once we determined which  
15 samples we were going to take we wanted to take the  
16 samples within a reasonable period of time. If we had  
17 decided to process the scene in a different manner, where  
18 it would possibly take more time, we might stand the  
19 possibility of not -- the bodies would have to be removed  
20 at some point. We wanted to have the scene processed  
21 prior to removal of the bodies as much as possible.

22 Q How many items did you take prior to the bodies being  
23 removed?

24 A Probably around 25.

25 Q Do you have your list divided into things taken before and  
26 after the body removal?

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1 A No. There are no annotations on my notes as to when  
2 the bodies were removed.

3 Q How many items had you taken by 8:30?

4 A I'm sorry. I didn't hear you.

5 Q How many items had you taken by 8:30 p.m.?

6 A Somewhere between 15 and 18.

7 Q When the people from the body removal service entered,  
8 were you present in the room?

9 A Yes, I was.

10 Q Did they bring equipment in with them?

11 A I don't recall.

12 Q Do you recall seeing the bodies removed?

13 A Yes, I do.

14 Q How did they do that?

15 A As I remember, the bodies were placed carefully in sheets  
16 and placed into body bags and removed. I don't recall if  
17 they had their apparatus in there or not to remove them.

18 Q Somehow the sheets and the body bags were laid out; is  
19 that right?

20 A Yes. I was not observing that part. I know they were  
21 there and I know that was the procedure, but I wasn't  
22 watching.

23 Q What were you doing at that time?

24 A I don't recall.

25 Q There were two fellows from the body service; is that  
26 right?

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1 A I believe so.

2 Q And there was Mr. Hammock from the coroner's office who  
3 was giving them some directions?

4 A I don't remember.

5 Q Do you remember a coroner, deputy coroner being there?

6 A I don't remember.

7 Q Do you remember Dr. Root, a pathologist, being there?

8 A Yes, I do.

9 Q Between 3:57 and 5:32, what were you doing?

10 A Between 3:57 and 5:22?

11 Q 5:32.

12 A During that time, some of items of evidence had been  
13 collected.

14 Q Like what?

15 A Like bedding, clothing.

16 Q Item 8 was collected at 3:57, right?

17 A Yes, it was.

18 Q And that was the top sheet off the bed?

19 A Yes.

20 Q And Item 9 was collected at 5:32, and that was a bathrobe?

21 A Right, yes, you're right.

22 Q Also on the bed, right?

23 A Correct.

24 Q And Items 1 through 7 had been collected prior to Item 8,  
25 that's correct.

26 Q So which items were you collecting between 3:30 and 5:30?

1 A You're correct. Those are the only two items.

2 Q What were you doing during that period of time?

3 A Specifically, I don't recall. We may have been looking  
4 in the room, reassessing, reevaluating, talking with  
5 investigators. I don't recall specifically what we were  
6 doing.

7 Q Do you recall a period of time when Mr. Stockwell and Mr.  
8 Baird left the scene?

9 A Yes, I do.

10 Q Was that for an hour or so, maybe a little bit more,  
11 between 3:30 and 5:30?

12 A I don't recall. I do remember them leaving, but I don't  
13 recall when or how long they were gone.

14 Q What were you doing during that period of time?

15 A I don't recall.

16 Q Was there anything stopping you from collecting evidence?

17 A I was not collecting evidence. There was nothing stopping  
18 me from collecting evidence. But I most likely was  
19 observing the scene.

20 Q Just looking?

21 A A lot of our time is spent looking, yes. I was looking.

22 Q Did you make any decisions as to which items to seize  
23 during that period of time?

24 A Specifically, no. Just in general.

25 Q From 5:30 in the afternoon until midnight, did you do  
26 anything at the crime scene other than write down a one-

1 A I don't recall.

2 Q Ten?

3 A When we started processing, I think I indicated previously  
4 there were about five people. Could have been a little  
5 more. I don't recall.

6 Q Was there any superficial evidence on the carpet in the  
7 master bedroom?

8 A Yes, there was.

9 Q Did you collect that evidence first?

10 A No, we did not.

11 Q Why not?

12 A Everything had to be photographed before we took anything.

13 Q Hadn't Mr. Duffy finished taking his photographs before  
14 you guys even went into the master bedroom?

15 A Several photographs were taken after we had been in the  
16 master bedroom.

17 Q Were those photographs part of Mr. Duffy's photographs  
18 of the crime scene, or were those photographs of you and  
19 Mr. Stockwell doing particular work or the body removers  
20 doing particular work, things of that nature?

21 Were they general crime scene photos that were taken  
22 after you started processing?

23 A They were more specific crime scene photos after we  
24 began processing.

25 Q So specific photos would be items that were uncovered  
26 during the course of the actual processing itself; is that

1 line note on the 30 some odd items that were collected  
2 during that period of time?

3 A What do you mean by anything? I went to other rooms of  
4 the house and looked at those rooms, if that's what you're  
5 referring to. I went to different rooms.

6 Q Which rooms did you go to?

7 A I went into the -- there was a laundry room, I believe,  
8 the bedrooms of the two children, there was a trophy  
9 room, there was a living room, a kitchen. I went into  
10 each of the rooms. There were two bathrooms. I went into  
11 each room.

12 Q And how long did you spend doing that?

13 A Some rooms I spent quite a lot of time. I don't recall  
14 how much. I didn't write down how much time was spent  
15 in each room.

16 Q At what point in time in the investigation was that?

17 A I don't recall.

18 Q Other than just looking, were you doing anything in those  
19 rooms?

20 A I was observing the rooms.

21 Q I take it you did that by looking; is that right?

22 A That's how it's done, yes.

23 Q Other than just looking, did you do anything else?

24 A Did I do anything? No, I didn't.

25 Q How many people were in the master bedroom when you  
26 started processing?

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1 right?

2 A They were items that we collecting.

3 Q This photograph H-213 is one of Mr. Duffy's photographs  
4 showing the location of things on the carpet; is that  
5 right?

6 A Yes, it is.

7 Q That work had already been done before any of you went  
8 into the master bedroom; is that correct?

9 A I'm sure he took overall pictures before we went in.

10 Q Does the reason you didn't process the carpet then have  
11 anything to do with Mr. Duffy and the I.D. people?

12 A When we take more specific items in as evidence, we  
13 generally have those items photographed before they're  
14 taken.

15 Q Which items were you waiting to have Mr. Duffy photograph  
16 before you did the carpet?

17 A Before we did the carpet?

18 Q Yes.

19 A Before we processed the carpet?

20 Q Right.

21 A We did not process the carpet at that time during that  
22 evening at all.

23 Q Then back to the original question. Why didn't you  
24 process the carpet at that time?

25 A Well, that's sort of a matter of theory. To process the  
26 carpet, we would have had to remove the bodies and the

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1 furniture and remove the carpet as one means of processing  
2 the carpet. It was processed from top down rather than  
3 bottom up.

4 Q I'm not sure I understand the distinction. Could you  
5 explain that a little bit?

6 A We removed the items of evidence that were lying on the  
7 carpet, and then removed the carpet, rather than removing  
8 -- rather than getting rid of everything on top of the  
9 carpet so we could take the carpet out.

10 Q By processing the carpet, I was talking about removing  
11 those items of superficial evidence on top of the carpet,  
12 okay? Now, did you do that?

13 A No, we did not.

14 Q Okay. Why not?

15 A Because we took other items first.

16 Q Why?

17 A Because we felt that there was no reason why we shouldn't  
18 take the other items first. There had been a history of  
19 civilian individuals responding to an emergency situation  
20 previously to the scene who had walked in. And we don't  
21 know the conditions of the scene prior to the arrival  
22 of the investigators.

23 Q Is that somehow an extraordinary situation as far as  
24 violent crimes are concerned?

25 A I'm sorry. Is what an extraordinary situation?

26 Q Having civilian people there before the arrival of

1 investigators.

2 A Personally, I have not had a homicide scene where the  
3 victims were alive before and were being attended to.  
4 They had all been dead.

5 Q This was something new to you, then?

6 A Having paramedics enter previously, yes, it is.

7 Q In your training had you been told that if you've had  
8 paramedics in the crime scene don't bother with the  
9 carpet?

10 A Absolutely not.

11 (No omissions.)

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3 A That was taken into consideration. The fact that there  
4 might be information brought into the scene that was  
5 not at the scene at the time the crime was committed.  
6 We chose not to process the carpet. Whether we chose it,  
7 I think it was more or less an independent decision. It  
8 was nothing that we had discussed personally.

13 Q Let's use the word "process the carpet", not to remove  
14 the carpet but to remove the items from the carpet.

17 A Removing all of the items from the carpet?

19 A We took some items from the carpet. We took samples  
20 of some things that were on the carpet. We certainly  
21 couldn't thoroughly investigate the items of evidence  
22 on the carpet at that time.

24 A To do so, we would have -- it depends now on what you  
25 mean by "why not" and it depends on, in your terms, on  
26 what you consider items that should be removed or not.

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3-2

1           There are different schools of thought on that.  
2           We took what we thought were samples of things that  
3           were on the carpet at that time. To do a textbook job  
4           of evaluating the carpet and the contents on it, one  
5           would have to spend a considerable amount of time to  
6           remove all the trace evidence, if you will, that was  
7           on that carpet.

8           Besides the crime scene itself, the carpet itself  
9           was in less than clean condition and it would take  
10          probably, to maintain those items where they were  
11          located, if one wanted to take notes on exactly where  
12          they were for whatever reason would probably take the  
13          entire evening prior to removal of the bodies to do so.

14          We chose to take samples of some items that were on  
15          the carpet.

16   Q   What items of evidentiary value did you determine were  
17          on the carpet?

18   A   We took some samples of tissues, hairs and blood.

19   Q   Now, at the beginning of your processing, were there  
20          people moving continuously around the room from the  
21          time at 3:00 o'clock or whatever time it was that you  
22          entered until the time at 8:30 or 9:00 o'clock at night  
23          that you began to take those samples?

24   A   We were moving in the room. I.D. was moving in the room  
25          taking photographs. And Homicide was moving in the room  
26          taking measurements. A lot of people were there.

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3-3

- 1 Q Body people were moving in the room moving bodies; is  
2 that correct?
- 3 A At what time?
- 4 Q Before you took the samples of the hair and blood.
- 5 A The hair samples that we took, I believe, were prior to  
6 the body removal. I'm not sure.
- 7 Q The hair samples you took were taken from 8:56,  
8 approximately 8:56 would be the first time that you  
9 noted until 9:00 o'clock, a little after 9:00?
- 10 A Approximately, yes.
- 11 Q During that period of time, Dr. Root had been in the  
12 room as well?
- 13 A I don't know what time Dr. Root arrived.
- 14 Q He was in the room for -- Was he in the room for like  
15 at least an hour before the bodies were removed?
- 16 A I don't know what the time sequence was. I can't answer  
17 that.
- 18 Q Was Dr. Root in the room prior to the arrival of the  
19 body people?
- 20 A Well, because I don't know what time the body people  
21 arrived, when he was in the room, the bodies were there,  
22 I assumed the body people were standing outside and had  
23 not entered yet.
- 24 Q When Dr. Root was in the room, he was looking at the  
25 bodies, right?
- 26 A Yes.

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3-4

- 1 Q And they were still in place?
- 2 A Yes, they were.
- 3 Q And did he spend at least an hour doing that?
- 4 A I don't recall.
- 5 Q During that period of time up until you removed the
- 6 hair samples, there were also various Sheriff's
- 7 officials in civilian clothing from the Bureau of
- 8 Administration and other high-ranking officials; is
- 9 that correct?
- 10 A They were where?
- 11 Q In the master bedroom.
- 12 A Not to my knowledge.
- 13 Q At any given time up until 9:00 o'clock, how many people
- 14 would be in the room?
- 15 A As I mentioned before, there could have been as many as
- 16 ten people at one time in that room.
- 17 Q And those people kept changing over time, as some would
- 18 go out, new ones would come in; is that right?
- 19 A Primarily they were Homicide teams and a team would
- 20 come in and ask or confer with the team that was
- 21 processing that room and a team may leave.
- 22 Q So you had different personalities coming in and out
- 23 during that time?
- 24 A I don't know how different they were. Maybe the same
- 25 team coming in. I don't recall.
- 26 Q Were there -- There were not just ten individuals that

3-5

1           were coming in and out, but there were more than ten  
2           people in the room during the time before 9:00 o'clock;  
3           is that correct?

4   A    I don't know that.

5           MR. NEGUS: If I could read from page 137, 3 through  
6   6?

7           MR. KOCHIS: Provided I get a volume number.

8           MR. NEGUS: Oh. Volume 18.

9           MR. KOCHIS: Page 136?

10          MR. NEGUS: 137, 3 through 6.

11          MR. KOCHIS: I have it.

12          MR. NEGUS: "Q And who those ten people  
13          were changed over time, people kept going  
14          in and out, new people going in and old  
15          people going out, in and out and so forth?

16                 "A Yeah, some of them."

17   Q    (BY MR. NEGUS) During that period of time, was anybody  
18          posted at the entrances controlling who was going in  
19          and out?

20   A    I don't know.

21                 THE COURT: This is all cumulative. It's cumulative.  
22   I have got a good picture now of what went on at the crime  
23   scene, and to some extent, I can agree with your description  
24   of it. I just don't know what it avails us to continue  
25   heaping on more testimony of the same.

26          MR. NEGUS: The problem is that there have been

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3-7

1       because I was not in a position to visually see people  
2       at a point of entrance whether they would or would not  
3       be turned away.

4   Q   Did you say anything about your position to observe at  
5       the preliminary hearing?

6   A   I don't believe you asked me.

7       THE COURT:  You know, that's an argumentative  
8       answer.

9       THE WITNESS:  I'm sorry.

10       THE COURT:  You really should answer that type of  
11       question no, if that's your recollection.  Don't volunteer.  
12       Mr. Kochis will bring it out.

13       MR. NEGUS:  If I could read, your Honor -- I think  
14       it's inconsistent -- page 137, lines 19 through 21,  
15       Volume 18.

16       "Q   During the time that you were  
17       there, did you see anybody turned away?

18       "A   Not that I recall."

19   Q   (BY MR. NEGUS)  In criminalistics, as each of these new  
20       individuals goes in and out of the room, is there a  
21       theory called transfer?

22   A   Transfer what?

23   Q   Is there a theory in criminalistics that they just call  
24       transfer, that's the name of it?

25   A   I'm not aware of it, no.

26       THE COURT:  Find a convenient place.

(No omissions.)



1 THE COURT: Go ahead.

2 MR. NEGUS: Can we break with this witness about  
3 five minutes before noon, because I'd like to make a request  
4 about the release of some physical evidence at that time.

5 THE COURT: All right.

6 Q (BY MR. NEGUS:) Are you familiar with a principal in  
7 criminalistics known as the Locard Exchange Principle?

8 A No, I'm not.

9 Q And the book that you read by Svensson and Wendel,  
10 did they talk about trace evidence?

11 A I'm sure they did.

12 Q Do you remember anything about that?

13 A I don't recall specifically.

14 Q Do you recall a principle, no matter what its name is,  
15 that goes something as follows:

16 "When an individual comes into contact  
17 with a person or location, certain small,  
18 seemingly insignificant changes occur. Small  
19 items such as hairs, fibers, and assorted  
20 microscopic material may be left by -- "

21 A Excuse me just a minute.

22 Q Sure.

23 THE COURT: Get her a glass of water, please.

24 THE WITNESS: May I have a cough drop? Is it okay  
25 if I have one?

26 I'm sorry. Go ahead.

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1 THE COURT: No problem.

2 Q (BY MR. NEGUS:) "-- may be left by the person or picked  
3 up by that person from contact with the environment or  
4 another individual. In short, it is not possible to  
5 come in contact with an environment without changing it  
6 in some small way, whether by adding to it or taking  
7 something away."

8 Do you recall that general principle?

9 A Yes, I do. Not specifically there, but in different  
10 locations, yes.

11 Q That is a general principle of criminalistics?

12 A Yes, it is.

13 Q And police officers are not exempt from that particular  
14 principle; is that correct?

15 A No, they're not.

16 Q Were you taking into consideration as you made your  
17 decisions about when to collect trace evidence from the  
18 carpet that the longer you waited, the more items would  
19 be taken away and deposited by the police officers in  
20 the room?

21 A Yes, we did.

22 Q In the literature and the training that you have  
23 received, is there ascribed a procedure whereby if people  
24 do have to be coming through a room which has trace  
25 evidence on a surface like a carpet that a path be cleared  
26 first for people to move on and then people restricted

1 to that particular path?

2 A Ideally, yes.

3 Q Did you consider that in this particular crime scene?

4 A No, we did not.

5 Q Why not?

6 A Personally, probably because of the locations of the  
7 bodies, the way they were, because of the numbers of  
8 bodies that were around, and the logistics of going from  
9 one place to another.

10 In textbooks, I think if you're talking about one  
11 body in a room, you can do that easier. It wasn't that  
12 it was a matter of not doing it because it wasn't easy  
13 or we didn't have time to do it. It just was something  
14 that was not considered necessary to be done.

15 Q If in fact there is trace evidence on a rug that has some  
16 sort of evidentiary value, is there any point in waiting  
17 to collect it rather than collecting it right away?

18 A It just depends on how you decide to process the scene.

19 Q Were there any changes occurring -- take it back.

20 With respect to the theory of exchange, the adding  
21 and subtracting of evidence from that particular crime  
22 scene, was the carpeting receiving more of that any other  
23 item in the room?

24 A More exchange?

25 Q Yes.

26 A Possibly.

1 Q And, for example, the telephone was receiving very  
2 little or none; is that correct?

3 A That's true.

4 Q Was there any point that you knew of in collecting first  
5 the items which weren't being contaminated by exchange  
6 and waiting until the end to do items that were?

7 A Makes a difference on which items you're referring to.  
8 There were many, many, many, many things on the carpet.  
9 The items that we chose to take from the carpeting were  
10 items that were there that we could see that were obviously  
11 there. We could see them with the naked eye. There  
12 were things that people were avoiding stepping on as  
13 they processed the scene.

14 There was no problem in taking them at a later time,  
15 which we did. The carpet itself would be full of items  
16 that were there before the scene was committed. You know,  
17 by looking at the condition of the carpeting it was full  
18 of items on it, in addition to any items that were  
19 transferred there by medical personnel and ourselves.

20 Q Let's assume that at some point in time the, for example  
21 well, your laboratory has a vacuum cleaner with a special  
22 attachment, right?

23 A Yes, we do.

24 Q Using that vacuum cleaner with the separate attachment,  
25 you can go and you can vacuum up the stuff off a carpet  
26 and it will all be collected for you in a little trap,

1 right?

2 A Not all the stuff, no. Some stuff, larger particles,  
3 some particles. Some things get twisted in the threads  
4 of the carpet and stuff. It's not -- if you want to see  
5 what's on the carpet, the way to see is to take the  
6 carpet and look at it under a microscope with adequate  
7 conditions if you want to see what's on the carpet. You  
8 can certainly vacuum up some things.

9 Q Well, I take it that a 14 by 16 carpet would be a little  
10 bit impractical to look at the whole thing under a  
11 microscope, right?

12 A It depends on if you feel that it's necessary, if you  
13 feel that it's going to answer questions you might have  
14 or if you feel it can't answer those questions.

15 Q But in this particular situation, did you think that  
16 it was necessary to look at the carpet under a microscope?

17 A I did not, no.

18 Q Trace evidence was vacuumed up from the carpet in this  
19 particular case, right?

20 A I don't know.

21 Q Was there any exchange going on with respect to the bed  
22 as you were waiting for the body people to arrive?

23 A Exchange as how?

24 Q In the extent I was using it earlier, items being taken  
25 away, items being transferred away from the bed by the  
26 movement of people?

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- 1 A There could have been, yes.
- 2 Q How was that occurring?
- 3 A Wind currents that are formed as a person passes by  
4 something. It depends on what kind of trace evidence  
5 you're talking about, the weight of that evidence, and  
6 how easily it's transferred from one location to another.
- 7 Q Well, did you do anything to try and remove trace evidence  
8 from the bedding as you were collecting it?
- 9 A Trace evidence from the bed? No. We did not. We chose  
10 to remove an item from the bed, such as the sheets, and  
11 examine it under the proper conditions rather than -- to  
12 spend the amount of time it takes to adequately process  
13 that item, rather than to spend that time at a crime  
14 scene <sup>h</sup> where the conditions were not suitable.
- 15 Q Did you attempt to do any similar type thing with the  
16 carpet?
- 17 A I'm sorry. With what?
- 18 Q The carpet.
- 19 A We didn't try and remove the carpet because of the fact  
20 that it was on the floor. And as I mentioned, we work  
21 from the top down. To remove the carpet, if one was  
22 interested, as I mentioned, to answer certain questions,  
23 if we felt the carpet had those answers to us, we would  
24 have had to examine the carpet as we did or as was done  
25 with the sheets.
- 26 Q What in your opinion made the sheets -- the trace evidence

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1 on the sheets more significant than the trace evidence  
2 on the carpet?

3 A Well, I don't feel that it may or may not be more  
4 significant. The information on the carpet contained  
5 contaminants prior to the scene much more so than did  
6 the sheets, if you're going to look at it from that  
7 respect.

8 The condition of the carpet itself was much cleaner  
9 than the sheets were -- dirtier, I'm sorry. The carpet  
10 was more -- was less clean than the sheets.

11 Carpeting contains many, many more things than does  
12 sheets. There may have been significant information on  
13 the carpeting. Whether or not the type of information  
14 could answer questions, I don't know.

15 THE COURT: Mr. Negus, don't belabor it. I'm  
16 convinced that good investigative practices would have required  
17 them to lay a path, clear a path; otherwise, examine the  
18 carpet first.

19 MR. NEGUS: Okay.

20 Q (BY MR. NEGUS:) At what point in time did you start the  
21 work of collecting the blood on the walls?

22 A I believe around 2300 hours.

23 (No omissions.)  
24  
25  
26

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5-1

1 Q And at that point in time, was the decision as to which  
2 blood to collect and which blood not to collect  
3 influenced by time considerations at all?

4 A No.

5 Q Did you decide to use -- What principle of selection  
6 did you decide to use in taking the blood on the wall?

7 A Mr. Stockwell decided which sample he was going to take  
8 from the walls. He told me the sample he was going to  
9 take and --

10 Q So that was just a unilateral decision on his part?

11 A Yes, it was. I did not disagree with his decision.

12 Q He just said, "That's what I'm going to take" and you  
13 said, "Okay"?

14 A No, it wasn't quite like that, no. He said, "I would  
15 like to take samples from each wall", or something to  
16 that effect. That he was going to take a sample from  
17 each wall.

18 Q Mr. Stockwell only took a small minority of the,  
19 collected only a small minority of the blood on the  
20 walls; is that right?

21 A I don't know.

22 Q Did you see him do it?

23 A As he took the sample, I most likely was writing.

24 Q A typical note that you took would be like "A-31,  
25 blood sample from E-wall, 2305"; is that correct?

26 A That's correct.

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5-2

- 1 Q How long did it take Mr. Stockwell to take the samples,  
2 each one, approximately?
- 3 A I don't know. Depending on how easy he was able to take  
4 the sample off the wall, within a minute, I would think.
- 5 Q He got ten samples in an hour and 15 minutes; is that  
6 right?
- 7 A I don't know. I haven't figured that out.
- 8 Q Excuse me. An hour and 20 minutes.
- 9 A He may have. It's very likely that he did.
- 10 Q Is there any reason at that point in time that you  
11 didn't sort of like help him and take some samples off  
12 yourself?
- 13 A Yes, there is.
- 14 Q Why was that?
- 15 A We decided that I would write down the item numbers and  
16 the procedure that he was doing and he would collect  
17 the evidence.
- 18 Q Did that particular division of labor leave you with a  
19 lot of time when you were just standing there?
- 20 A There was time in between.
- 21 Q Basically the writing took maybe 15 to 20 seconds each  
22 sample?
- 23 A That's correct.
- 24 Q The rest of the time you were standing there?
- 25 A I was standing there observing the scene.
- 26 Q Did Mr. Stockwell indicate to you that he was going to

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25 THE WITNESS: No. It means that I don't know that  
26 every wall had evidence of different patterns on it. I

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5-5

1 know that some walls did, but I don't recall if in fact  
2 every wall had different patterns on it.

3 THE COURT: Did you discuss the different actions  
4 with Mr. Stockwell at the scene or the importance of it?

5 THE WITNESS: Mr. Stockwell was --

6 THE COURT: That can be answered yes or no. Did  
7 you discuss it with him?

8 THE WITNESS: Not entirely.

9 THE COURT: Did you ever, the two of you ever  
10 discuss the significance, if any, of different actions  
11 indicated by the blood?

12 THE WITNESS: The significance, no.

13 THE COURT: Okay. Thank you.

14 Go ahead.

15 Q (BY MR. NEGUS) Well, did you discuss attempting to  
16 distinguish different actions, leaving aside the  
17 significance of what they were?

18 A No. We discussed that on the south wall that there  
19 appeared to be different patterns, but we didn't discuss  
20 the collection of different patterns.

21 Q On the south wall, why didn't you note which action  
22 Mr. Stockwell was collecting the sample from?

23 A Primarily because in my training, we would take a  
24 sample off a wall and I just applied the same principle.

25 Q Did you ever have any training about what sort of  
26 documentation is required as far as evidence collection.

0-1-0070721

1 Crime Lab?

5-7

2 THE WITNESS: Yes. He is the Deputy Chief in charge  
3 of the Crime Lab and the Identification Bureau now. He is  
4 now commanding two divisions.

5 THE COURT: He has other duties in addition to the  
6 Crime Lab now?

7 THE WITNESS: He does now.

8 THE COURT: Who is in charge of the Crime Lab  
9 itself now?

10 THE WITNESS: We have an acting director, Bill  
11 Baird.

12 Q (BY MR. NEGUS) Mr. Longhetti, however, spent three  
13 months giving you training; is that right?

14 A Yes, he did.

15 Q Did Mr. Longhetti ever sanction your apparently field  
16 practice of writing down "near" or just generalized  
17 vague descriptions?

18 A My reports all went through Mr. Longhetti's office. I  
19 assumed that my reports were read since he signed them.  
20 And he never brought it to my attention that he  
21 disagreed with any of my notations.

22 Q During the period of training, I'm talking about during  
23 the three months, did he ever sanction that during the  
24 three months?

25 A I'm sorry. Did he sanction what?

26 Q Writing vague descriptions like "near east wall".

5-6

1 is concerned?

2 A In the literature, there are different --

3 THE COURT: The question was, "Have you had any  
4 training".

5 THE WITNESS: Yes, I have.

6 Q (BY MR. NEGUS) What did that consist of?

7 A In the literature, they state that you will take  
8 measurements of evidence that's collected in the field.  
9 Evidence is collected and a general description of the  
10 area is annotated.

11 Q In Svensson and Wendel, do you recall being told that  
12 vague statements such as "near" or "to the left of"  
13 should be avoided, the writer should be as specific  
14 as possible, if an item of evidence is to be located,  
15 a description such as "on the living room wall six  
16 inches east of the west wall and three feet north of  
17 the south wall" should be used?

18 A Yes.

19 Q Why didn't you do that in this particular case?

20 A Because my field training did not follow the guidelines  
21 in that textbook.

22 Q Your field training was by Mr. Longhetti; is that right?

23 A No. My field training was working with other  
24 criminalists, senior criminalists prior to processing  
25 scenes by myself.

26 THE COURT: Is Mr. Longhetti still the head of the

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1 A The sessions I had with Mr. Longhetti were student-  
2 instructor-type sessions and we merely covered the  
3 literature and not what is actually used in our  
4 particular laboratory in the field. So we never  
5 discussed the field methodology. Just the literature.

6 So I can't really say whether he sanctioned it or  
7 not because we didn't discuss how the field work was  
8 actually done.

9 Q The literature that Mr. Longhetti gave you to read was  
10 concerned with field work; was it not?

11 A Yes, it was.

12 Q And the Svensson and Wendel book, was that the primary  
13 textbook that you had on crime scene investigation?

14 A It was just one that he had given me to read.

15 Q The most comprehensive of the four that you were given?

16 A Yes, it was.

17 Q Who in the Crime Lab told you that descriptions like  
18 "near" or "to the left of" are okay?

19 A No one told me. I just observed how other criminalists  
20 handled the crime scenes.

21 Q Did you see any crime scene analogous to the kind of  
22 patterns which are shown in Exhibit H-285 before you  
23 went to the Ryen scene?

24 A No, I didn't.

25 Q And there was no systematic instruction that you  
26 received other than just watching practices of

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5-9

1 criminalists in the field; is that correct?

2 A For field training?

3 Q Yes.

4 A That's correct.

5 Q What you did at the crime scene was based on just  
6 watching the other people in the field?

7 A Watching the other people and discussing what they were  
8 doing, why they were doing it.

9 Q Did you ever discuss with any of the people as they  
10 took vague descriptions as to why they were so vague?

11 A No, I did not.

12 Q Did it ever seem a matter of concern to you as to the  
13 discrepancy between what you had found in the textbooks  
14 and what they were doing in the field?

15 A No, it didn't.

16 (No omissions.)

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- 1 Q As to the particularized photos that Mr. Duffy was taking,  
2 was that at your and Mr. Stockwell's direction?
- 3 A I believe so.
- 4 Q Did you have Mr. Duffy take pictures of each and every  
5 item that you collected?
- 6 A For the most part, yes.
- 7 Q When you say for the most part, what were the exceptions?
- 8 A My recollection is that he generally took pictures of  
9 items before we collected them. There may have been  
10 items that he didn't take pictures of, but as I recall  
11 he seemed to be taking pictures of most items that we  
12 collected.
- 13 Q Was there any systematic method done to ensure that the  
14 pictures were taken?
- 15 A Other than requesting him to come over and take this  
16 picture or have him taken a picture, no.
- 17 Q Was that done with each item?
- 18 A As I remember, with most items, yes.
- 19 Q Which were the exceptions?
- 20 A I don't recall.
- 21 Q Do you recall whether there was any reason for the  
22 exceptions?
- 23 A I don't recall if there are exceptions.
- 24 Q So you don't recall specifically limiting any particular  
25 item and saying, well, we don't need a picture of that?
- 26 A Not limiting any item, no. I haven't seen the photographs.

0-1-0077077

1 I haven't seen any evidence on the case since the night  
2 of collection, so I don't know. I haven't been able to  
3 go over it and find out what has or what was or wasn't  
4 taken. As I remember, we tried to have photographs  
5 taken of everything.

6 Q Your note taking procedures, were they in any way changed  
7 because of the quantity of evidence of the particular  
8 case?

9 A Some items in another crime scene I might have said  
10 contained blood or something to that effect. In this  
11 case, since the items -- there were a lot of items and  
12 most items we took had blood on them, I chose to exclude  
13 that information from my notes and just describe what  
14 the item was that we were collecting.

15 Q Why did you do that?

16 A It was just a decision that I made.

17 Q I know, but why did you make that decision?

18 A It seemed unnecessary to write "contained blood" if the  
19 item was drenched in blood. It was self-explanatory.  
20 It was not an item of evidence or something that was on  
21 the item that might be overlooked. It was an obvious --  
22 it was an obvious thing.

23 Q Did you ever face time pressures so you didn't have time  
24 to write down a complete description?

25 A No.

26 Q Did you package each item on the bed individually?

1 A With one exception, I believe, yes.

2 Q What was the exception?

3 A That was the bottom sheet to the bed and a mattress pad.  
4 I believe they were packaged together.

5 Q At some point in time, did you then decide to package  
6 them separately after they'd been together for --

7 A Not that I know of. I didn't, no.

8 Q Did someone else?

9 A I don't know. I don't know that they are packaged  
10 separately.

11 Q Would you look at A-10 and A-12.

12 A Did I look at them?

13 Q Would you look at your notes on A-10 and A-12.

14 A My notes indicate that A-10 is with A-12.

15 Q Do you recall at approximately 9:15 you then separated  
16 them out?

17 A No, I don't recall.

18 Q Was the mattress pad completely dry when you put it in  
19 with the sheet A-10?

20 A I don't recall if it was completely dry, no.

21 MR. NEGUS: Could we stop just a second to do this?

22 THE COURT: It's not five minutes till. Okay.

23 It's very close to it.

24 MR. NEGUS: What I wanted to do was make a request  
25 about some evidence.

26 THE COURT: All right. You may step down. Please

010399

1 return at 1:30.

2 THE WITNESS: May I leave my stuff here?

3 MR. KOCHIS: You may.

4 THE COURT: Go ahead.

5 MR. NEGUS: I would request at this point in time,  
6 Your Honor, that the Polaroid photographs taken by Mr. Gregonis  
7 of his work with the enzymes be turned over to me for a  
8 reasonable period of time so that I can arrange to make  
9 copies which are adequate for my purposes of those originals.

10 MR. KOCHIS: I would like to be heard on that issue.

11 THE COURT: How many do we have?

12 MR. NEGUS: I don't know. I'm just going to --  
13 it's not going to be for very long.

14 THE COURT: No. How many photographs do we have?  
15 Do you know? These are photographs now, of what?

16 MR. NEGUS: Dozens. Of enzymes. I can show you an  
17 example.

18 MR. KOCHIS: They're photographs of plates on which  
19 electrophoretic runs were made. If you recall during the  
20 Kelly-Frye issues they photographed the plates to preserve  
21 them. Mr. Negus has already been given copies, Polaroid  
22 copies of such photographs. He will continue to get copies  
23 of the new photographs as they are taken.

24 We are also going to have additional, a whole new  
25 set of photographs taken, of which I will receive a set and  
26 Mr. Negus will receive a set. And by that I mean they're

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1 as we have this in the work, get your other copy, have your  
2 expert compare your copies with the originals for you, and  
3 then if you feel further need I'll hear you further.

4 MR. NEGUS: The reason is I want to be able to have  
5 my own photographs taken, and so I can have the ones I need  
6 blown up by the week of July the 9th. Because I intend to  
7 use them in evidence, at least some of them during that  
8 particular week.

9 THE COURT: What he will give you --

10 MR. NEGUS: What he will give me will not do me.  
11 What I want is on good quality film as good an image of the  
12 original as I can get. I also want to look at the original.

13 My understanding is that their position is now that  
14 without a court order I can't even look at the originals.  
15 If I'm going to look at the originals, I might as well have  
16 it long enough to take photographs of it.

17 THE COURT: When will you conclude with your  
18 additional copies?

19 MR. KOCHIS: I don't know that. I had a discussion  
20 with the crime lab this morning, and I have requested all of  
21 their work be forwarded to identification for appropriate  
22 copies.

23 THE COURT: Today is Tuesday. By Thursday afternoon  
24 let's have it here, if you can, both the originals and the  
25 copies. Let me examine them, let me mark them, and then  
26 we'll make a decision as to whether or not I'll turn them

0-104-007

1 over to Mr. Negus for further blowups. I don't know what  
2 we're talking about. Let me see what we've got. Is that too  
3 short a time?

4 MR. KOCHIS: I believe it is, Your Honor.

5 THE COURT: I don't know how quickly they can do this  
6 sort of thing. I know that we don't have an awful lot of  
7 time between now and the 9th of July.

8 MR. NEGUS: If you have them bring them in here on  
9 Thursday afternoon so that I can look at them, I can have  
10 them back to them on Monday.

11 MR. KOCHIS: We're reluctant to release the originals.  
12 It would be the same thing as releasing the bed sheet and  
13 the pillowcase to Mr. Negus over the weekend.

14 THE COURT: Counsel, I'm sure that there are adequate  
15 safeguards. Make your copies, number one. Number two,  
16 let's have the disputed documents presented, the photos  
17 presented to the clerk. They can be marked. We can put  
18 seals on them, whatever, you know, Superior Court marks on  
19 them. And Mr. Negus is an officer of the Court. If he wants  
20 blowups and you have no desire for blowups, that's his  
21 prerogative.

22 MR. KOCHIS: Your Honor, the problem, once we have  
23 them marked, is they must remain part of the record and  
24 they're not accessible to other experts.

25 THE COURT: That's subject to the Court's direction.  
26 It's certainly subject to stipulation. If you won't stipulate,

0-10407

1 I can direct an exhibit be given to either side with  
2 directions to return.

3 See what you can do as far as that. At least have  
4 the original here by Thursday at 1:30.

5 MR. NEGUS: Your Honor --

6 THE COURT: Let's say by Thursday at 3:00 o'clock.

7 MR. NEGUS: Your Honor, I would just like to, just  
8 so the Court realizes where we're coming from, I offered  
9 and had originally set up an appointment to go out to the  
10 crime lab on Friday morning to take my pictures and examine  
11 the originals. Apparently I'm now persona non grata in  
12 the crime lab, and that's the reason why I'm having to do it  
13 this way.

14 THE COURT: You mean you can take the pictures  
15 yourself?

16 MR. NEGUS: Sure.

17 THE COURT: What kind of conditions do you have to  
18 have?

19 MR. NEGUS: All I need is lighting, a tripod, and  
20 my camera.

21 THE COURT: If that's all it takes, gentlemen,  
22 give him access.

23 MR. KOCHIS: They don't want to do that. See,  
24 that's the problem.

25 THE COURT: Talk to him, Mr. Kochis. See if you  
26 can work it out. Otherwise, I direct that the pictures be

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1 brought here by 3:00 o'clock on Thursday.

2 All right. Let's take our recess.

3 (Whereupon the noon recess was taken  
4 at 12:00 o'clock.)

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1 SAN BERNARDINO, CALIFORNIA, MONDAY, JUNE 19, 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 (Patricia Jo Schechter, having been on  
8 the witness stand at the time of the  
9 noon recess, resumed the stand and was  
10 further examined and testified as follows:)

11  
12 MR. KOCHIS: Your Honor, in regard to the  
13 photographs, I have been informed that Mr. Cox, who runs  
14 the Identification Bureau, has ordered two people in his  
15 department to start photographing around the clock to  
16 attempt to complete the Thursday 3:00 o'clock deadline for  
17 photographs.

18 THE COURT: Thank you.

19 Proceed.

20  
21 DIRECT EXAMINATION RESUMED

22 BY MR. NEGUS:

23 Q In the master bathroom, did you yourself collect the  
24 blood samples from that master bathroom?

25 A Yes, I did.

26 Q Why did you change your procedure at that point in time?

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- 1 A Mr. Stockwell asked me to go into the bathroom and take  
2 the samples. That was just a decision on his part. He  
3 asked if I would and I said, yes, I would.
- 4 Q Did you make the decision as to what samples were to be  
5 taken?
- 6 A I evaluated the scene, made the decision of what I  
7 thought should be taken and conferred with Mr. Stockwell,  
8 who agreed.
- 9 Q How did you decide which things that you wanted to take  
10 and which things you didn't?
- 11 A I took samples that were from three different locations.  
12 That was the basis of my decision.
- 13 Q Were these all samples on the carpet?
- 14 A Yes, they were. I believe I was asked to take carpet  
15 samples.
- 16 Q You were specifically not asked to take samples from the  
17 walls and things of that nature?
- 18 A Had I been asked to, I would have. I believe I was  
19 asked to take strictly carpet samples.
- 20 Q So that decision was Mr. Stockwell's and not yours?
- 21 A The decision to take carpet samples?
- 22 Q Yes.
- 23 A He had asked me to take the samples and I said I would.
- 24 Q When you were in the bathroom, were you looking to see  
25 whether there was anything of evidentiary value in  
26 there aside from what appeared to be blood on the carpet?

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7-3

1 A I believe so.

2 Q Did you determine that there was nothing else of  
3 evidentiary value in the bathroom besides the blood  
4 on the carpet?

5 A I don't recall.

6 Q Did you seize anything from the bathroom other than the  
7 blood on the carpet?

8 A No, I did not.

9 Q Showing you photograph H-163, which is a photograph of  
10 some carpet with the number 43 on it, does that depict  
11 the general area from which you took sample A-43?

12 A I believe so.

13 Q You say you believe so?

14 A I think that was it.

15 Q You don't have any present recollection of it?

16 A It looks like it. I would probably rather see it from  
17 a different direction, but that appears to be it.

18 Q Can you tell from looking at that photograph which of  
19 the several reddish smears that are depicted in there  
20 that you took the samples from?

21 A It would have been the sample closest to the number.

22 Q The one that's circled with the orange circle in the  
23 photograph?

24 A Yes.

25 Q Showing you photograph H-164, does that appear to be  
26 the general area of the carpet from which you took the

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- 1 sample which you have labeled as A-44?
- 2 A Yes, it does.
- 3 Q And can you tell the particular smear that you took
- 4 that from as well?
- 5 A There is a blood smear right by the number. It would
- 6 have been that smear in that location.
- 7 Q Then showing you photograph H-223, does that appear to be
- 8 the general location from which you took A-45?
- 9 A Yes, it does.
- 10 Q And there are at least three different smears in that
- 11 photograph. Can you tell which one it was that you took
- 12 the sample from?
- 13 A It would have been either one of these two.
- 14 Q Either one of the two closest to the "45"?
- 15 A Yes.
- 16 Q But you can't recall which one?
- 17 A I don't recall.
- 18 Q Did the smears on the carpet which you were taking
- 19 samples of, did they appear to you to be consistent with
- 20 being shoe impressions?
- 21 A They could have been.
- 22 Q Well, did you label, for example, A-45 on the little
- 23 pillbox that you put the sample into as well as in
- 24 your notes?
- 25 A Did I put the number A-45?
- 26 Q Did you label the little pillbox?

7-5

- 1 A With number A-45?
- 2 Q Right.
- 3 A I may have.
- 4 Q Do you recall in addition to putting the number A-45 on
- 5 the pillbox writing "blood sample from carpeting in
- 6 master bathroom, nearest side", quotation marks,
- 7 "footprints"?
- 8 A I don't recall.
- 9 Q Were you the person that labeled the pillbox when A-45
- 10 was collected?
- 11 A Yes, I was.
- 12 Q Nobody else wrote anything on there at the crime scene?
- 13 A I don't believe so.
- 14 Q While you were collecting that blood, were you concerned
- 15 with the question as to whether or not any of the victims
- 16 had been injured in the bathroom?
- 17 A Yes, I was.
- 18 Q At that point in time, had you done anything to rule out
- 19 that one of the victims whose blood it was on the carpet
- 20 had been injured in the bathroom, eliminate that as a
- 21 possibility?
- 22 A I'm not sure I understand the question.
- 23 Q Had you made any observations at the scene at the time
- 24 that you were collecting those items of evidence, A-43,
- 25 44 and 45, to eliminate or logically eliminate as a
- 26 possibility the hypothesis that whoever's blood that was

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- 1 had been injured in the master bathroom?
- 2 A Did I do anything to eliminate?
- 3 Q To say it wasn't so.
- 4 A I'm not even sure how to answer that.
- 5 Q Well --
- 6 A I don't think I'm answering your question.
- 7 Q When you collected the samples, did you know whether or
- 8 not the person whose blood that was had been injured in
- 9 the bathroom or some other place?
- 10 A No, I did not.
- 11 Q And did you know what injury Josh had received, Josh Ryen,
- 12 the young boy?
- 13 A Specifically, no.
- 14 Q Among the injuries that you had observed on the victims
- 15 who had remained when you were at the scene, the two
- 16 adult Ryens, Christopher Hughes and Jessica, there were
- 17 various chopping injuries; is that right?
- 18 A Yes, there were.
- 19 Q And amongst those chopping injuries --
- 20 You were shown a hatchet that had been found down
- 21 the road a piece; is that right?
- 22 A No.
- 23 Q You didn't see that?
- 24 A I've never seen it.
- 25 Q But you were aware of its having been found?
- 26 A Yes.

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7-7

1 Q Were you looking on the walls to see whether or not you  
2 could see any cast-off patterns of the type that  
3 hatchets sometimes make when they were used to strike  
4 people?

5 MR. KOCHIS: I'm going to object. There is no  
6 foundation.

7 THE COURT: Yes. Sustained.

8 Q (BY MR. NEGUS) Did you see in the Ryen house on that  
9 particular day some patterns on the walls that were  
10 described to you by the people there as cast-off patterns?

11 MR. KOCHIS: I would object. That calls for hearsay.

12 THE COURT: Sustained.

13 Q (BY MR. NEGUS) Did you have any knowledge that there was  
14 such a thing as cast-off pattern on that particular day?

15 A Cast-off pattern meaning --

16 Q Pattern of blood coming from a weapon like a hatchet or  
17 machete if they were used to chop somebody.

18 A Yes, I did.

19 Q And did you see patterns such as that on the walls in  
20 the Ryen master bedroom?

21 MR. KOCHIS: Again I would object. She may be aware  
22 of it, but there is no foundation she can make the  
23 determination. Anybody who picks up a book and reads a  
24 paragraph can be aware that such a pattern may exist, but  
25 that doesn't mean they are qualified to make a determination.

26 THE COURT: I'm not concerned, however, with what

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1 she believed at that time, but whether or not she believed  
2 there were such a thing, that she thought it was important  
3 enough to take samples. Overruled.

4 I'm not establishing her as an expert on hatchet  
5 marks.

6 THE WITNESS: Can you give me the question again,  
7 please?

8 Q (BY MR. NEGUS) Did you see anything on the walls that  
9 looked like cast-off patterns in the Ryen master  
10 bedroom?

11 A Possibly I might have.

12 Q When you were taking the blood from the bathroom, were  
13 you looking for similar-type things in the bathroom?

14 A Not specifically that, no.

15 Q Well, did you believe that had whoever's blood it was  
16 there on that carpet had been injured in the bathroom,  
17 that there was a likelihood that blood splatters from  
18 those injuries would be on the wall?

19 MR. KOCHIS: I'm going to object. That calls for  
20 speculation. It assumes a fact that is not in evidence  
21 that she had that hypothesis.

22 She said at that time that she had perhaps  
23 eliminated that specific hypothesis, but that doesn't mean  
24 she was thinking of that when she was in the master bathroom.

25 THE COURT: Overruled.

26 You may answer the question.

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1 THE WITNESS: Yes.

2 Q (BY MR. NEGUS) So you were?

3 A I considered it a possibility.

4 Q Was there a light switch on the wall next to the door  
5 leading from the bathroom into the master bedroom?

6 A I don't recall.

7 Q Do you recall looking in the area of that wall going  
8 from the master bathroom into the master bedroom and  
9 seeing the blood on the wall?

10 A I don't recall.

11 Q Showing you photograph H-169, do you recall that being  
12 in the, that wastebasket being in the master bathroom?

13 A Yes, I do.

14 Q Where was that with respect to the door that led from  
15 the master bathroom into the master bedroom?

16 A I think it was on the opposite side of where the toilet  
17 was. I'm not sure.

18 Q So the toilet would be on, as you were walking from the  
19 master bedroom into the master bathroom, the toilet  
20 would have been on the left and the trash can would  
21 have been on the right?

22 A As I remember. I didn't note it. I didn't make a  
23 drawing.

24 Q The same wastebasket appears in the photograph which  
25 is H-223 with the number 45 in it; is that correct?

26 A That's correct.

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1 Q You were then accurate as to your description as to  
2 the location?

3 A I believe the toilet is over here, and, if so, that's  
4 correct.

5 Q There is a door shown in the photograph H-223 which would  
6 be the door into the master bedroom?

7 A Correct.

8 Q Going back to photograph H-169, you can see a trickle  
9 coming down the wall there on the right-hand side of that  
10 photograph. Do you recall seeing that trickle when you  
11 were collecting evidence from the master bathroom?

12 MR. KOCHIS: Your Honor, I'm going to object. That  
13 assumes a fact not in evidence that there was a trickle of  
14 blood on the wall. There has been no foundation for that.

15 THE COURT: Lay a foundation.

16 MR. KOCHIS: The photograph may speak for itself  
17 that there is a stain there, but there is no foundation  
18 that it's blood or from a trickle or anything such as that.

19 MR. NEGUS: I don't think I said trickle of blood,  
20 but if I did, I will strike the blood. But it's plainly a  
21 trickle.

22 THE COURT: Would you make another question, please.

23 (No omissions.)  
24  
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1 Q (BY MR. NEGUS:) There's a trickle of something on  
2 Photograph H-166 on the right side, right?

3 THE COURT: I'll sustain the objection.

4 Would you describe what you see there as being a  
5 trickle?

6 THE WITNESS: Yes, I see a something, a drop on the  
7 wall.

8 Q (BY MR. NEGUS:) Whatever the liquid was, it appears to  
9 have run down the wall?

10 A Yes, it has.

11 Q Whatever that was, did you see that on June 5th and 6th  
12 when you were collecting blood from the master bathroom?

13 A I don't recall.

14 Q As you look at the photograph and based on your knowledge  
15 of the scene, can you eliminate the possibility and say  
16 positively that that's not blood?

17 A From this photograph?

18 Q From that photograph and your memory.

19 A Well, with my memory I don't recall seeing it in person.  
20 And I don't know what it is. It could be dirt.

21 Q Could be blood, could be anything.

22 MR. KOCHIS: Well, Your Honor, I'm going to object.  
23 "Could be's" call for speculation.

24 THE COURT: Sustained.

25 MR. NEGUS: To move to strike "it could be dirt."

26 MR. KOCHIS: I have no objection.

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- 1 THE COURT: It will be stricken.
- 2 Q (BY MR. NEGUS:) Showing you Exhibit H-166, does that  
3 appear to be the north sink in the master bathroom of  
4 the Ryen residence?
- 5 A I believe so.
- 6 Q Directing your attention on that photograph to the stain  
7 that's circled in orange, do you recall seeing that  
8 stain on the night of the 5th, early morning of June 6th  
9 when you were collecting evidence?
- 10 A I think I do remember it. I made no notes of it. But I  
11 do somewhat recall it.
- 12 Q Why did you not collect that as evidence?
- 13 A I think I noticed it and talked to Mr. Stockwell about it.  
14 And it was decided that we didn't need it for some  
15 reason that it was not necessary to obtain that sample.  
16 I don't recall the reasoning behind it. I believe we  
17 discussed it and only carpet samples had been taken.
- 18 Q So you consciously decided not to take it but you can't  
19 remember why?
- 20 A Yes.
- 21 Q And you and Mr. Stockwell were working processing the  
22 Ryen scene, were there some of the items that you seized  
23 that you observed the members of homicide taking precise  
24 measurements as to where they were?
- 25 A Yes.
- 26 Q For example, I believe Item A-14 was a pair of blue jeans,

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1       if my memory serves me correctly.

2   A   Correct.

3   Q   Homicide took precise measurements as to where those

4       blue jeans were in the room; is that correct?

5   A   I believe so.

6   Q   And they took precise measurements as to the telephone?

7   A   Yes.

8   Q   And there was an Item A-6, which was a gold crown. They

9       took precise measurements on the bed as to where that

10      gold crown was found?

11  A   Yes.

12  Q   Next to the gold crown do you remember seeing a lock of

13      hair?

14  A   I believe you've showed me a photograph of that before.

15  Q   The question is right now do you remember seeing that

16      lock of hair?

17  A   At the crime scene? No, I don't.

18  Q   Did you take any measurements of the lock of hair that

19      was near the gold crown as to where its location was

20      before the sheets were collected?

21  A   No, I didn't.

22  Q   Why not?

23  A   I didn't feel the need to.

24  Q   Why not?

25  A   I didn't feel that specific lock of hair could answer

26      any questions.

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1 Q What kind of questions were you excluding from -- what  
2 kind of questions could it not answer?

3 A The origin of the lock of hair, where it came from, where  
4 the person was that the hair came from was unknown,  
5 and I did not feel that it would answer that question.

6 Q Wasn't where everything in the room came from basically  
7 unknown?

8 A Yes, it was.

9 Q Did you think that the lock of hair might be able to  
10 shed light on the question of whose hair it was?

11 A Whether or not it would be loose hair, it wasn't the  
12 question that I was concerned with so much as how it  
13 happened to get there and whether or not there would be  
14 any way of determining how it got there.

15 Q Can your laboratory analyze hair and determine whether  
16 it's cut or plucked or fallen out by old age?

17 A Yes, they can.

18 Q Did that hair appear to you to be cut?

19 A I did not examine the hair.

20 Q Just so that we complete our record, H-225, that's the  
21 photograph that I showed you at the Preliminary Hearing  
22 that you referred to; is that correct?

23 A I believe so.

24 Q And that's the lock of hair that we've been talking about;  
25 is that correct?

26 A I believe so.

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- 1 Q You and Mr. Stockwell collected six locks of hair off  
2 the carpet; is that right?
- 3 A Yes, we did.
- 4 Q Why did you collect them?
- 5 A We collected those as a sample of hairs that were on the  
6 floor.
- 7 Q What's the difference between hairs on the floor and  
8 hairs on the bed?
- 9 A There aren't any.
- 10 Q How would you collect samples of hairs from the floor  
11 and not hairs from the bed?
- 12 A Because we had decided we would collect those hairs on  
13 the floor that we collected and not the hair on the  
14 bed. The sheet on the bed was to be removed and to be  
15 examined in a laboratory. We at the time were not  
16 • considering removing the carpet and examining it later.
- 17 Q Well, each little tuft of hair that you removed from the  
18 carpet you put in a separate container with a separate  
19 number; is that correct?
- 20 A Yes, we did.
- 21 Q And you didn't mix them up?
- 22 A No, we didn't.
- 23 Q Was there any reason that you had to try and keep the  
24 hair that you took off the carpet separate, whereas  
25 the hair that you took off the bed you didn't?
- 26 A The hairs on the carpet were obvious hairs we could

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1 see visually, and we just packaged them separately  
2 rather than packaging them together.

3 The hair on the sheet was just packaged with any  
4 other evidence that may have been on the sheet. We did  
5 not feel that -- we didn't see the perhaps tufts of hair  
6 the same way as this was on the carpet. We just packaged  
7 that tuft up hair with any other evidence that may have  
8 been on that sheet.

9 Q Is the reason that you didn't do it separately like that  
10 one in that photograph there that you just didn't see it?

11 A No, we could have. We just didn't.

12 Q Was the gold crown discovered by people in the crime lab  
13 or was it discovered by somebody outside the crime lab  
14 and pointed out to you?

15 A I remember seeing it, clearly seeing it in plain view.  
16 Other people may have seen it as well. I don't recall if  
17 anyone pointed it out. I remember seeing it myself.

18 Q Did you and Mr. Stockwell consult with Mr. Hall before  
19 you seized any of the items that you seized?

20 A Yes.

21 Q Which ones?

22 A Most or all of the items.

23 Q Did you consult with him, for example, before you seized  
24 the hair off the carpet?

25 A I don't recall if we asked him about the hairs that we  
26 were taking.

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- 1 Q How about the blood samples from the carpet?
- 2 A I think we may have consulted with him or told him  
3 which samples we were going to take.
- 4 Q But you don't remember for sure?
- 5 A No, I don't.
- 6 Q Do you remember consulting with Mr. Hall about the blood  
7 samples you were going to take from the wall and the  
8 furniture?
- 9 A Other than to tell him we were taking samples from  
10 different locations, I don't know if we told him  
11 specifically we were taking them from. I don't recall.
- 12 Q So at least with respect to the blood on the walls,  
13 Mr. Hall would have had no way of knowing which blood  
14 to measure if he wanted to obtain its precise location;  
15 is that right?
- 16 A I don't remember if we -- how closely we coordinated  
17 the blood with Mr. Hall at this time.
- 18 Q To the best of your knowledge, he would have no way of  
19 knowing which to measure with respect to the blood on the  
20 wall; is that correct?
- 21 A Unless we told him and I don't recall.
- 22 Q But you do recall him being able to make measurements of  
23 clothing on the floor, the gold crown, and a few other  
24 items; is that correct?
- 25 A I remember that, yes.
- 26 Q The Svensson and Wendel book, do you recall them, as far

0-10422

1 as note taking is concerned, do you recall them making  
2 a distinction in the amount of notes that are needed  
3 as, say, for a burglary, as opposed to a homicide?

4 A. No, I don't.

5 Q. Were the scenes that you went out on 15 scenes I think  
6 it was before this, where you were learning from your  
7 fellow criminalists, were those all homicides?

8 A. Yes, they were -- no, they weren't. One was a grand  
9 theft.

10 Q. In the Svensson and Wendel book, do you remember them  
11 recommending that in a murder case notes must be  
12 complete enough so that complete reconstruction of the  
13 case could be made even 15 to 20 years hence, after the  
14 fact? Do you remember that?

15 A. I don't know if I remember that exactly from that book.  
16 But that's the general --

17 Q. That's the general principle?

18 A. Right.

19 Q. Did you do that?

20 A. I did it according to my methods of training.

21 Q. But did you make notes complete enough so that  
22 reconstruction could be done based on the work that you  
23 did?

24 A. A complete reconstruction of that scene?

25 Q. Yes.

26 A. No, I did not.

1 Q While you were spending however many hours it was you  
2 were observing the scene, did you take any notes?

3 A Of other things I was observing?

4 Q Yes, of your observations.

5 A I had nothing to report, because I found nothing in the  
6 other areas that I was investigating. So I didn't write  
7 a negative report.

8 Q You spent some hours just observing the scene, did you  
9 not, in the master bedroom?

10 A Yes, I did.

11 Q Did you take any notes of those observations?

12 A No, I didn't.

13 Q Based on the time that you spent observing the scene  
14 in the master bedroom, did you make any recommendations  
15 to anybody about seizing any evidence?

16 A Excuse me. Which evidence or any evidence?

17 Q Did you observations bare any fruit; that is, were you  
18 able to make a recommendation, "Hey, we need to seize  
19 that" on the basis of your observations in the master  
20 bedroom?

21 A Some things, yes.

22 Q What were those?

23 A The pair of jeans with the blood impression on it.

24 (No omissions.)  
25  
26

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9-1

- 1 Q The blood impression sort of lurched out at you?
- 2 A Yes, it did. There were a lot of items of clothing
- 3 laying about in that room and I noticed that shoe
- 4 impression.
- 5 Q Did you do a systematic search of the other items?
- 6 A I believe so.
- 7 Q Were the clothing items situated amongst various items
- 8 of furniture and exercise gear?
- 9 A I don't remember exercise gear. I remember an ironing
- 10 board and different things.
- 11 Q Did you see any blood on the ironing board?
- 12 A I don't recall.
- 13 Q Do you remember an exercise bicycle?
- 14 A No, I don't.
- 15 Q Showing you photograph H-122, does that appear to be
- 16 the northeast corner of the Ryen master bedroom?
- 17 A Yes, it does.
- 18 Q And do you see an exercise bicycle there?
- 19 A Yes, I do.
- 20 Q Do you see some clothes straight over the handlebars?
- 21 A Yes, I do.
- 22 Q Did you inspect those clothes?
- 23 A I think I would have. I don't remember the bicycle or
- 24 the exercise equipment at this time.
- 25 Q You don't remember seeing any blood on the exercise
- 26 bicycle?

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9-2

- 1 A I don't recall.
- 2 Q In the background in that photograph -- and then showing  
3 you a side view of it again in photograph H-110 -- there  
4 appears to be an exercise board?
- 5 A Yes.
- 6 Q Do you recall that?
- 7 A No, I don't.
- 8 Q Did you look at the ceiling?
- 9 A Yes, I did.
- 10 Q Was there any blood on it?
- 11 A I don't recall.
- 12 Q Did you collect any blood from the ceiling?
- 13 A No.
- 14 Q As to the bedding, did you help fold that up?
- 15 A Yes, I did.
- 16 Q Did you do anything to avoid having one surface I'll say  
17 of a sheet come in contact with another?
- 18 A No, I did not.
- 19 Q Why not?
- 20 A Because I didn't feel it was necessary.
- 21 Q When it is necessary?
- 22 A If you have a problem with cross-contamination of blood  
23 samples.
- 24 Q Showing you H-287, does that appear to be the bottom  
25 sheet that you have as A-10?
- 26 A It could be. I don't recall at this time.

0-10-4-20

9-3

1 Q Do you recall the bottom sheet having a large area of  
2 blood on one side and then another large area of blood  
3 on the other side of it, one on each side of the bed?

4 A I don't recall.

5 Q Showing you H-148, does that appear to be a picture of  
6 the bed in the Ryen master bedroom after the top sheet,  
7 the comforter and the blanket had been removed?

8 A Yes, it does.

9 Q And does that show -- Can you tell from the photograph,  
10 then, putting them together that the photograph H-287  
11 appears to have the same patterns on it as the photograph  
12 H-148?

13 A Yes.

14 Q Did you, in folding that particular sheet, did you do  
15 anything to avoid contaminating one side of the sheet  
16 with the other?

17 A I don't recall unfolding that particular sheet.

18 Q In your training, have you been taught not to contaminate  
19 one side of a sheet like that with another?

20 A It would be a general rule unless the criminalist feels  
21 for some reason that the evidence may already be  
22 contaminated such as packaging a pair of garments  
23 that would be worn one on top of the other, a jacket  
24 and a shirt that may already have the same material on  
25 them both.

26 Q Just given the opposite sides of that particular --

9-4

- 1 That was a double bed?
- 2 A Yes.
- 3 Q Given the opposite sides of that double bed, did you
- 4 have any reason to believe that the blood on one side
- 5 was the same as it was on the other?
- 6 A No.
- 7 Q Did you note on the bed a stain, dark brown stain that
- 8 was consistent with being feces?
- 9 A I believe I noted a stain. I don't know if I thought
- 10 it was consistent with feces. I believe you mentioned
- 11 that in the preliminary.
- 12 Q That thought did not occur to you?
- 13 A That it was fecal stain, no. I thought it was perhaps a
- 14 dark blood stain.
- 15 Q Showing you photograph H-152 and directing your attention
- 16 to the stain that appears outside and above the orange
- 17 circle on that photograph, is that the stain that you
- 18 were referring to?
- 19 A It may be. It was something that looked like a stripe
- 20 pattern and my thought was something like a corduroy
- 21 pattern or something.
- 22 Q There is a pattern that's circled with an orange circle
- 23 there. Is that the corduroy pattern that you are
- 24 referring to?
- 25 A It may be.
- 26 Q But I'm asking you now to look above the corduroy



9-5

1 pattern to that dark brown pattern that appears there  
2 on the sheet.

3 Did you observe that?

4 A That I don't remember.

5 Q Did you help Mr. Stockwell package Josh's clothes?

6 A I may have helped him package them.

7 Q Do you remember them being covered with something that  
8 looked like fecal matter?

9 A Yes, I believe so. It's possible.

10 Q Did you search, when you were going through the rest  
11 of the house, did you look in the hallway between where  
12 Jessica was lying and the living room that went past the  
13 master bath?

14 A I don't recall specifically looking there.

15 Q Showing you diagram H-296, which appears to be labeled  
16 as a floor plan of the Ryen house, does that appear to  
17 you to be a floor plan of the Ryen house?

18 A It could be, yes.

19 Q Giving you a purple pen, could you indicate by drawing  
20 a path with the purple pen the area outside the master  
21 bedroom and master bathroom that you went through looking  
22 for evidence?

23 A (Witness complying.)

24 Q Pretty much the whole house; is that correct?

25 A Most rooms, yes.

26 Q And do you remember whether that was during the daytime

9-6

- 1 or nighttime?
- 2 A I think it was dark already.
- 3 Q Do you recall there being some people sitting in the
- 4 living room like people from the Sheriff's Department?
- 5 A When I went through initially?
- 6 Q Yes.
- 7 A No.
- 8 Q At the time that you made this search of the house.
- 9 A At the time I first entered the living room, nobody was
- 10 in there and I don't believe anyone had been, to my
- 11 recollection.
- 12 Q That was after dark, though?
- 13 A I really don't know what time I went into that room.
- 14 Q Was the trip to the living room a separate trip?
- 15 A I think when I initially went to the living room, it was
- 16 still light out. It was still light out because I
- 17 remember looking out the screen door.
- 18 Q Was it getting close to dusk?
- 19 A I don't remember.
- 20 Q Was the living room trip separate from the trip to the
- 21 other side of the house?
- 22 A I believe so.
- 23 Q So the one to the other side of the house was the only
- 24 one that was after dark?
- 25 A I believe so.
- 26 Q What did you examine in the living room to see whether

010430

9-7

1       there was any evidence?

2   A   I looked at the screen door, the furniture, the carpeting,  
3       the walls. There was a rocking chair with a glass of  
4       wine and a pipe and an ashtray in front of the television  
5       set. I just looked the area, the entire area, over.

6   Q   Did you see anything that could be evidence?

7   A   That could be evidence, no.

8   Q   Did the screen door that you looked in have a gash in it?

9   A   Yes, it did.

10   Q   Did the gash look fresh?

11       MR. KOCHIS: I object. I think that would call for  
12       speculation on her part and it's vague as to what "fresh"  
13       means.

14       THE COURT: There is enough foundation to indicate  
15       someone's expertise in that regard. I'll overrule the  
16       objection.

17       THE WITNESS: It could have been.

18       THE COURT: What did it look like to you?

19       THE WITNESS: Without actually examining it for any  
20       kind of rust, tarnishing or oxidation or anything, when I  
21       looked at it, it looked like it could be perhaps fresh,  
22       could be within a couple of weeks.

23   Q   (BY MR. NEGUS) Is there anything to eliminate it being  
24       within a couple of hours?

25   A   Not to my knowledge.

26   Q   H-47, is that the gash that you saw?

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9-8

1 A I believe so.

2 (No omissions.)

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10-1

1 Q To your knowledge is there any sort of analysis that  
2 your laboratory could perform on that particular gash  
3 to help answer the question of how fresh it was?  
4 A I don't know.  
5 Q To your knowledge was there any analysis that your  
6 laboratory could perform on the gash to determine what  
7 caused it?  
8 A That's possible.  
9 Q Did you think that would be a worthwhile thing to know?  
10 A No, I didn't.  
11 Q Why not?  
12 A As I recall, several people had discussed that, and we  
13 felt at the time that it was not information that we  
14 needed to know.  
15 Q Who was we?  
16 A Mr. Stockwell, I believe, and there may have been another  
17 person. I can't remember who it was. It may have been  
18 somebody from homicide.  
19 Q Showing you Photograph H-188, does that appear to be a  
20 part of the living room that you looked at?  
21 A Yes, it does.  
22 Q do you see some bedding on a coffee table there?  
23 A Yes.  
24 Q Did you examine that bedding?  
25 A Other than a cursory look at it, no. I don't recall.  
26 Right now, I don't recall the bedding at all.

010477

- 1 Q Showing you Photograph H-187, does that appear to be  
2 another part of the living room?
- 3 A Yes, it does.
- 4 Q And there are some items circled with the letter A around  
5 them -- excuse me. There are some items circled labeled  
6 A. Do you recall seeing those items in the living room?
- 7 A yes, I do.
- 8 Q Do you recall whether any of those items had any finger-  
9 print powder on them when you looked at them?
- 10 A No, I don't.
- 11 Q After you finished in the living room, did Sergeant  
12 Arthur ever ask you whether you were through in there?
- 13 A I don't recall.
- 14 Q Do you ever recall having a conversation, a conference,  
15 with Sergeant Arthur, Mr. Stockwell, and Mr. Baird about  
16 opening up the house to the sheriff, Sheriff Tidwell, and  
17 members of the Bureau of Administration?
- 18 A I don't recall.
- 19 Q When you went into the kitchen to look for evidence,  
20 where did you look?
- 21 A Primarily in the area near the stove and the sink when  
22 I walked in.
- 23 Q Did you see a refrigerator?
- 24 A Yes, I did.
- 25 Q Did you look inside?
- 26 A No, I didn't.

010434

- 1 Q Did Mr. Duffy ever tell you that there were some blood-  
2 stains in the refrigerator?
- 3 A I don't recall.
- 4 Q Showing you H-184, a photograph of the interior of the  
5 refrigerator, and there are some little marks on the  
6 side of the white wall there. Did you ever see those?
- 7 A I don't believe I ever saw the interior of the refrigerator.
- 8 Q When you went into the second bathroom -- that is, the  
9 bathroom near the kids' bedrooms there, did you examine  
10 that bathroom for any signs of evidence?
- 11 A Yes, I did.
- 12 Q And at that point in time were various sheriff's  
13 personnel using that bathroom to actually go to the  
14 bathroom in?
- 15 A I wasn't aware of that.
- 16 Q Did you look at the sink in that bathroom?
- 17 A I'm sure I did, but I don't recall specifically.
- 18 Q Did you examine the sink carefully to see whether it had  
19 any blood in it?
- 20 A I don't recall.
- 21 Q When you were looking through the house for other evidence,  
22 what were you looking for?
- 23 A I would have been looking for blood or hairs or material  
24 or some other types of -- any types of evidence.
- 25 Q Would a sink be an obvious place to look for that?
- 26 A Yes, it would. I would assume I looked at the sink. I

1       just don't remember.

2   Q   Was that something that you and Mr. Stockwell divided up  
3       that your assignment would be to look at the rest of the  
4       house to check for evidence?

5   A   No. I told Mr. Stockwell I was going to check the other  
6       rooms, to look into the other rooms. And as far as I  
7       know, I believe Mr. Stockwell also looked in other rooms.

8   Q   Did you see him doing that, or is that just an  
9       assumption?

10   A   I don't recall him doing it. I was not watching him at  
11       that time.

12   Q   Did you report back that you had found -- did you report  
13       to Mr. Stockwell that you hadn't found anything?

14   A   I'm sure I did.

15   Q   Earlier this morning you made a distinction between  
16       your role and Mr. Stockwell's role as to the on-call  
17       criminalist. Could you explain that distinction for me?

18   A   Yes, I can. We have one criminalist that has the on-call  
19       duty during a week's period of time. And that criminalist  
20       will respond to any homicide investigations that there  
21       are. I was called to assist Mr. Stockwell. Because of  
22       the numbers of victims involved in this particular case,  
23       they felt there might be a need for more than one  
24       criminalist, so I was called to assist Mr. Stockwell.

25   Q   So your role, then, was just to assist him, do whatever  
26       he --



1 A Whatever we decided upon.

2 Q Was there a chain of command or was it cooperative?

3 A Mr. Stockwell had primary responsibility in my mind,  
4 because he was the on-call criminalist, and I was  
5 basically assisting him and helping him to do what he  
6 felt was necessary to do. So I would have in that sense  
7 been under him.

8 Q Was this in any way part of your training, or were you  
9 both qualified at that point in time to go out to do  
10 crime scenes?

11 A We both were qualified to do crime scenes at that time.

12 Q When you were taking blood from the master bathroom, did  
13 you see any pools of blood in there?

14 A I don't recall pools of blood, no.

15 Q As you were packaging the sheets, did you, other than  
16 the corduroy impression, did you note any other  
17 impressions on the sheets?

18 A I did not, no.

19 Q Specifically showing you H-286, a sheet, did you notice  
20 any shoe impressions up in the area that I have circled?

21 A No, I did not.

22 Q Were any pointed out to you?

23 A I'm sorry, what?

24 Q Were they pointed out to you?

25 A No, they weren't.

26 Q The only shoe impression you noted in your notes

1 was the one that you saw on the pair of jeans, A-14;  
2 is that correct?

3 A That's correct.

4 Q And just asking you to look at a group of photographs  
5 in sequence, which would be H-107, H-95, H-106, H-79,  
6 H-71, H-83, H-63, H-224, H-64, H-112, all of which  
7 appear to be photographs of blood on walls. Is it  
8 correct that you don't know the precise location from  
9 which blood was taken as to any of the samples depicted  
10 those photographs?

11 A Yes, it is.

12 Q When you were going through the house, did you happen to  
13 notice this door, which I'm circling in black on H-296,  
14 the one that leads from the -- forget the thing in black --  
15 the door that I am circling in red-orange. Did you happen  
16 to notice a door that led to the hallway that led from  
17 the master bedroom down to the living room?

18 A No, I don't recall.

19 Q Showing you H-175, did you happen to notice any finger  
20 smears -- excuse me, any smears such as are depicted in  
21 that photograph?

22 A No, I did not.

23 Q At the time that you finished working that particular  
24 evening, did you participate in a debriefing with Sergeant  
25 Arthur, Mr. Stockwell and some other people?

26 A I don't know if Mr. Stockwell did. I don't remember the

0-10-4-7-88

1       debriefing.

2   Q   Did you report to anybody on the work that you'd done?

3   A   Mr. Stockwell.

4   Q   Just to Mr. Stockwell?

5   A   Yes.

6   Q   You never had to report to Mr. -- I mean, you never  
7       reported to Mr. Baird or Sergeant Arthur or anybody?

8   A   No.

9   Q   Did you believe when you -- the last items that you took  
10       were 15 samples of unknown blood; is that right? You  
11       and Mr. Stockwell together?

12   A   Yes.

13   Q   Did you believe when you left that you had collected  
14       all the blood samples that needed to be collected as far  
15       as the purposes of your laboratory were concerned out of  
16       that house?

17   A   Yes, I did.

18   Q   On what did you base that conclusion?

19   A   My field experience. I felt that we had completed the  
20       scene.

21   Q   Did you tell that to anybody?

22   A   I'm sure I discussed it with Mr. Stockwell.

23   Q   Did you ever have any conversations with Mr. Baird about  
24       it?

25   A   No, I didn't.

26   Q   Do you recall whether Mr. Baird was there the whole

1 evening?

2 A No, he wasn't.

3 Q Do you know when he left?

4 A No, I don't.

5 Q Of the senior criminalists that trained you, from what  
6 you obtained practices that you put into effect on  
7 June the 5th, was there any of those particular senior  
8 criminalists that you learned more practices from than  
9 the other? I mean, did you have a particular person  
10 that was in charge of training you?

11 A No. The laboratory in fact has you train with many of  
12 the different people, because they have different training  
13 and experiences in their background and they approach  
14 each scene somewhat differently.

15 Q Did you, for example, ever work crime scenes with Mr.  
16 Ogino?

17 A Yes, I have.

18 Q In your experience, did Mr. Ogino do his documentation in  
19 the same way that you do?

20 MR. KOCHIS: I would object as irrelevant unless  
21 we're talking about this scene. There can be so many scenes.

22 THE COURT: It's part of her training and part of  
23 her procedures. Overruled.

24 THE WITNESS: Both scenes that I have worked with  
25 Mr. Ogino were vehicles.

26 (No omissions.)

11-1

- 1 Q (BY MR. NEGUS) So you never worked an actual house  
2 with him?
- 3 A I don't believe so.
- 4 Q How many houses where somebody had been either seriously  
5 assaulted or killed in the house had you worked before  
6 the Ryen crime?
- 7 A Did I work before the Ryen?
- 8 Q Right. What experience did you have in working houses  
9 before the Ryen homicides?
- 10 A Probably 18 to 20 houses prior to this scene.
- 11 Q Were most of those worked in conjunction with other  
12 criminalists?
- 13 A In our laboratory and in the Department of Justice,  
14 criminalists from another agency.
- 15 Q So that was part of your training?
- 16 A Yes, it was.
- 17 Q Was this the first one that you had ever worked as an  
18 independent criminalist?
- 19 A Maybe I haven't understood. This was the, approximately  
20 the fifteenth that I had done on my own as a trained  
21 criminalist.
- 22 Q Of those 15, how many of them were houses?
- 23 A 14.
- 24 Q How many of them involved more than one victim?
- 25 A Possibly one.
- 26 Q What do you mean "possibly"?

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11-2

1 A I recollect having a scene with more than one victim,  
2 but I don't recall and I haven't looked back in my  
3 case file.

4 Q In your training and experience, do multiple victims  
5 crime scenes cause -- are they more difficult to process  
6 than single victims?

7 A It depends on the scene itself.

8 Q Had you ever had a scene anywhere near as complicated  
9 as this one?

10 A No.

11 Q During the time that you were -- during the time that  
12 you and Mr. Stockwell were processing that particular  
13 scene, did you ever request that somebody with more  
14 experience than yourself come out to give you a hand?

15 A No.

16 Q Did you feel in any way that you -- that given your  
17 limited training and experience, that you didn't have  
18 enough training and experience to handle this particular  
19 crime scene as opposed to some others?

20 A No.

21 Q Had you ever been involved in any of the houses where  
22 part of the job of collecting blood involved interpreting  
23 patterns of blood on walls?

24 A No.

25 MR. NEGUS: Nothing further.

26 THE COURT: Shall we take our recess, Mr. Kochis?

11-3

1 MR. KOCHIS: I can do it either way. I can start or  
2 we can take our recess.

3 THE COURT: Let's take our recess.

4 (Whereupon the afternoon recess was taken.)

5 THE COURT: Mr. Kochis.

6

7

CROSS-EXAMINATION

8 BY MR. KOCHIS:

9 Q Ms. Schechter, directing your attention to June the 5th  
10 in the afternoon and evening hours and the early morning  
11 hours of June the 6th, did you feel that you and  
12 Mr. Stockwell had enough time to collect the approximately  
13 45 items that you seized from the Ryen crime scene?

14 A Yes, we did.

15 Q In that period of time that lapsed from Sunday over  
16 until Monday, did you and Mr. Stockwell have enough  
17 time to collect every drop of blood that was at that  
18 scene?

19 A To collect every drop of blood?

20 Q Yes.

21 A I don't think so.

22 Q Is it fair to say that even if everybody from your  
23 laboratory would have been at that scene, they would  
24 not have been able to collect, document and package  
25 every drop of blood that was in the Ryen master bedroom  
26 in the time that you and Mr. Stockwell were at the

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11-4

1 scene?

2 THE COURT: Counsel, that's almost incomprehensible,  
3 you know, and it's so obvious as well, with all the pools of  
4 blood. You want to divide it up into small, minute drops  
5 and, if so, you know, how big.

6 Next question.

7 Q (BY MR. KOCHIS) Is there a purpose for which you conduct  
8 a visual observation of a particular room at a crime scene?

9 A Yes, there is.

10 Q What is the reason you do that?

11 A To see if you observe anything out of the ordinary,  
12 something that's there, something that isn't there, any  
13 items of evidence that you might see.

14 Q For example, when you went into the other rooms of the  
15 house, did you see what appeared to you to be items of  
16 personal property?

17 A Yes, I did.

18 Q Did you seize everything that you saw?

19 A No, I didn't.

20 Q Was that because you made a decision as to which pieces  
21 of property you felt were relevant and which were not  
22 to this particular case?

23 A That's correct.

24 Q Directing your attention to an item which has been  
25 marked for identification in this hearing as H-291, and  
26 specifically the first two pages of that item, the first

010444



11-5

1 three pages of that item, which at the bottom have the  
2 numbers 1704 through 1706, do those pages appear to be  
3 a copy of the typewritten list of items that you and  
4 Mr. Stockwell seized from the Ryen home on June the  
5 5th and June the 6th?

6 A Yes, it is.

7 Q And does the sequence or the order of those items  
8 indicate the chronological sequence in which they were  
9 taken?

10 A I believe so.

11 Q For example, A-2 was the second item that you and  
12 Mr. Stockwell took at the scene?

13 A Yes, it was.

14 Q And that was an item from the floor?

15 A Yes, it was.

16 Q And was there an item that was collected from outside  
17 the residence, a piece of rope?

18 A Yes.

19 Q Which particular item was that?

20 A A-3.

21 Q After the first three items were collected, the piece  
22 of hair from the screen, the telephone from the floor  
23 and the rope on the driveway, is it fair to say that the  
24 next approximately five or six items that were collected  
25 were collected from the bed in the Ryen master bedroom?

26 A Yes, they were.

010445

11-6

- 1 Q And then does that exhibit indicate that after the  
2 items were taken from the master bed, that a series of  
3 items were taken from the floor in the Ryen master  
4 bedroom?
- 5 A That's correct.
- 6 Q And approximately how many items were taken from the  
7 floor after items were taken off the bed?
- 8 A Approximately 18 items.
- 9 Q Is it fair to say, then, that the next area of the scene  
10 that was processed after the bed was the carpet of that  
11 master bedroom?
- 12 A I'm sorry. Would you repeat that?
- 13 Q When you process a carpet, does that include removing  
14 the items that are on the carpet itself?
- 15 A Yes, it does.
- 16 Q That's part of the processing?
- 17 A Yes.
- 18 Q And in this case, according to those notes on that  
19 exhibit, was the second area at the scene that was  
20 processed -- by that, I mean items were collected from  
21 it -- was the carpet?
- 22 A Yes, it was.
- 23 Q And then does the report indicate that after items  
24 were removed from the carpet, you and Mr. Stockwell  
25 began to collect items from, for example, the walls  
26 and the furniture?

010446

11-7

1 A Yes.

2 Q So in this particular case, in terms of sequence of  
3 processing, you did not completely work from top to  
4 bottom; is that correct?

5 A No.

6 Q Did it appear to you that access into the master bedroom  
7 while you and Mr. Stockwell were there was an uncontrolled  
8 affair?

9 A No.

10 Q Did you see anyone in the master bedroom who was not a  
11 member of the Sheriff's Office or associated with the  
12 Sheriff's Office? For example, Dr. Root?

13 A No, with the exception of the body transport people.

14 Q Did you also, on the exhibit in front of you in those  
15 first 45 items, the A items, describe which of the  
16 items appeared to have blood on them?

17 A Some of the items. Well, this particular report, yes,  
18 they are annotated that way.

19 Q Mr. Negus asked you in his examination about a term  
20 "complete reconstruction". What does that term  
21 "complete reconstruction" mean to you?

22 A Complete reconstruction is an absolute reconstruction  
23 of a scene to be able to determine all of the factors  
24 of the scene from the evidence that's there.

25 Q Are there limits on the type of reconstruction that can  
26 be conducted from physical evidence which is taken at a

11-8

- 1 crime scene?
- 2 A Certainly.
- 3 Q For example, when you examined the Ryen crime scene,  
4 did you see any type of physical evidence that would  
5 allow you to determine if any victim said anything  
6 during the attack?
- 7 A No.
- 8 Q Did you see any evidence that would have allowed you to  
9 determine which victim was attacked first?
- 10 A No.
- 11 Q Did you see any evidence that would have allowed you to  
12 determine the order in which the victims were attacked?
- 13 A No, I didn't.
- 14 Q Did you see any evidence at the scene that would have  
15 allowed you to determine which of the blows on any  
16 particular victim were inflicted first?
- 17 A No.
- 18 Q When the bedding was removed from the master bed and  
19 packaged by yourself and Mr. Stockwell, did it appear  
20 to you to be dry?
- 21 A Yes, it did.
- 22 Q Directing your attention to the screen door in the  
23 living room, and specifically the rip or tear in the  
24 screen door, was there anything about that rip that you  
25 saw which was inconsistent with that rip being caused  
26 seven to ten days prior to the time you arrived at the

010448

11-9

1 scene?

2 A Could it have been caused? Is that what you are asking  
3 me?

4 Q Yes.

5 A It could have.

6 Q Did you see anything inconsistent with that?

7 A No.

8 MR. KOCHIS: I don't have anything else.

9

10 REDIRECT EXAMINATION

11 BY MR. NEGUS:

12 Q Was there anything inconsistent with the tufts of hair  
13 that you picked up from the carpet of having been  
14 deposited there seven to ten days before?

15 A Some of them contained scalp tissue that had not  
16 degenerated at that point.

17 Q Any of the clumps of hair that you picked up off the  
18 ground that are six items from the carpet that were  
19 hair; is that right? Setting aside the pieces of  
20 tissue.

21 A Correct.

22 Q Anything about any of that hair that was inconsistent  
23 from having been there seven to ten days before?

24 A Other than some of them being wet, which is not in my  
25 notes, to determine which ones may have had moisture  
26 on them or not.

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11-10

- 1 Q Would moisture necessarily have been inconsistent with  
2 hair being there seven to ten days?
- 3 A If the moisture was that of blood and the condition of  
4 the blood having deteriorated or not.
- 5 Q The carpet, was there anything inconsistent with the  
6 carpet being there seven to ten days?
- 7 A Blood on the carpet?
- 8 Q No. The carpet itself.
- 9 A No. It probably was there seven to ten days.
- 10 Q There was nothing inconsistent with those tufts of hair  
11 being on the carpet seven to ten days and blood falling  
12 on them; is that right?
- 13 A Some of them could have been there.
- 14 Q The reason you selected them was because they were in  
15 close proximity to the bodies, and even though you  
16 couldn't tell how long they had been there, they  
17 appeared like they might have some evidentiary value;  
18 is that correct?
- 19 A Yes, they did.
- 20 Q The items that you removed from the carpet around the  
21 victims, the items A-16 through A-30 were all removed  
22 after the body removal people had begun to remove the  
23 bodies of the victims to which those items were  
24 associated; is that correct?
- 25 A I believe A-16 through A-25 may have been removed while  
26 the bodies were still there.

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11=11

- 1 Q And then A-25 through A-30 would have been --
- 2 A A-26 through A-30 would have been after the bodies were
- 3 gone.
- 4 Q A-26 through A-30 would have been after the bodies were
- 5 gone and you could see the spots on the carpet where
- 6 they had been lying?
- 7 A Correct.
- 8 Q So the only thing that you removed from the carpet before
- 9 the body service people arrived was a set of pajamas, a
- 10 pair of blue jeans, a pillow and the telephone, correct?
- 11 A Prior to when who arrived?
- 12 Q The body service people starting taking the bodies.
- 13 A No, sir, that's not correct.
- 14 Q What else did you remove from the carpet?
- 15 A From the carpet itself?
- 16 Q Yes.
- 17 A Miscellaneous carpet standards, pieces of scalp and
- 18 flesh and bone.
- 19 Q But that was all as the body service people were removing
- 20 the bodies, right?
- 21 A No. As I recall, the bodies were all in place at that
- 22 time.
- 23 Q A-16, A-17 and A-18 were all removed from the area of
- 24 Christopher Hughes; is that correct?
- 25 A That's correct.
- 26 Q And he was the first victim to be removed, right?

0-1-0-4-5-7

11-12

1 A I don't recall.

2 Q Do you have the times that those were removed, those  
3 items were picked up?

4 A No, I don't.

5 Q On your notes?

6 A No.

7 Q Is A-27 on one of those?

8 A Yes. There is on A-16.

9 (No omissions.)

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00-104522



- 1 Q Let's see. If Christopher Hughes's body was removed  
2 at 8:30, that would have been approximately the time  
3 that he was being picked up; is that correct?
- 4 A He was laying there when we took that evidence. If he  
5 were picked up after that, he may have been, but he  
6 was there at the time we collected that evidence.
- 7 Q Well, as the body service people were removing the bodies,  
8 do they like turn them over so you can see what's under-  
9 neath them?
- 10 A Sometimes they do.
- 11 Q And as they're maneuvering the bodies around, do you  
12 then go in, if there happens to be something that looks  
13 like it's of evidentiary value, and remove it?
- 14 A From the body or underneath the body?
- 15 Q From underneath the body.
- 16 A You can, yes.
- 17 Q Is that what you did with A-16 through A-18?
- 18 A A-16 and A-18 were collected prior to that body being  
19 removed, as I recall.
- 20 Q What time were the items removed, A-19 -- well, A-19 was  
21 from the area of Peggy Ryen; is that right?
- 22 A Yes, it was.
- 23 Q And she was the second person to be removed?
- 24 A I don't know.
- 25 Q What time was that removed? What time would you pick  
26 that up?

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- 1 A 2052 hours.
- 2 Q Was she still in place at that point in time?
- 3 A I believe so.
- 4 Q The next ones that you removed were a series of items
- 5 from Jessica Ryen herself, some hairs from Jessica Ryen
- 6 herself; is that correct?
- 7 A Yes, it was.
- 8 Q Was that while she was moved by the body people?
- 9 A No, that was prior to.
- 10 Q What time did that occur?
- 11 A My notes indicate 2056 hours.
- 12 Q That would be 8:56?
- 13 A Yes, it would.
- 14 Q Do you recall if the body removal people were working on
- 15 Jessica at that time?
- 16 A I don't believe so.
- 17 Q You indicated that you saw no evidence as to whether or
- 18 not any of the victims said anything during the attack;
- 19 is that right?
- 20 A That's correct.
- 21 Q Did you notice a telephone?
- 22 A Yes, I did.
- 23 Q Was the telephone, was the receiver on the hook?
- 24 A No, it was not.
- 25 Q Was there blood on it?
- 26 A Yes, there was.

010454

1 Q You said that you saw no evidence about which person  
2 was attacked first?

3 A No, I didn't.

4 Q Do you recall having a conversation with Mr. Stockwell,  
5 Sergeant Arthur, and other homicide investigators about  
6 the adults being attacked before the children?

7 MR. KOCHIS: I would object as not being relevant.  
8 It certainly calls for hearsay.

9 THE COURT: Conversation is not evidence. You asked  
10 her first did she see any evidence as to who had been  
11 attacked first. The fact that she had a conversation first  
12 is not evidence. I'll sustain the objection.

13 Q (BY MR. NEGUS:) Did you make statements in conversation  
14 with investigators and Mr. Stockwell that the parents  
15 had been attacked before the kids?

16 A I don't recall.

17 Q Do you recall anybody discussing that in your presence?

18 MR. KOCHIS: I would object to that question.

19 THE COURT: Sustained.

20 Q (BY MR. KOCHIS:) Were you trying to look for evidence  
21 as to who was attacked first?

22 A We were trying to look for any evidence that we could  
23 find that we felt was the type of evidence that we  
24 needed. Whether or not to determine who was attacked  
25 first was -- any evidence that was there had we seen  
26 anything that would indicate to us that a particular

0-1-00455

- 1 person had been attacked first would have been seized.  
2 There was no attempt not to seize anything, nothing was  
3 excluded.
- 4 Q Well, you certainly didn't seize everything of evidentiary  
5 value in that master bedroom, did you?
- 6 A No, we didn't.
- 7 Q Do you recall any of the officers present pointing out  
8 any evidence in the room which would suggest that the  
9 adults were attacked before the kids?
- 10 A No, I don't.
- 11 Q During the time that you were there, there were no  
12 descriptions of the crime from Joshua Ryen that were  
13 circulated amongst the officers, were there?
- 14 A I don't believe so.
- 15 Q The only information that purportedly came from Josh  
16 was some information about three suspects; is that right?
- 17 A I remember hearing that information, but I don't remember  
18 if that information came from Joshua. As I recall, I  
19 thought he was unconscious. I don't know.
- 20 Q When Dr. Root was examining the body, you were present  
21 in the room; is that right?
- 22 A Yes, I was.
- 23 Q Was there discussion going on in the room amongst the  
24 homicide investigators, yourself, and Dr. Root?
- 25 A There probably was.
- 26 Q Was there any attempt made to determine the order in which

0010456

1 the various wounds were inflicted to people?

2 MR. KOCHIS: Objection, that would call for hearsay  
3 and would not be relevant.

4 THE COURT: Well, not necessarily. What isn't hearsay,  
5 why, it would be conclusionary.

6 MR. NEGUS: Mr. Kochis asked the question "did you  
7 see any evidence as to --"

8 THE COURT: I understand, "As to what wounds were  
9 inflicted first."

10 MR. NEGUS: Yes.

11 THE COURT: It's either hearsay or conclusionary.  
12 I think the objection is good, Counsel.

13 Q (BY MR. NEGUS:) Did you see any physical evidence from  
14 which it was possible to make inferences about the order  
15 in which the wounds were inflicted?

16 A I did not.

17 Q Did you examine the wounds on the bodies?

18 A I looked at those wounds that were unclothed. I did not  
19 look at wounds that were under clothing of other victims.

20 Q Two of the victims in there were totally without clothes;  
21 correct?

22 A Yes.

23 Q And the other two had considerable number of wounds to  
24 their heads; correct?

25 A Yes.

26 Q Was there any attempt made by yourself to try and connect

1 the wounds that were on the individual people with  
2 specific patterns of blood in the room?

3 A If I understand you correctly, certain head injuries  
4 bleed more than certain other injuries. But it would  
5 be difficult to tell if a person, whichever wound they  
6 received first, if they were already -- had already bled  
7 more. For the head injury, you might not see any type  
8 of head injury that would be characteristic. It would  
9 depend which wound came first, if it was post mortem or  
10 whatever.

11 Q Did you see any attempt to <sup>connect</sup> collect the pattern of blood  
12 which is shown in H-153 on the south wall with any of  
13 the wounds of the victims?

14 A I am not familiar with spatter patterns, and I would  
15 not make any judgment on that.

16 Q Basically you would be incapable of performing any sort  
17 of analysis on the evidence you saw in the room which  
18 would enable you to tell which victim was attacked first;  
19 is that correct?

20 A I could not tell, no.

21 Q And you personally would be unable to perform any sort  
22 of analysis on the evidence to enable yourself to  
23 determine the order of attack?

24 MR. KOCHIS: Your Honor, I would object. I think the  
25 question implies a fact that's not in evidence, that you  
26 can make that determination from what was at that scene.

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1 MR. NEGUS: I don't think it implies that at all.

2 THE COURT: No.

3 MR. NEGUS: I was just talking about her personally.

4 THE COURT: Why quibble. If she's unqualified, the  
5 whole world is unqualified. The objection is overruled.

6 Do you feel qualified to do that?

7 THE WITNESS: No.

8 Q (BY MR. NEGUS:) And do you feel qualified yourself to  
9 determine from the evidence at that scene which of the  
10 blows were inflicted first?

11 A No.

12 Q In your and Mr. Stockwell's making of decisions as to  
13 what evidence was seized, did you attempt to determine  
14 whether there was anybody else who was capable of making  
15 those three determinations?

16 A To determine order of attacks on a person, just one  
17 person alone, is difficult when the person is --

18 THE COURT: Just a minute. Are you really answering  
19 his question?

20 THE WITNESS: May I have it again, please.

21 Q (BY MR. NEGUS:) Did you and Mr. Stockwell attempt to  
22 find anybody who was -- I'll try again.

23 Did you and Mr. Stockwell attempt to find whether  
24 there was anybody else who was able to make a conclusion  
25 based on physical evidence as to the order of attack?

26 A Yes.

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1 Q Who was that?

2 A Dr. Root.

3 Q And did you attempt to make any -- to find out from  
4 anybody else, anybody who could tell you which of the  
5 blows to the victims were inflicted first, you and Mr.  
6 Stockwell?

7 A Other than Dr. Root to determine --

8 Q If Dr. Root -- if it was the same answer, I don't care,  
9 which ever.

10 A Yes, Dr. Root.

11 Q From the information that you obtained from Dr. Root,  
12 did you use any of that information in deciding which  
13 evidence to seize?

14 A I need to make an explanation with that answer.

15 THE COURT: Okay.

16 THE WITNESS: Dr. Root needs to have more than  
17 physically looking over a victim before he can make his  
18 determination to answer the question you asked.

19 Normally in the autopsy the individual's cleaned up  
20 so he can evaluate the type of hemorrhaging at each wound  
21 site and that cannot be done if the wound site is covered  
22 with blood. So in that case the information that he would  
23 have had was not available at that time.

24 Q (BY MR. NEGUS:) So he didn't give you any hints as to  
25 what evidence should be taken?

26 A Not that I recall.

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4 | Q Why not?

6 Q So you just sort of took random samples of the blood  
7 rather than try and get somebody who could pinpoint what  
8 samples would be most useful?

0 Q But that was based on ignorance of bloodstain pattern  
1 interpretation, was it not?

4 Q But he didn't tell you knew anything about bloodstain  
5 pattern interpretation, did he?

7 Q And certainly you didn't know anything about it, did you?

9 MR. NEGUS: Nothing further.

1 THE COURT: Thank you very much, Ms. Schechter. You  
2 may step down.

MR. NEGUS: I think Mr. Ogino's outside.

6 / / / /

1 C R A I G O G I N O, having been called as a witness by  
2 and on behalf of the Defense, was sworn and testified  
3 as follows:

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

8 THE WITNESS: I do.

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

11 THE WITNESS: My name is Craig Ogino, O-g-i-n-o.

12

13 DIRECT EXAMINATION

14 BY MR. NEGUS:

15 Q Mr. Ogino, on June the 6th, 1983, did you go to 2943  
16 English Road in the Chino Hills?

17 A Yes, sir.

18 (No omissions.)

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- 1 Q And what time did you arrive there?
- 2 A In the afternoon.
- 3 Q Is that approximately 2:00 o'clock?
- 4 A I don't remember.
- 5 Q Did you go with Mr. Gregonis?
- 6 A Yes, sir.
- 7 Q And were the two of you taking notes?
- 8 A Some notes, yes.
- 9 Q Do you have those notes with you?
- 10 A I believe they are in the case file folder somewhere.
- 11 Q Do you have that with you?
- 12 A Yes, I do.
- 13 Q Do you happen to know offhand where that information
- 14 would be in the case file? Perhaps if I were to show
- 15 you a Xerox copy of some notes, it might make it
- 16 quicker.
- 17 Does that appear to be a Xerox copy of some notes
- 18 from the crime scene for that particular day?
- 19 A Yes.
- 20 Q And does that indicate that you arrived at 1:57 in the
- 21 afternoon?
- 22 A 1:53.
- 23 Q Excuse me. 1:53?
- 24 A Yes, it does.
- 25 Q And is that approximately the time that you arrived?
- 26 A I believe so, yes.

0-104-207

13-2

- 1 Q Were you assigned to go out there by anybody?
- 2 A Yes, sir.
- 3 Q Who was that?
- 4 A By Bill Baird.
- 5 Q And what assignment were you given when you went out
- 6 there?
- 7 A To look at the crime scene and try to, if necessary,
- 8 collect any additional evidence that the original
- 9 criminalists might have missed.
- 10 Q For what purpose were you to look at the crime scene
- 11 other than collect additional evidence?
- 12 A What do you mean what other purpose?
- 13 Q Did you have another purpose?
- 14 A To examine the crime scene and collect any additional
- 15 evidence that might be helpful in this case.
- 16 Q Was there any additional -- Was there a particular
- 17 purpose for examining the crime scene?
- 18 A To take a look at the overall crime scene and try to
- 19 pick out anything the original criminalists might have
- 20 missed.
- 21 Q Did you go there with the intention of trying to
- 22 examine blood stain patterns?
- 23 A Yes, sir.
- 24 Q And what sort of information did you expect to get from
- 25 those blood stain patterns?
- 26 A I didn't have any prior knowledge of what I might get

00100464

13-3

- 1 before I got there.
- 2 Q Did Mr. Baird discuss with you going out there for the  
3 purpose of attempting to interpret the blood stain  
4 patterns?
- 5 A He made a suggestion that that might be necessary, yes.
- 6 Q Did Mr. Baird mention to you doing a crime scene  
7 reconstruction?
- 8 A He said if I felt that was necessary, to do that.
- 9 Q So the decision as to whether to do that or not was  
10 left up to you when you were sent out there?
- 11 A He told me to examine the scene and try to determine  
12 anything I could from the blood splatter patterns and  
13 collect any additional information which the other  
14 criminalists might have missed.
- 15 Q Now, as far as the original criminalists, were you  
16 provided with copies of the original criminalists'  
17 notes?
- 18 A Not at the time I went out to the scene, no.
- 19 Q Did you have an opportunity to get any sort of oral  
20 report from either Mr. Stockwell or Miss Schechter about  
21 what they had or had not taken?
- 22 A I don't remember.
- 23 Q Do you remember having any information about what they  
24 had collected at all in your mind when you went out  
25 there?
- 26 A Not to my knowledge.

0-104957

13-4

- 1 Q When you arrived at the scene, was it possible to tell  
2 just by looking what had been collected and what had not?
- 3 A Yes, some areas.
- 4 Q What areas were you able to tell?
- 5 A There were some scrapings along various walls and there  
6 were items which I had been told were in the scene which  
7 were removed from the scene.
- 8 Q Which items were those?
- 9 A Such as a bedsheet.
- 10 Q So essentially just bedding from the bed and things of  
11 that nature?
- 12 A Yes.
- 13 Q Was there still clothing around the room?
- 14 A Yes.
- 15 Q Was there still considerable amount of blood on the walls?
- 16 A Yes.
- 17 Q Was there still considerable amount of blood on the  
18 furniture?
- 19 A Yes.
- 20 Q And was there still considerable amount of blood on  
21 various items like an exercise bicycle, things of that  
22 nature?
- 23 A Yes.
- 24 Q From just your examination of the stain on June the 6th,  
25 did you have time to determine, for example, how many  
26 different blood samples had been taken?

010466

13-5

- 1 A I was looking around the room and observing which areas  
2 there were scrapings from.
- 3 Q Could you tell from that how many different samples had  
4 been taken from the scrapings?
- 5 A No.
- 6 Q Could you tell whether in your opinion an adequate number  
7 had been taken from the description?
- 8 A I didn't know at the time, no.
- 9 Q How long did you spend looking at the master bedroom?
- 10 A I don't remember.
- 11 Q Do you remember approximately?
- 12 A Several hours.
- 13 Q At some point in time, did you become interrupted in  
14 that process?
- 15 A What do you mean "interrupted"?
- 16 Q Did you stop doing it?
- 17 A Yes, eventually, yes.
- 18 Q Was that a voluntary decision on your part that you had  
19 done enough?
- 20 A What do you mean "voluntary"?
- 21 Q Did you decide, "I finished analyzing this; I know  
22 everything I need to know from this particular room",  
23 or did something outside of yourself stop you from  
24 finishing your analysis?
- 25 A Like what?
- 26 Q Like people coming in and moving the stuff out?

00100467

13-6

- 1 A Yes.
- 2 Q When did that begin?
- 3 A I don't know the exact time.
- 4 Q At the time the people started moving things out, had
- 5 you finished doing all the analysis that you had
- 6 originally intended to do?
- 7 A I felt that by them taking the items that they were
- 8 going to take, that would be adequate for any additional
- 9 examinations I might need at a later date.
- 10 Q But the question was, did you feel that at the time that
- 11 those items were taken that you were finished with the
- 12 analysis that you had come there to do?
- 13 A No.
- 14 Q While you were there, do you recall which items began
- 15 to be removed first?
- 16 A No, I don't.
- 17 Q When did you first become aware that you were not going
- 18 to have time to complete your analysis at the scene on
- 19 that particular day?
- 20 A I don't know the exact time.
- 21 Q In terms of sequence of events, was it before people
- 22 began moving stuff out of the bedroom?
- 23 A Yes.
- 24 Q Can you estimate how much before?
- 25 A No.
- 26 Q How did you first become aware that you were not going

001004500



13-7

1 to have enough time to complete your analysis on that  
2 particular day?

3 A I was told that we were going to preserve the scene by  
4 removing various items of evidence.

5 Q Who told you that?

6 A Detective or Sergeant Swanlund.

7 Q Was Mr. Kottmeier there that day?

8 A I believe so.

9 Q When you first learned that you were not going to have  
10 time to complete the analysis that day, did you attempt  
11 to do anything to get more time?

12 A Yes.

13 Q What was that?

14 A I called Bill Baird.

15 Q And that was on a phone out in the stable area of the  
16 Ryen residence?

17 A Yes.

18 Q What was your conversation with Bill Baird?

19 MR. KOCHIS: Your Honor, I interpose an objection  
20 to that. That would call for hearsay.

21 MR. NEGUS: It's not offered for the truth of the  
22 matter asserted, but this is obviously a critical area of  
23 state of mind as to why he wasn't given more time.

24 THE COURT: It seems to me you are asking for the  
25 truth of the matter. What is it being offered for?

26 MR. NEGUS: That's a disputed issue.

001-004-0000



13-9

1 I have had in my life to find what is and is not admissible  
2 because of the very nature of this particular issue involved.

3 MR. KOCHIS: Judge, I appreciate that, but I can  
4 represent to the Court, and I'm sure Mr. Negus isn't going  
5 to dispute this, we are not talking about just one small  
6 conversation. If this comes in, I represent he will be  
7 asking him questions about other conversations that he may  
8 have had with Mr. Swanlund, Mr. Kottmeier, Mr. Gregonis,  
9 Mr. Baird, a lot of other people about this issue.

10 THE COURT: Well, if the question is one of state of  
11 mind of the participants out there and whether or not it was  
12 intentional, unintentional, malicious, good-faith, then the  
13 conversation may well be properly admissible.

14 As much as I hate to say it, I think the better thing  
15 to do is let it in.

16 Go ahead.

17 Q (BY MR. NEGUS) What was your conversation with  
18 Mr. Baird?

19 A I asked -- Well, first, I called Mr. Baird and asked if  
20 he would talk to, I believe it was Sergeant Swanlund --  
21 I'm not sure -- and ask if we could preserve the crime  
22 scene for an additional day.

23 Q And what was Mr. Baird's response to that?

24 A He talked to Sergeant Swanlund.

25 Q You didn't hear that conversation?

26 A No. I gave Sergeant Swanlund the phone.

010471

13-10

1 Q Did you hear Sergeant Swanlund say anything?

2 A Yes.

3 Q What was that?

4 MR. KOCHIS: Your Honor, so I don't keep  
5 interrupting, could I be deemed to have a continuing hearsay  
6 objection to this conversation because it may become relevant  
7 at the trial whether or not I interpose a hearsay objection  
8 to a state of mind question?

9 THE COURT: All right. You may.

10 What did you hear Swanlund say?

11 THE WITNESS: Sergeant Swanlund informed me that  
12 "We are going to preserve the crime scene by removing a  
13 number of items of evidence."

14 Q (BY MR. NEGUS) Did he say which?

15 A Not at that moment, no.

16 Q Did he specify what he was going to do with them?

17 A He said, "We are going to collect them", and they were  
18 going to be transported to the storage area in the  
19 Sheriff's I.D. Division.

20 Q Were you familiar with that area at that point in time?

21 A Well, at that point in time, they were switching -- it  
22 was a warehouse near the automotive area which is now  
23 the I.D. Bureau.

24 Q Were you aware of that warehouse on June 5th? Did you  
25 know what it was like on June the 5th?

26 A Yes.

13-11

1 THE COURT: Counsel, are we on the 5th or the 6th  
2 now?

3 MR. NEGUS: Excuse me. The 6th. On June the 6th.

4 THE WITNESS: 6th.

5 Q (BY MR. NEGUS) Did you then have a further conversation  
6 with Bill Baird?

7 A I don't believe so.

8 Q After Sergeant Swanlund told you that you were going to --  
9 that he was going to take some of the evidence away and  
10 put it in the I.D. Bureau, did you have any further  
11 conversations about getting additional time on that  
12 particular day?

13 A I don't believe so.

14 Q Did you ever discuss that issue with Mr. Kottmeier on  
15 that day?

16 A I asked him if it would be possible to hold the crime  
17 scene for an additional amount of time, I believe. I'm  
18 not sure.

19 (No omissions.)  
20  
21  
22  
23  
24  
25  
26

0-10473

- 1 Q And what was his response?
- 2 A Again, I believe that there was a legal issue that we  
3 had to give the house back to the owners within a  
4 reasonable amount of time.
- 5 Q So Mr. Kottmeier communicated to you that there was some  
6 sort of legal problem in holding onto the house and so  
7 you couldn't do that?
- 8 A I believe so.
- 9 Q Did that conversation with Mr. Kottmeier occur before  
10 your conversation with Mr. Baird?
- 11 A I don't remember.
- 12 Q Was there anybody else present in your conversation with  
13 Mr. Kottmeier other than Mr. Kottmeier and yourself?
- 14 A Yes.
- 15 Q Who was that?
- 16 A I believe Dan was there, Gregonis.
- 17 Q Was Mr. Kochis likewise there?
- 18 A I don't remember.
- 19 Q During the time that you were talking to Mr. Kottmeier,  
20 did Dan also have conversation with him?
- 21 A I don't remember.
- 22 Q You didn't observe it?
- 23 A I just don't remember.
- 24 Q Prior to Sergeant Swanlund talking to Mr. Baird on the  
25 phone, had you had conversation with him about getting  
26 more time?

00100474

1 A Yes.

2 Q What was that conversation?

3 A I just asked him would it be possible to hold the crime  
4 scene for an additional amount of time.

5 Q And what did he tell you?

6 A He said he'd check on it.

7 Q Did he say who he was going to check with?

8 A I'm not sure.

9 Q Did you see him go and talk to anybody?

10 A I saw him leave. I don't know who he talked to.

11 Q When he came back, what did he tell you?

12 A He said that we're going to preserve the crime scene by  
13 removing certain items of evidence.

14 Q Did he say that you could not have additional time to  
15 analyze it at the scene?

16 A He didn't specifically say that, no.

17 Q He just said he was going to remove items of evidence?

18 A He stated that we were going to preserve the crime scene  
19 by taking various items of evidence.

20 Q Did he indicate when he was going to do that?

21 A I don't remember.

22 Q Did you spend some time prior to these conversations  
23 with Mr. Swanlund attempting to interpret the various  
24 blood splatter patterns on the wall in the Ryen master  
25 bedroom?

26 A Yes.

1 Q Had you finished completing your analysis of all the  
2 different walls in the bedroom when you learned that you  
3 were going to have to stop on that particular day?

4 A No.

5 Q Had you completed your analysis of any of the walls?

6 A Yes.

7 Q Which ones?

8 A The wall near the ironing board and I believe where the  
9 sliding glass window was.

10 Q What would be the northeast corner of the room?

11 A Yes.

12 MR. NEGUS: I have a notebook which I neglected to  
13 bring which has some stuff along this area. If we could  
14 just break at this time, Your Honor, if that's all right.

15 THE COURT: That's all right.

16 I guess we're going to see you some tomorrow. 9:30,  
17 please.

18 THE WITNESS: Okay, Your Honor.

19 (Whereupon the proceedings were concluded  
20 at 3:54 p.m.)  
21  
22  
23  
24  
25  
26